

To: House Criminal Judicial Committee

From: Jerry Black President of The Ohio Professional Bail Bond Association

5/22/2022

RE: Substitute House Bill 315

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

My name is Jerry Black, I am the current President of the Ohio Professional Bail Association. I'm a Columbus native and attended The Ohio state University with a minor in African and African American studies and where I married my wife of 22 years who graduated with a major in African and African American studies. I've been in the bond industry for almost a decade. I've contributed to settling scores of fugitive cases and assisted many law enforcement agencies in the process. Along with my awesome compassionate team of ex-social workers, service men and correctional officers we have coached, enlightenment, informed and Chaperoned countless of defendants and their families through an otherwise unempathetic and confusing court system. We are the only mechanism that works hand in hand with the court system and defendant and the loved ones of the defendant to make sure they are chaperoned through the court process. We ensure conditions of bail are being followed and needs are being met like transportation and job placement.

I am in severe opposition of the substitute House Bill 315 for many reasons in which I will expand on. Over the last three years myself and countless others on my team have met with many politicians and members of the Ohio House and Senate to ask for a seat at the table to discuss The Bail reform topic. We have been largely ignored as if an expert opinion from a bondsman is to much of a good idea. I've read the proponent statements of The Arnold foundation, The Buckeye Institute, Public Defenders Office and ACLU. I'm frankly perplexed on how some many educated people can get things so wrong. I believe House bill 315 will evolve into preventive detention. Allot of non-bondable offense have already been added and I'm sure if passed more will be added either soon or at later dates probably by rule change. So yes, initially more folks will be let out of jail then crime like inflation will continue to spike, and these same politicians will use rule changes and more crimes will be added as non-bondable offenses. Eventually folks will be stuck in jail without bond and the prisons will be filled because folks will rather take a plea deal then sit in a holding cell for years. It's important we preserve all our rights, including the right to bail. The House Bill 315 is modeled after Black codes. Laws enacted after the American civil war initially to keep order and restrict freedom for African Americans. These laws disproportionately affected the newly freed African American community and other disenfranchised groups. These groups where jailed and denied bail, and the American prison system became full of free labor. It's my belief House Bill 315 will do the same. If you read the bill not the one-page synopsis, you'll see under our very own watch we are being censored. This house Bill 315 is virtually taking our right to bail as given to all in the Ohio constitution. The words Monetary bonds now replace the word, Bail. One would Question if the Ohio constitution gave us the right to bail by sufficient surety, then is House Bill

315 unconstitutional with its exclusion of bail in the language and the addition of 25 non-bondable offenses.

Opposition for Bail Reform:

- I will agree with the Public Defender office synopsis poor people no matter race do have a severe disadvantage in the criminal justice system. I'm sure we all would agree this is in every aspect of life and in every society. However, this is especially true in the court system. Myself I'm the offspring of immigrants who came to America picking tomatoes and worked their way out of poverty. With the work ethics instilled from my family. I to work hard long 12hrs days 7 days a week and have carved out a decent life for my family and gain my small piece of the American pie. I believe the public defender office contributes immensely to the degradation of not only the African American community but to under privileged Ohioans in general with unempathetic and inadequate council. During the average arraignment defendants are herd into the courtroom like cattle. Those who can afford private council get to spend significant time either before court or during court with council. Those without means "primarily poor "and "people of color" are quickly briefed by the public defenders in most cases for only seconds. Once called by the judge public defenders offer very little representation to the stranger they just met and in return they are left with significantly higher bonds because of this inadequate representation.
- The Arnold Foundation, Buckeye Institute and the ACLU may mean well. Their theories lack practical application. I believe they are using slighted statistics and failing theories to justify their stance for bail reform. They have excluded the right to bail guaranteed by the Ohio constitution. They misled public telling the free world institution of bail is wrong. Secured bail is almost a uniquely American construct. In most countries in most cases once the accused is charged they are remanded to jail without an option for release until the trial is over. Most sit in jail for years before they get their day in court. Case in point WNBA Star Brittney Griner still sits in jail in Russia without any legal option for release until the case is concluded. May I add Russia does not have an secured bail system. During the Covid-19 pandemic the Ohio Chief Justice Maureen O'Conner demanded that the courts use personal recognizance as a preferred method of bail and during that time Toledo, Cincinnati, Cleveland and Columbus lead the nation with four of the 16 cities with the most Homicides and personal theft. Columbus the capital city ended the years with over 250 homicides. Does anyone pay attention to the news and see the correlation? This Bill 315 ignores the primary purpose of the judicial system and that is to maintain law and order. Seriously watch the news, the daily effects of bail reforms turn catch and release has devastated the state of New York state and crime has spun out of control.

issues Senate Bill 315 does not address:

1. **Public Safety-** No place in this Bill address safety. I'm guessing all those in in favor of this bill live far from the red and maroon areas on the crime map. I hope none ever steals your vehicle or breaks in your house and takes your belonging. If so, make sure you ask the prosecutor to let them out of jail without bail. Also, this bill pretty much eliminates Marcy's law allowing victims to speak at proceeding and be protected from the accused.

2. The increased use of **GPS monitors** -ankle and wrist bracelets. 1st of all its not practical. In many of the courts people are required to add land line accounts to their homes and sit in jail for days after bail is posted until land lines are installed. Also, in many counties defendants are charged anywhere from \$100 to \$500 upfront for ankle monitors. Working people frequently loose there job once hey return to work. Simply because of the stigma of ankle monitors. Keep in mind Ohio is a “at will” employment state. Meaning your employer doesn’t need a reason to terminate employment. People frequently are terminated from jobs because pretrial service department in every county I’m aware of have limited staff and limited weekday business hours only. The average wait time in a pretrial service office is 3-4 hours.
3. **Failure to appear**- in Columbus alone there is a 40% failure to appear rate of appearance bonds. Compared to secured bonds posted by Bail bondsmen had a 4% failure to appear rate. According to the NY times article from Nov 08, 2021, seasoned Law enforcement retirement is up 45% and steadily rising. So, I ask who is going to pick these upstanding citizens whom neglect to appear in court on the state’s behalf. Especially come June 9th when carry conceal becomes legal.
4. The **financial affidavit** which will be public record under requested duress is unconstitutional and doesn’t make any kind of sense. It’s evident that the people who came up with this nonsense are out of touch with the communities in which they serve. I’m just guessing that most folks who sale drugs don’t file taxes. Most bank robbers probably don’t have bank accounts. A car thief probably doesn’t have a car or any assets. Should a poor serial rapist have to pay more than a middle-class rapist?

Common sense Bail reform. (True bail reform)

1. All 1st offense victimless misdemeanor crimes get a summons and avoid arrest all together. This will greatly decrease the jail population and free up court resources.
2. A statewide Bail Schedule guideline for 1st – 4th offense set by the Ohio Supreme court
3. Now to make the system fair and equitable committee members. I suggest you consider defunding the Public Defender office. Allowing everyone fair and equitable access to court appointed private counsel. By defund I don’t mean do away with, I’m simply saying give the disadvantaged accused the option to retain the same resources and even the scales of justice.
 - Ironically, I did a Bing search of Ohio Public defender arrest. To my amazement not one of the accused on the 1st and 2nd search page not one single person was represented by the public defender’s office in any criminal matter.

Thanks for lending your ear and your time: I’ll leave with something to think about. Never in the history of the criminal justice system have I met a Secured Bail bond agent that has ever set a bond.

Jerry Black

Ohio Professional Bail Bond association