

The Supreme Court of Ohio

OPERATING GUIDELINES FOR THE TASK FORCE TO EXAMINE THE OHIO BAIL SYSTEM

These guidelines are issued by the Chief Justice of the Supreme Court and apply to the creation, organization, and operation of the Task Force to Examine the Ohio Bail System to assist in exercising the authority granted pursuant to Article IV of the Ohio Constitution.

These guidelines are intended to establish consistent standards and expectations in implementing this authority. While these guidelines may impose specific duties upon other persons, the Chief Justice may waive compliance with any guideline to assist the exercise of that discretion.

These guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution and should not be construed as requiring adoption.

SECTION 1. GENERAL GUIDELINES.

1.01. Creation.

There is hereby created by the Chief Justice the Task Force to Examine the Ohio Bail System.

1.02. Duties and Authority.

(A) Duties

The task force shall examine Ohio's bail system under Crim.R. 46 and make recommendations that will ensure public safety and the accused's appearance at future court hearings, while protecting the presumption of innocence. In fulfilling these duties, the task force shall do all of the following:

- (1) Study the bail and pretrial systems used in other states review any federal or state litigation pertaining to the use of bail and/or the elimination of cash bail.
- (2) Review Crim.R. 46 to do all the following:
 - (a) Determine whether the rule should require courts to use of a risk assessment tool and if so, whether that tool should be a validated tool;
 - (b) If it is determined that courts should be required to use a risk assessment tool, recommend any necessary amendments to the rule to mandate the use of such tool and the process for courts to select and adopt a tool;

- (c) Review the use and utility of bond schedules;
 - (d) Recommend any necessary amendments to the rule pertaining to bond schedules.
- (3) Review Ohio's bond practices to determine the appropriate balance between recognizance bonds, pretrial monitoring, and cash or secured bonds.
 - (4) Address any other topics the task force deems necessary to examine Ohio's bail system.

(B) Authority

The task force has no independent policy-setting authority.

SECTION 2. MEMBERSHIP.

2.01. Appointments.

(A) Members

The task force consists of no more than twenty-two members appointed by the Chief Justice.

(B) Recommendations

The task force and other interested parties may recommend to the Chief Justice persons for appointment who they believe will serve the purpose for which the task force was created.

2.02. Qualifications.

Each task force member shall have experience or an interest in criminal law or the bail system.

2.03. Composition.

Task force membership should be broad-based and multi-disciplinary to represent a cross section of interests related to criminal law and the bail system and reflect the gender, racial, ethnic, and geographic diversity of the state.

SECTION 3. TERMS AND VACANCIES.

3.01. Terms.

The term of a task force member extends through the issuance of the final report and recommendations by the task force.

3.02. Change of Position, Employment, Affiliation, or Status.

Each task force member appointed because of the member's elected position, official position, employment, organizational affiliation, or other status ceases to be a member at such time the member no longer holds that position, employment, affiliation, or status.

3.03. Filling of Vacancies.

Vacancies on the task force shall be filled in the same manner as original appointments. A task force member appointed to fill a vacancy holds the position for the remainder of the term.

SECTION 4. OFFICERS AND STAFF.

4.01. Chairperson and Vice-Chairperson.

The Chief Justice shall appoint one task force member to serve as the chairperson and one member to serve as the vice-chairperson.

4.02. Staff Liaison.

The Administrative Director of the Court shall assign one or more Court employees as may be necessary to serve as staff liaison to the task force. The staff liaison assists the task force as necessary in the implementation of its work, but at all times is considered an employee of the Court.

SECTION 5. MEETINGS.

5.01. Manner.

The task force may meet in person or by telephonic or other electronic means available to the Court.

5.02. Frequency.

The task force shall meet as often as required to complete its work. The task force may meet at the call of the chairperson or at the request of a majority of the task force members.

5.03. Scheduling.

All task force meetings shall be scheduled for a time and place so as to minimize costs to the Court and to be accessible to task force members, Court staff, and the public.

5.04. Public Notice and Attendance.

(A) Notice

Public notice of all task force meetings shall be provided on the Court's website.

(B) Attendance

All task force meetings shall be open to the public.

5.05. Member Attendance.

(A) Requirement

For a fully effective task force, a task force member shall make a good faith effort to attend, in person, each task force meeting.

(B) Participation by telephone or other electronic means

A task force member who is unable to attend a meeting due to an unavoidable conflict may request the chairperson allow the member to participate by telephone or other electronic means available to the Court. A task force member participating in this manner is considered present for meeting attendance, quorum, and voting purposes.

(C) Replacement designee

A task force member may not designate a replacement for participation in or voting at meetings.

(D) Nonattendance

If a task force member misses three consecutive meetings, the chairperson or staff liaison may recommend to the Chief Justice that the member relinquish the member's position on the task force.

5.06. Minutes.

Minutes shall be kept at every task force meeting and distributed to the task force members for review prior to and approval at the next meeting.

5.07. Quorum.

A quorum exists when a majority of task force members is present for the meeting, including those members participating by telephonic or other electronic means.

5.08. Actions.

At any task force meeting at which a quorum is present, the task force members may take action by affirmative vote of a majority of the members in attendance.

SECTION 6. SUBCOMMITTEES.

6.01. Creation.

The task force may form such subcommittees it believes necessary to complete the work of the task force. A subcommittee should consist of select task force members and such other persons who the chairperson believes will assist in a full exploration of the issue under the review of the subcommittee.

6.02. Size.

A subcommittee should remain relatively small in size and have a ratio of task force members to non-task force members not exceeding one to three.

6.03. Application of Guidelines.

Guidelines 4.02, 5.01, 5.03, 5.04(B), 5.07, 5.08, 7.01, and 7.03 through 7.06 apply to the work and non-task force members of a subcommittee.

SECTION 7. MISCELLANEOUS GUIDELINES.

7.01. Code of Ethics.

A task force member shall comply with the requirements of the Court's *Code of Ethics for Court Appointees*. The staff liaison shall provide each task force member with a copy of the code following the member's appointment to the task force.

7.02. Reports.

(A) Progress or draft report

The task force may issue a progress or draft report as it believes necessary to facilitate the work of the task force and to communicate the nature of its work to the public and various constituencies of the Court.

(B) Final report and recommendations

The task force shall issue a final report of its findings and recommendations to the Chief Justice and the Justices of the Court by April 12, 2019. The staff liaison shall submit the

report to the Administrative Director for distribution to the Chief Justice and publication on the Court's website.

7.03. Work Product.

The work product of the task force is the property of the Court.

7.04. Budget.

The budget of the task force is set by the Court through its internal budget process and as implemented by the Court office, section, or program through which the task force operates. The task force has no authority to set its own budget.

7.05. Compensation.

A task force member serves without compensation.

7.06. Reimbursement of Expenses.

A task force member shall be reimbursed for expenses incurred in service to the task force as permitted by the Court's *Guidelines for Travel by Court Appointees*.

7.07. Dissolution.

The task force shall dissolve following issuance of its final report and recommendations. Additionally, the Chief Justice may dissolve the task force at any time solely upon the discretion of the Chief Justice or upon the recommendation of the task force indicating the task force is no longer productive.

Effective Date: January 8, 2019