Chairman Eklund and Committee Members:

My name is Mary Frances Smith. I am the President of the Ohio Professional Bail Association. I have recently marked 31 years working within the criminal justice system.

The so-called "bail reform" movement has attacked many States in many different forms.

In Ohio this vicious attack has taken the form of Criminal Rule 46.

The bail reform movement is not about bail reform. Any time you hear that phrase it means bail elimination. These bail reform advocates want to get rid of monetary bail because of the mistaken belief that it somehow discriminates against the poor.

Criminal Rule 46 will ask that the least restrictive form of bail is given: In Lucas County Ohio, Bail reform is strong and now there are people dying as a result.
Bail is for appearance: 1:09 of the Ohio Constitution clearly states that “**All persons shall be bailable by sufficient surety.**” When a defendant fails to appear is he sufficient surety?

1: Thomas Smith was released on his own recognizance on Feb. 21st. And this was done by a phone call to a judge and pretrial (Regional Court Services) did a risk assessment and the charges were Assault, Resisting Arrest and Obstructing Official Business. **VIOLET CRIMES.**

On March 1st. 2020, an innocent woman was killed in a parking lot of a gas station (no connection between her and the defendant), and this isn’t the only person soft on crime.

2: Marquise Grant 26 was released on his own recognizance after being arrested on numerous felony charges including possession of fentanyl. This 26 year old had served 5 years in prison on felonious assault. No one looks at the severity of the charges. He then last Saturday shot and killed a man in Toledo.

My nephew Brent was 31 years old when he was arrested for the umpteenth time in July of 2018. Using the county’s risk assessment, he scored 5 out of 6 for failure to appear. He should not have been let out. The family didn’t want him out. We fought to keep him in. If he were offered bail, we, the family wouldn’t have
paid the 10% deposit. Yet, a pretrial services bureaucrat, with no Judges signing off -- released Brent through the county’s pre-trial release program.

Within the hour, he overdosed. Within a few days, Brent was dead. To us, it was a tragedy of the highest order. To the county, another statistic. A case dismissed. Believe it or not, because of the way the county counts, labels and spins its results, it actually listed Brent’s case as a success because his case was dismissed.

When indeed Criminal Rule 46 J. Hasn’t even been looked at: Justifying the surety is so open to the discretion of the clerk, and when a 10% bond is posted by the family member and or friends the other 90% of the bond is almost never collected.

Defendants are being released on their own recognizance right now because of coved 19. Do you really believe that these individuals are going to social distance?

If you want to make sure that a defendant shows up for court, you must make them accountable. San Francisco isn’t doing it! Lucas County isn’t doing it! Cuyahoga County isn’t doing it! And these Criminal Rule 46 changes won’t do it either.