

Senate Judiciary Committee
Proponent Testimony
Senate Bill 182

Laura A. Curliss
Greene County, Ohio
For Hearing on Wednesday, June 16, 2021

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

My name is Laura Curliss and I am a resident of Yellow Springs, Greene County, Ohio. Thank you for the opportunity to submit proponent testimony on Senate Bill 182. I strongly support Senate Bill 182.

A family member of mine – someone with no criminal history --- was arrested on six serious felonies that were completely dismissed three (3) years later after plea to two lesser crimes. Bail initially was set at \$200,000, then dropped to \$50,000 and I posted the bond at 10% or \$5000. Of course, I did not get that money back after charges were dropped because the \$5000 is kept by the bail bond company. The court then put my loved one on electronic monitoring/house arrest for 18 months at a cost of \$10 a day, which I paid. So I paid an average of \$300 a month for 18 months (\$5400). My relative was released from electronic monitoring/house arrest for another 18 months with no violations of pre-trial release. Then the prosecution dropped the serious charges more than a year after a deposition and affidavit negated elements of the serious charges. My relative never violated a single term of bail or release. My relative pled to an attempted drug-related charge and vandalism to get the case over with, though I feel he could have won at trial. The defense cost \$80,000 mainly due to the dismissed charges.

The cash bail and electronic monitoring was completely unnecessary in this case and cost me - not the accused -- \$10,400, money I will never get back. Most importantly, my relative's freedom was taken away for 18 months. Further, under Ohio law he **did not get any credit** for time served as would have happened in other states, like South Carolina. Electronic monitoring/house arrest is **a very serious restriction of a person's liberty**, so people on house arrest should be given at least **a day credit for every two days** of time served on house arrest. House arrest is **"arrest"** and a restriction of liberty serious enough to be given credit. It's not just sitting at home...it's warehousing taking away months of a person's life.

It felt like my loved one was treated as "guilty until proven innocent," without due process. Once accused, mounting evidence of innocence and facts did not seem to matter. The dynamic I saw in action in the "justice system" was that the police, prosecutors, the alleged "victim" and advocates had the power to pre-judge who was a "perpetrator" and who was a "victim." The term complainant or complaining witness should be used as a more neutral term to protect the important concept of innocent until proved guilty by proof beyond a reasonable doubt.

My relative's experience in "the system" was a bail that presumed guilt (not to guarantee appearance), then presumed guilt by warehousing him on house arrest for 18 months without credit, and drained financial resources from our family. The Greene County Common Pleas court also has a practice of setting early plea deadlines (within a 4-6 weeks of arraignment) to and tells defendants that no plea will be taken after that date, even though much of the evidence is not yet discovered or evaluated. It is unconstitutional coercion. This injustice and others, however, are never tested and reversed if the case is resolved by any plea.

Though my relative pled to a low level drug-related charge and vandalism three (3) years after arrest, the prison system punished my relative **as if he were a high level offender**. Despite being a low level offender, he was sent to Lebanon Correctional, a disciplinary prison, where prisoners go who fail to comply in other prisons. He never got a ticket or failed to comply. He saw much violence there, including staff who beat prisoners in handcuffs. Prisoners there are constantly screaming, the noise level high. My relative was put in solitary confinement as the administration's way of dealing with Covid in the early days (twice, once at Orient and again at Lebanon). My relative was warehoused. There were no rehabilitation or anti-recidivism programs, he was fed disgusting food, had cockroaches, rats and brown recluse spiders in his cell, was not given one hour exercise a day for most of his time there. He lost 70 lbs in prison and in my opinion is traumatized for life. I do not know prisoner human rights law but I sense that Ohio's prison system is below basic human rights standards and certainly local public health sanitation standards.

I am almost 60 years old. I used to be a prosecutor. I used to believe in the "system." My eyes have been opened and my opinion has changed. I now believe that there are many injustices in the system that need to be fixed and I am committed to reforming the unjust system in the time I have left on earth. How did we get here? We have to turn our attention to humane treatment, meaningful rehabilitation rather than punishment. We need to put more resources into social services and support in society in general, particularly regarding mental health and addiction. These reforms will make society safer and can be paid for from savings from the pre-reforms in this bill.

Prosecutors should not ask, and judges should not grant, cash bail without highly compelling reasons. It's easy to set high bail, talk about "public safety" and put that above constitutional rights of defendants. It's easy to shake down defendants and their families, or make them sit in jail because they are poor. Sitting in jail pre-trial forces one to plea just to get it over with. That's why I paid the \$5000 – I knew that 90% of people sitting in jail would plea just to get it over with, not because they actually committed the crime or that there was sufficient evidence. The system punishes poverty, it convicts innocent people, impoverishes families, does not reform the guilty, gives police and prosecutors too much unchecked power, does not make society safer and instead creates collateral damage - trauma and harm - to everyone in society.

Reforms needed now:

End wealth based detention

Provide true rehabilitation for people convicted and those awaiting trial

Maintain innocence until proven guilty with safeguards to protect the accused liberties

If we do these things, we will find that our counties will save money, and not need to invest millions in larger and larger jails to hold pretrial defendants.

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

END OF TESTIMONY