

Chairmen LaRe vice chair White ranking member Leland and fellow members of the criminal Justice committee

Hello, my name is Anthony Sylvester and I have been a professional bail bondsman for over 20 years. During that time I have made 100's of arrests of fugitives that have jumped bail. I have written 1000's of bail bonds both directly and indirectly during my time as a bondsman.

In the interest of saving the assembly's precious time I will attempt to briefly touch on the 3 main points I think need addressed with the bill before them as it pertains to bail reform

1. The financial disclosure

It is neither feasible or possible to collect accurate financial information from defendants in order to have a hearing based on ability to pay. Further more, the metric of 25% of income makes no sense and is both arbitrary and in some cases, extremely punitive in nature. No mechanism exists to verify the truthfulness of the disclosure and in some cases it could lead to self incrimination.

An even weirder twist would be forcing a spouse who is not a party to the criminal action to disclose their income or assets as part of the affidavit.

Lastly, under this system those arrested with a high net worth would be assigned excessively high bonds for no other reason than having high income that could be in no way related to the offense. If Lebron James is accused of a misdemeanor domestic violence is his bond set at 25 million or more under this ridiculous bond scheme?

2. Pretrial Detention

Under the current proposed bill a long list of offenses would be eligible for pretrial detention in lieu of being granted a bond. Never mind the fact that this would require what is essentially a mini trial in every one of these cases within 72 hrs.

Some of those offenses are misdemeanor level offenses. Absent a mental competency issue there is no justifiable reason to hold misdemeanor level offenses in custody indefinitely as a matter of policy.

The Ohio constitution allows "all parties shall beailable by sufficient sureties" except for a very limited number of instances. This is for a very specific reason, deprivation of Liberty should be the rare exception and not the norm. Generally being only considered acceptable upon an enhanced finding of great dangerousness, it's hard to imagine that few if any misdemeanors could even reach this threshold let alone cross over it.

By the same token drug related offenses absent accompanying violent charges do not meet this standard. The entire premise is unconstitutional by the very nature of its undertaking.

3. The unintended consequences

The provisions in the proposed bill would undoubtedly cause multiple adverse reactions to the criminal justice system, some easy to spot others being less apparent.

Perhaps the easiest problem to spot on its face would be the Impossible amount of resources that would be required to properly execute what the bill proposes.

Courts would have to create entire departments just to obtain and sort through the massive amounts of financial data this bill would call for from defendants. Who would authenticate it? Does it consider assets or just income? Is Social security, welfare benefits and other types of government assistance such as unemployment considered income? Is all of this data part of the public record? How is it stored? How can it be properly safeguarded?

In addition, courts would have to run what are essentially mini trials 7 days a week in order to ensure everyone had a hearing within 72 hrs. They would require a hugely inflated staff of all court personal, including judges and prosecutors/defense attorneys. Evidence would have to be presented, witnesses called, etc.

This is neither feasible in terms of time, money or manpower.

Lastly one of the greatest unforeseen consequences of this proposed boondoggle would be a structure that invites people to use the criminal court to become a weapon of civil litigation, particularly the domestic relations court.

Due to the nature of how domestic violence is charged in the state of Ohio, in most cases the accusation from a family or household member is enough probable cause to execute an arrest. Under this structure not only could one use this to have a spouse arrested with a push for indefinite detainment, they also get to compel a complete financial disclosure.

What's to stop them from taking that disclosure and walking over to file for divorce using the financial disclosure against their spouse? What's to stop them from Attempting to use the state to detain said spouse to gain an advantage in divorce proceedings?

Marcy's law gives victims certain rights in Ohio, how would that interact with these detention hearings? Under Marcy's law a victim is allowed to hire private council to represent them WITHIN the criminal case against the defendant. This could be tantamount to private attorneys working hand in hand with prosecutors to attempt to have individuals detained with this same attorney then walking down the hall to file a

divorce action on behalf of the same victim, who is also a client with a compelled financial disclosure already in hand.

The potential for this system to be gamed is monstrous, and make no mistake it WILL be gamed. If I can conceive it, others will as well and Probably in a more sinister and effective manner.

Consider that DV is one of the few crimes that allow the arresting officer to actually become the complaining witness. In these cases is the officer allowed to file for a detention hearing based on their status as essentially the voice of the victim, in some cases over the objective of the actual victim?

This bill is poorly conceived, from both a practical and legal standpoint. Allowing it to become law would create more problems than it could ever hope to solve and would certainly create a number of constitutional crisis's that would need to immediately be addressed.

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