

**RESOLUTION NO. 2022 -134**

**A RESOLUTION IN SUPPORT OF STATE ISSUE ONE TO REQUIRE COURTS TO CONSIDER FACTORS LIKE PUBLIC SAFETY WHEN SETTING THE AMOUNT OF BAIL**

**WHEREAS**, Ohioans have the right to “life, liberty and pursuit of happiness” without threat or harm from the violent or malicious actions of others; and

**WHEREAS**, the safety and security of their constituents is the utmost priority for officers of the law, who have sworn to serve and protect their communities; and

**WHEREAS**, Ohio’s judges are charged by the Ohio Constitution with the duty to adjudicate crimes of violence and intimidation that would harm innocent Ohioans and to impose an appropriate penalty for the guilty while safeguarding Ohioans’ right of their presumption of innocence until proven guilty; and

**WHEREAS**, Ohio citizens rely on judges and officers of the law to enforce the laws of our communities and assure peace and security; and

**WHEREAS**, the Ohio Supreme Court decision *DuBose v. McGuffey* decided that Ohio courts may not consider public safety when setting the amount for bail; and

**WHEREAS**, while Ohio’s criminal code identifies several criteria for setting an amount for bail, it does not expressly include public safety; and

**WHEREAS**, in light of these considerations, prosecutors, judges, officers of the law and victims of crime across Ohio have expressed concern that without the consideration of public safety, dangerous and violent criminals may be released back into Ohio communities and neighborhoods where they can cause further harm or take revenge on their accusers; and

**WHEREAS**, Issue 1 on the November 8, 2022 Ohio statewide ballot would clearly and unambiguously establish public safety as one of the criteria Ohio judges can consider when setting the amount for bail; and

**WHEREAS**, public safety can be included in bail criteria without jeopardizing the right of presumed innocence guaranteed to all Ohioans when they go to court; and

**WHEREAS**, Issue 1 would apply these rules of bail to the rules and policies of the Ohio Supreme Court and all other courts in the State of Ohio; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Fairfield Township, State of Ohio that:

**SECTION 1.**

The Board of Trustees of Fairfield Township hereby endorses State Issue 1 for passage this November 8 and hereby encourages all residents of Fairfield Township and all Ohioans to vote Yes on Issue 1 to give judges the right to explicitly consider public safety in assessing terms of bail, and thereby preserve and enhance public safety throughout Ohio.

**SECTION 2.**

The Board of Trustees of Fairfield Township, upon at least a majority vote, dispenses with any requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

**SECTION 3.**

It is hereby found and determined that all formal actions of this Board of Trustees of Fairfield Township concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

**SECTION 4.**

This Resolution shall take effect on the earliest date allowed by law.

**Adopted:** October 11, 2022

**Board of Trustees**

**Vote of Trustees**

Shannon Hartkemeyer: Shannon Hartkemeyer

yes

Michael Berding: Michael Berding

yes

Joe McAbee: Joe McAbee

yes

**AUTHENTICATION**

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 11th day of October, 2022.

**ATTEST:**

Shelly Schultz  
Shelly Schultz, Fairfield Township Fiscal Officer

**APPROVED AS TO FORM:**

Lawrence E. Barbieri  
Lawrence E. Barbieri, Township Law Director