



Senators Steve Huffman & Nathan Manning
Senate Judiciary Committee
September 23, 2020
Senate Bill 353

Chairman Eklund, Ranking Member Thomas, and members of the Senate Judiciary Committee thank you for allowing us to provide sponsor testimony today on Senate Bill 353.

Senate Bill 353 will reform pretrial release protocols in Ohio. An important component of the pretrial process is determining whether an individual is released or detained in jail until his or her court date. Individuals who are released generally pay some type of bail, which is typically held by a bond. Cash bail is unfair for many because if you cannot afford to pay it, and even if you are facing minor charges, you must sit in jail awaiting your trial date. Meanwhile, offenders facing serious charges may be released if they can afford it. Far too often, the accused stay in jail awaiting adjudication even though he or she would not have received jail time if convicted. This system is not set up to protect the accused – an individual who is presumed innocent until the state proves all elements of the crime.

Problems with cash bail aside, the pretrial system our state and our constituents currently face is inequitable. Detaining individuals in jail before their court date or trial is expensive. Approximately 57 percent of inmates in Ohio jails are simply awaiting trial, at a taxpayer average cost of \$65 per day. However, the more concerning issue relating to the problems with our pretrial release system is the toll it takes on the defendants themselves. Individuals who are kept in jail before their trials risk losing jobs, custody of children, and housing. Furthermore, these individuals pose a higher risk of committing crimes in the future.

Last summer, the Supreme Court of Ohio Task Force to Examine the Ohio Bail System issued a report of various recommendations to make Ohio's bail system more uniform and more equitable. This task force was composed of several key stakeholders and experts, including judges, prosecuting and defense attorneys, law enforcement, and members of the General Assembly. While we have shared the full report with the committee for your review, the recommendations detailed in it include the following:

- Require a validated risk assessment tool for every municipal, county, and common pleas court when setting bonds or conditions of bond.

- Amend Ohio's Superintendent Rule 5 (Local Rules) to require counties with more than one municipal or county court to adopt a uniform bond schedule to be used by each court in the county.
- Amend Crim.R.44 to require the presence of counsel for the defendant at the initial appearance for any offense carrying the potential of confinement, unless the defendant is being released on an unsecured financial condition or on personal recognizance.
- Tailor pretrial services in Ohio courts to offer appropriate services that correspond to the level of a defendant's risks/needs.
- Empower courts to consider alternatives to pretrial detention.
- Encourage courts to leverage technology solutions, such as email/text reminders and remote video conferencing, to implement low cost improvements to pretrial services in Ohio courts.
- Offer education and training on the consequences of and alternatives to pretrial detention and the use of a validated risk assessment tool to court personnel critical to the pretrial process.
- Implement a statewide, uniform data collection system to ensure a fair, effective, and fiscally efficient pretrial process.

The legislation we have introduced codifies these recommendations. We understand that such an overhaul will require continued input from stakeholders and interested parties, but we believe this will be a good start to enacting profound, necessary change that can help reduce or eliminate the disparities we see in the pretrial component of our criminal justice system. Thank you for the opportunity to present testimony to you today. We are happy to answer any questions you may have.