

OPPONENT TESTIMONY RE: Sub. HB 315 – Bail Reform

Hon. Members of the Ohio House of Representatives,

I am a mother whose son was accused of very serious felonies that were all eventually dismissed. My son had **no criminal history, lived at home, had a steady, full-time minimum wage job**. Bail was initially set at \$250,000 without any **evidence** or **findings** presented to a court of flight risk or danger. The next day, the bail was reduced to \$50,000 and I paid the \$5000 for his release. Again, despite no findings of risk or flight, he was put on an ankle monitor for 18 months (no violations) then released for another year before trial with no monitor. The cost of the monitor was \$330 a month (another \$6000). He complied with all court dates. My son was out because he (his family) could afford it. Bail is unfair to those who can't afford it.

I'm a former prosecutor. In my opinion, Ohio's "justice" system now operates on a PRESUMPTION OF GUILT. The "system" had decided my son was guilty without adequate proof, without proof that arose to probable cause. The system made him **prove his innocence** with expensive forensics and expert reports, the opposite of how it's supposed to work. The person the State labeled the "victim" has never accused him of the crimes the state did (per deposition and affidavit). The State's key medical witness, Dr. Gronbeck, later had his medical license pulled and is under investigation for sex crimes against patients. Despite a mountain of evidence of no flight risk, no risk to community, no credible evidence of the crimes dismissed, I spent over \$11,000 for measures the State chose to impose to secure his appearance pre-trial in court (the purpose of bail and pre-trial restrictions). This money was wasted – it was unnecessary to secure my son's appearance in court. A protective order was issued (unnecessary in my opinion), but protective orders are issued all the time if the Court is convinced there are risk factors (after some proof). Now the House intends to sacrificed the basic principles of criminal justice on the alter of "public safety."

While I have your attention, my son got ZERO CREDIT for the 18 months of "house arrest" on electronic monitoring. "House arrest" is an incredible limitation on a person's liberty. Ohio should provide **full credit for "time served"** on house arrest. Other states do. If you don't think credit for time served on house arrest is just, try it for a month yourself sometime. You will want credit for time served.

Sub. HR 315 is not BAIL REFORM. In fact, it is quite the opposite. I feel it further enshrines the "presumption of guilt" already so pervasive in Ohio's justice system. So many provisions are contrary to real bail reform. I especially oppose the idea that persons accused of serious felonies are de facto not entitled to a hearing with the State presenting some evidence and the **judge making written findings** as to why a person should not be out OR or with some protections (protective order, check ins, maybe even electronic monitoring but with many more exceptions to avoid the extreme restrictions on liberty pre-trial). Look, you are getting calls from judges because the "system" does not want to have the hearings. The hearings are also not being held quickly enough. If the police arrested someone, surely they have the evidence to present to a judge within 48 hours to provide justification for liberty restrictions pre-trial. PLEASE go back to the original HB 315. Enact meaningful bail reform.