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Q & A: Bail Reform for Non-Violent Misdemeanants and What this Really Means

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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.

The City Attorney's Office realizes that due to COVID-19, the past six months has been a very difficult time for everyone involved in the criminal justice system. Policy changes during "normal" times can bring about questions and uncertainty, so when change is back-dropped amid a global pandemic, rumors abound and it can be much harder to digest.

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 exposures. These steps have included the issuance of less traffic tickets, a policy of not jailing non-violent misdemeanants and low-level felons, and a new procedure whereby non-violent misdemeanants with bench/non-appearance warrants may be given a new court date at the scene instead of being taken to jail. This has been an especially challenging time for the men and women of the Columbus Division of Police because they have had to change the way they do their jobs while also acting as frontline responders for many COVID-19 related issues.

Unfortunately, all of these changes, occurring at the same time as other reform efforts, have created confusion for officers and the public as to what is and is not policy. There has also been confusion over who is responsible for various policies or criminal case outcomes. In an effort to address some of this confusion, we have put together the following Q & A:

City Attorney Bail Reform Explained

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

A. *The City Attorney will generally ask that non-violent 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 other citizens; 2) Many non-violent 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 (Jail/Judges/Prosecution) worked to have less people unnecessarily held in jail, especially those who are non-violent, not dangerous, and who do not continually victimize other citizens.*

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 non-violent misdemeanors. Bail is sometimes necessary to protect the public from persons who repeatedly commit non-violent 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 non-violent 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 non-violent misdemeanor at the time the crime is committed?
- A. *No. While the City Attorney supports a policy of issuing summons, rather than arresting, non-violent individuals who do not have significant/repetitive criminal records, the Division of Police sets policy through Division Directives regarding such decisions. The City Attorney Office's bail policy for non-violent 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 summons for non-violent misdemeanors?
- A. *No. The City Attorney's Bail Reform Policy only impacts persons being held in jail. While the City Attorney supports a policy of issuing summons, rather than arresting, non-violent individuals who do not have significant/repetitive criminal records, the Division of Police sets policy through Division Directives regarding such decisions. Officers always have the option to issues summons for non-violent 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 citizens traffic citations/ tickets for traffic violations.*

