

Senate Judiciary Committee  
Proponent Testimony  
Ohio Senate Bill 182

June 14, 2021

Dear Chairman Manning, Ranking Member Cecil Thomas, and members of the Senate Judiciary Committee:

My name is Kailey Leary and I am a resident of Cuyahoga County. Thank you for the opportunity to submit proponent testimony on Ohio Senate Bill 182 ("SB 182").

I am currently a rising third-year law student at Cleveland State University's Cleveland-Marshall College of Law. This past semester, I was fortunate enough to be a part of the inaugural class of the Pretrial Justice Clinic where I was afforded the opportunity to shadow public defenders during the arraignment process. Each week, I observed interviews with defendants and their subsequent bond hearings in order to better understand the innerworkings of the pretrial system and how to better help those detained in pretrial detention. However, the deprivations of liberty and indifference to common hardships that I witnessed in the courtroom were startling.

Throughout my time shadowing in the Justice Center, I experienced first-hand the challenges that new arrestees face every single day. Most defendants had been already held in jail between two and four days before appearing for their bail hearing. I saw how judges default to setting cash bail without clear reasoning, which presents an alarming issue in the pretrial system. The interview process consisted mainly of questions aimed to please the particular judge that was sitting on the bench that week and what specific factors may work to sway that judge's bond decision. Even more disturbing, there was not a single instance in which a judge allowed a defendant to explain his or her financial situation and ability to pay, nor did any judge consider a defendant's personal and professional responsibilities. The potential adverse effects of holding someone in pretrial detention were disregarded entirely.

From my observations, the goals of bail as applied appeared to be two-fold: 1) to ensure that the accused appear in court, and 2) to protect the public from harm. It appeared to me, however, that the pretrial justice system does not act to meet these goals as it was intended. Rather, the exercise of pretrial detention is plainly and painfully punitive in nature. The presumption of innocence -- a fundamental principle to effectuating justice -- has lost its place within the pretrial system. Punishment should not, and cannot, be a motivating factor for setting bonds for individuals who have not yet been given the opportunity to defend themselves.

Proponents of pretrial reform have long sought to mandate change in the courtroom in order to remedy the harmful defects in the pretrial system. The passage of SB 182 would be a major step in cultivating a more just pretrial environment. Specifically, Sections 2937.011, 2937.012, 2937.013, 2937.014, and 2937.015 would implement many of the changes that pretrial reform efforts yearn to see enacted in the courtroom.

I ask you to consider my testimony and vote yes on this critically important bill. Thank you again for the opportunity to testify.