June 16, 2021

To: Chairman Manning, Vice Chair McColley, and Ranking Member Thomas

Re: Support for Senate Bill 182, bail modifications

On behalf of the Justice Action Network, the nation's largest organization supporting effective, data-driven criminal justice policies, I write to you today in strong support of Senate Bill 182 and urge your colleagues on the Senate Judiciary Committee to swiftly approve this legislation. This bill creates a new, vastly improved framework for pretrial detention and release in Ohio, and ensures that justice and due process are the cornerstones of Ohio's pretrial system.

Current pretrial detention policies are failing Ohioans. Right now, access to cash is the biggest determinant of whether someone is detained prior to their court date. This creates a dangerous paradox, where wealthy defendants may be released no matter their risk to the public, while those unable to make a cash bail are forced to await trial behind bars, even if they pose no or little risk to public safety, or no to little risk they would fail to appear for their court date. With an average cost of a bed in pretrial detention at $65 per day, this adds up quickly for Ohio's taxpayers, but also makes it less likely these individuals are able to maintain jobs, housing, and family or community ties, which further harms public safety.

Indeed, the effects of unnecessary pretrial detention are well documented. Studies have found that even 24 hours in detention can increase the risk of recidivism prior to one's trial; but it also increases the risk of recidivism for two years after the original allegations. Pretrial detention increases the likelihood of jail and prison sentences, and longer jail and prison sentences than would occur absent detention, increasing the burden on taxpayers as well. And studies have shown that using secured bonds, or cash bail, does not increase successful pretrial outcomes, as measured by new offenses or court appearance rates.

Simply put: the current system fails to protect public safety, fails to protect taxpayers, and fails to provide due process for Ohioans.

Senate Bill 182, authored by Senator's McColley and Steve Huffman, aims to correct this serious flaw in Ohio's justice system. Under this legislation, pretrial detention would be initially determined by the category of offense an individual is alleged to have committed – a far more equitable and objective approach. Many individuals accused of misdemeanors and municipal ordinances could be released prior to their trial date with appropriate conditions to ensure their appearance. And those conditions would be narrowly tailored to each individual and focused on those conditions necessary to ensure safety and to deter willful flight.

For those defendants who may be required to pay a cash bail to secure their pretrial release, a judge will make an individualized inquiry into that person's ability to pay, ensuring that access to cash does not determine whether someone is detained pretrial or not. Finally, the legislation ensures that

pretrial detention is used for those it has always been intended: those accused of very serious crimes who pose a safety risk.

Senate Bill 182 creates a sensible, straightforward, and evidence-based approach to pretrial practices in Ohio. It will ensure that detention is preserved for those who need be confined prior to their trial date, while eliminating access to cash as a determinant for release. It aligns Ohio law with constitutional requirements for pretrial detention, and puts due process and justice at the center of every detention determination across the state.

Estimates are that reforming pretrial polices in Ohio could save up to $67 million in taxpayer costs each year, but the impact on families and communities far surpasses those savings. I urge you to approve this legislation to ensure that Ohio realizes these benefits and rights the wrongs created each day by current policies, and I thank you for your time and consideration.

Sincerely,

/s/

Holly Harris
President and Executive Director
Justice Action Network