



HB439 Proponent Testimony, House Criminal Justice Committee – January 23, 2018
Presented by – Sara Andrews, Director

Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee, thank you for the opportunity to offer proponent testimony regarding HB439. The Commission also thanks Representative Dever and Representative Ginter for taking action to advance greater fairness and equality in Ohio's bail system.

As you know from sponsor testimony, in April of 2016, the Ohio Criminal Sentencing Commission, in an effort to affirm that Ohio is holding people for the right reasons prior to trial, sought technical assistance from the National Institute of Corrections and created an Ad Hoc Committee on Bail and Pretrial Services. The Ad Hoc Committee's goal was to ensure Ohio's bail system maximizes appropriate placement for defendants, protects the presumption of innocence, maximizes appearance at court hearings and maximizes public safety. The 34-member Ad Hoc Committee was comprised of a member of the Ohio Senate, Judges, Court Administrators, Prosecutors, Defense Attorneys, a Sheriff, a Jail Administrator, Pre-trial Services personnel, Clerks of Courts, Victim Advocates and Bail Bondsmen.

The Ad Hoc Committee met for eleven months, created multiple smaller workgroups and conducted surveys of prosecutors, court administrators, jail administrators and clerk of courts. In June 2017, the Commission unanimously favorably voted to accept the [Final Report and Recommendations](#) of the Ad Hoc Committee.

HB439 reflects many of the recommendations endorsed by the Commission. Those recommendations are designed to be holistic and focus on achieving consistency, fairness and efficiency in the pretrial system while decreasing the reliance on monetary bail. As such, the use of a validated risk assessment instrument to inform release or detain decisions – realizing that bond should be "risk" based and not "charge" based – is recommended. The use of a risk assessment tool is one more resource a judge can use to inform decisions and ensure equity in all steps of the bail-setting process. The Commission will maintain and publish a list of known validated risk assessment tools for use by practitioners.

The legislation also requires that the Commission monitor the policies and procedures of courts in setting bail and utilizing pretrial supervision services. Monitoring policies and procedures, ideally, will promote consistent and uniform practices that realize fundamental fairness and promote public safety among counties and courts within counties, i.e. determining if the use of bond schedules is reduced, how long it takes to conduct bond review hearings and if bond amounts are consistent within counties.



Regarding pretrial supervision services, the Commission embraces its role to facilitate information sharing and assist in the development of statewide pretrial policy that, at minimum, includes assurance that victims are informed of release decisions, response grids are developed and implemented for technical violations and that attention and training efforts are focused on alternatives to pretrial detention, such as cite and release or diversion.

Currently, in Ohio, each court operates independently resulting in varying levels of data collection and submission. HB439 also provides the foundation for robust data collection going forward to measure the effectiveness of risk assessment and pretrial detention alternatives. The multifarious challenges of such concentrated data collection are not misunderstood. However, we are increasingly aware from our Members and partners that the development of a collaborative, reliable and unified data system is appealing and worthwhile. The Commission is committed to work with, not against, all courts and others to achieve implementation of useful data collection that is as seamless possible and not burdensome.

HB439 aligns Ohio with the national trend in bail and pretrial service reform that recognizes keeping someone in jail simply because they cannot afford to pay the set amount of money bail does not increase public safety. That momentum is well documented in publications and state tracking tools through organizations like the National Institute of Corrections, the Pretrial Justice Institute, the Center for Legal and Evidence Based Practices, the Council of State Governments and the National Conference of State Legislatures. The majority of states enacting reforms adhere to the major theme of implementing individualized bail determinations based upon objective analysis of risk to public safety and risk of failure to appear, particularly for low-level, non-violent offenders. The Commission continues to leverage collaboration with national resources and other states including Indiana, Colorado, Hawaii and Wisconsin and Sentencing Commissions, like Connecticut, New Mexico, Pennsylvania, Alaska and Oregon. We are all working toward achieving bail and pretrial services reform in our respective states and HB 439 provides a strong platform for Ohio.

Thank you for the opportunity to speak today. The Commission looks forward to our ongoing work to get it right, do it right and realize capacity for data collection and evidence informed criminal justice policy in our great State. Chairman Manning, I'm happy to answer any questions from the Committee.