

City Bonding  
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Mr. Chairman and Members of the Committee,

My name is Rick Nagel. I'm the Director of Government Affairs for City Bonding in Cleveland. I come before the committee today to speak against HB 439. The commercial bail industry is under attack and has been so for several years by pre trial services and other groups.

The commercial bail industry is cost effective and efficient. It operates at no cost to the counties and communities it serves. It is responsible for guaranteeing to the courts over 16 Billion in liability along with the management and supervision of over 2 million defendants released each year.

A multitude of government and private studies have been done on the topic of pre trial release. When it comes to guaranteeing appearance in court, commercial bail outperforms every form of public sector pre trial release.

Commercial bail helps to mitigate costs to the system. On rare occasions, when a defendant fails to appear, because their release was guaranteed through a bond, the courts and communities are compensated for the full amount of the bond

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Most pre trial service programs use risk assessment tools which are typically comprised of a handful of factors that are assigned weights to come up with a risk score. Assessments are only validated to predict risk, but are not validated to set bail and conditions of release. Most risk assessments are intuitive, they are based on prior criminality and failure to appear. Also, when proper safeguards are not involved, they may have a negative impact on the rights of defendants.

For example, New Jersey's no money bail system is currently facing a constitutional challenge. In *Holland vs. Rosen*, the plaintiff, has argued that he has a constitutional right to monetary bail and the onerous restriction of pre trial release, such as the mandatory use of an ankle monitor and checking in to pretrial services in person twice per month violates his civil liberties.

In the case of *Rodgers vs. the Arnold Foundation*, the Arnold Foundation is seeking to side step a products liability case where their risk assessment tool scored a prior felon in possession of a firearm as low risk, who then shot and killed a man several days later.

In a recent scholarly article, that is the most definitive study of risk assessments in practice, released in December of 2017, based on the result of reviewing the data and studies from as many as eight jurisdictions, the author, Megan T. Stevenson, a professor of law at George Mason University School of Law, concluded there is next to no evidence that the adoption of risk assessment has led to dramatic improvements in either incarceration rates or crime.

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In closing, HB 439 is bad public policy and I respectfully request that the committee kill this legislation.

Thank you.