



## SENATE JUDICIARY COMMITTEE – Proponent Testimony, SB 182, June 16<sup>th</sup>, 2021

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the committee, thank you for holding this hearing and for the opportunity to provide testimony.

My name is Jeff Dillon, and I am the Ohio Legislative Director for Americans for Prosperity (AFP). As one of the largest grassroots organizations in the country, AFP is driving long-term solutions to some of the country's biggest problems. Our organization, and its thousands of activists across Ohio, are dedicated to breaking barriers that stand in the way of people realizing their full potential. Removing or reducing these barriers, in whatever forms they take, helps move our society toward one of mutual benefit, where people succeed by helping others improve their lives and by transforming their communities. Accordingly, I am here to express support for Senate Bill 182.

“[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” These are the words of the late Chief Justice William Rehnquist in the case of *US v. Salerno* describing the foundation of the American criminal justice system: the presumption of innocence and liberty. Prior to judgment, the decision of our government to detain someone and deprive them of their freedom should only occur if the person poses a credible threat to public safety or there is clear evidence they are a flight risk.

Unfortunately, in Ohio, a person's financial status, rather than their threat to the community or risk of flight is the primary factor in liberty or detention. According to the most recent data from June of 2018, there were roughly 20,500 individuals in Ohio jails and more than 60% of them have not been convicted of a crime.<sup>1</sup> This is costing taxpayers an estimated \$300 to \$400 million a year.<sup>2</sup> Many of these individuals are jailed not because of their risk but simply because

---

<sup>1</sup> [Jail Population Data](#). Department of Rehabilitation & Correction. February 21, 2019.

<sup>2</sup> [Ohio Could Save Big by Implementing Bail Reform: A Fiscal Impact Analysis](#). ACLU. September 2020.

they cannot afford to pay a bond amount that would allow for their release. Alternatively, those who are offered a cash bond, and can afford it, are able to buy their way out of freedom, even if they do pose a significant risk to public safety. This does not mean financial bail has no room in the criminal justice system. However, it should not be used in a manner that overshadows risk and keeps thousands of Ohioans behind bars when they pose little to no threat of flight or to our communities.

Not only does detaining individuals pretrial due to their financial status fly in the face of the ideals our country, it exacerbates racial disparities,<sup>3</sup> increases recidivism,<sup>4</sup> and unnecessarily limits a person's economic mobility and ability to realize their full potential.<sup>5 6</sup> This is true even for short stays (a few days) in pretrial incarceration.<sup>7</sup>

It is time for our state's pretrial system to help ensure a more just, safe, and financially responsible outcome for Ohioans. SB 182 does just that. The bill, amongst other things 1) makes risk to public safety and risk of flight the primary factors in pretrial determinations rather than a person's ability to pay; 2) empowers judges to make more informed and appropriate pretrial decisions that can include more tailored conditions of release or detention when necessary; and 3) allow for bail to still be utilized when appropriate but require an expeditious determination of a person's financial situation to greatly reduce situations where individuals are detained pretrial simply because they cannot afford bail.

Not only is SB 182 the right thing for Ohio, but it is also immensely popular with Ohio voters. A recent poll performed by the Tarrance Group surveyed 800 Ohio voters on certain pre-trial reforms. The results were overwhelming:

- 67% favor "reforming Ohio's bail system so that release decisions based on individual circumstances and cases and not how much money someone has."
- 69% believe creating a release path for most people to go home on the same day as their arrest if they do not pose a flight risk and are not a threat to anyone else.
- 77% favor requiring a hearing on release options and conditions in front of a judge within 48 hours of detention.
- 65% of those polled said that the following statement mattered to them: "People who remain in jail pre-trial because they cannot afford to pay cash bail are put at risk of losing their jobs, their homes, and even custody of their children."

It is clear that Ohioans strongly support the policies in SB 182. We urge this committee to follow the evidence and the will of the electorate and support this critically important legislation.

---

<sup>3</sup> [How Race Impacts Who is Detained Pretrial](#). Prison Policy Initiative. October 2019.

<sup>4</sup> [The Downstream Consequences of Misdemeanor Pretrial Detention](#). Stanford Law Review. March 2017.

<sup>5</sup> [The Economics of Bail and Pretrial Detention](#). The Hamilton Project. December 2018.

<sup>6</sup> [The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges](#). American Economic Association. February 2018.

<sup>7</sup> [The Hidden Costs of Pretrial Detention](#). Laura and John Arnold Foundation. November 2013.

Thank you, Vice Chair McColley for sponsoring this bill along with Senator Huffman, and thank you again, Chairman, for the opportunity to speak before the committee. I'm happy to do my best to answer any questions the committee might have.

*Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit [www.AmericansForProsperity.org](http://www.AmericansForProsperity.org).*