

June 6, 2021

Rachel McKay
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Senate Judiciary Committee
Proponent Testimony
Ohio Senate Bill 182
Written Testimony Only

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

My name is Rachel McKay and I am a resident of Solon, Ohio. Thank you for the opportunity to submit proponent testimony on Ohio Senate Bill 182. I am a lifelong Ohio resident, and now a law student at Case Western Reserve University School of Law in Cleveland. I strongly support Senate Bill 182 and this long-awaited opportunity to move towards a criminal legal system that does not treat my fellow Ohioans differently based on their ability to pay.

The purpose of bail is to ensure community safety and to ensure the appearance of an accused person in court. Neither of these considerations require cash. However, under the current cash bail system there are people in jail only because they cannot pay. The median bail amount nationally is \$10,000 for felony charges, or eight months of income for an average defendant (Prison Policy Initiative, 2016). In 2016, 34% of people at the bail-setting stage received a bail amount that they could not afford. They were legally allowed to leave, but in jail only because they could not pay (Prison Policy Initiative, 2016). People then find themselves pleading guilty to get out. Non-felony cases had a conviction rate of 50% for people who were not in jail, and 92% for those who were (Billings, 2016). Felony cases had a conviction rate of 59% for people who were in jail less than one day, and 85% for people in jail more than one week (Billings, 2016). These numbers make sense in the context that jails consistently have a higher suicide rate than prisons, more than double the prison rate in 2016 (Prison Policy Initiative, 2020, citing Bureau of Justice Statistics, 2020). Moreover, I personally know people who were able to almost entirely evade contact with the criminal legal system because they could pay. This is not justice.

I am proud to live in a state that is making strides against this untenable reality. Each component of this bill is crucial and interdependent in ensuring a bail system that is focused only on safety and appearance in court, while restraining a level of unchecked judicial discretion that could backfire to increase racial disparities in pretrial release. I trust that the Senate will understand the importance of the robust language of the bill in its entirety, and I look forward to following my Ohio senators as they support this bill, not in part, but in full.

I therefore ask that you vote yes on this bill. Thank you for your time and genuine concern for your constituents.

Sincerely,

Rachel McKay