

Testimony Substitute House Bill 439  
Jonathan Smith  
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Thank you Chairman Manning, Vice Chairman Rezabek, and Ranking Members Celebrezze for the opportunity to speak with you and your fellow members of the Ohio House Criminal Justice Committee. Please allow me an opportunity to introduce myself. My name is Jonathan Smith, I am a member of the Ohio Professional Bail Association and have been involved in the bail industry for 12 years, being a 2<sup>nd</sup> generation family member in the bail industry. I am also here as an elected councilman for the City of Perrysburg. With that being said, I am not only concerned about what this bill will do to the bail industry, but also to the budgets of local municipalities.

I would like to bring focus to the unfunded mandate that this bill will bring to the local municipalities. Unfortunately, all too often these costs to the local and county courts have not been discussed or addressed in many of these studies regarding implementation of these programs. Through my research and review of multiple studies over the past decade, I am gravely concerned at what this bill will do to local budgets. I have reviewed the Bail ad hoc committee report, as well as many other articles and reports regarding these reforms. One common thread was the focus on a court system that is deemed a success in implementing pre-trial services and so called algorithms. The court that

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is often championed as a success is located in Washington DC. The Washington DC Pre-Trial Service discusses a 90% release rate and 12% Failure to appear rate. However, the cost of implementing this pretrial service program is often swept under the rug in many articles. To put that program's cost into perspective, According to the 2017 FY Report, the pre-trial service program cost Washington DC \$65.287 Million Dollars to implement. The risk assessment allocation is \$10.4Million. The risk assessment tool costs of roughly \$15 per capita, based off of a city population of 693,972 residents.

I have in my hands here, the 2016 Perrysburg Municipal Court Annual Report. This Court serves not only the city of Perrysburg, but also The City of Rossford and Northwood, the Villages of Walbridge, Luckey, and Millbury, as well as Townships of Perrysburg, Lake, and Troy. A total population of 64,766 residents as of the 2010 census. In order to implement a similar risk assessment program as Washington DC, the cost would be roughly \$1 Million. To give an idea of what this will do to the budget of the court system, the current annual budget for the court is \$1.4Million. This would be a significant increase in cost to these municipalities.

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The second question I have is two parts. What will be the impact of public safety should this bill pass , and who is going to burden the cost and resources to return those who fail to appear for court to face their victims?

When an individual fails to appear to court, a warrant is issued for their arrest. The warrant issued will be assigned a pick up radius. These warrants can be anything from County Wide, Statewide, Nationwide, and everything in between. In 2014 USA Today did a series of Articles Named: *The Fugitives Next Door* discussing the issue with warrant radius and how overburden our law enforcement is in trying to bring back these criminals to Justice. The articles are titled as followed: *“Part One - The ones who got away – More than 180,000 fugitives can escape justice by crossing state lines” “Part Two - A license to commit crime With no one chasing them across state lines, fugitives are free to rape, kidnap, even murder” “Part 3 - The short arm of the law - Even killer of police officer is 'shocked' by lax justice.” “Part 4 - For a Million Fugitives, Freedom Starts at the County Line.”* All these articles touch on how municipalities lack the resources (Both Man power and Funds) to track down these fugitives from justice. My question is, if we already are

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struggling with tracking down fugitives, how are we any better off with these programs in place?

In conclusion, Bail has been an integral part of our criminal justice system since the founding of our nation. The Bail industry has curbed the cost to local municipalities since it's founding in providing monitoring of defendants as they await trial, and should they fail to appear, reduce the burden of the local police departments having to hunt down those they have already arrested once. Should this unfunded mandate pass, it could have a crippling effect on our local municipalities budgets.