



**TESTIMONY OF:**

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**IN SUPPORT OF:**

Senate Bill 182  
*Make changes to bail*  
Senate Judiciary Committee  
June 16, 2021

Chair Manning, Vice Chair McColley, and Ranking Minority Member Thomas, and distinguished members of the Ohio Senate Judiciary Committee, thank you for the opportunity to provide testimony today in support of Senate Bill 182, which would make reforms to the state's bail system.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network, a coalition of nearly 40 organizations working collaboratively to advocate for public policy solutions that build economic opportunity for women and families. We are united by a collective vision: an Ohio in which all women, particularly women of color and low-income women, have the resources to thrive and the ability to live economically secure, safe, and healthy lives. **This vision for Ohio guides our work as a coalition, and it has shaped our interest in testifying today in support of Ohio's Senate Bill 182, legislation that would address our state's unfair and punitive bail system.**

Currently, the cash bail system imprisons people simply because they lack the ability to afford paying for their release, creating a two-track system based on wealth and denying people a presumption of innocence. Research shows that up to 60% of Ohio's jail population, equivalent to up to 12,000 Ohioans each day, are imprisoned while they await sentencing - regardless of whether or not they actually committed the crime. Nationally, almost 75% of people held in jails have not been convicted of any crime. This unjust system, which disproportionately hurts Black Ohioans and Ohioans of color, cannot stand any longer.

Everyone - regardless of their race, their place, or their income - deserves to be treated with dignity, respect, and fairness. However, justice is not blind: Racism, discrimination, and biases are pervasive and well-documented within our criminal justice system, which has led to a disproportionate number of Black and brown individuals interacting with the criminal justice system in Ohio. The intersection of race and gender creates further challenges for women of color in the system, particularly Black women who are vastly overrepresented in the criminal justice system.

These racist and discriminatory structures remain deeply entrenched within our bail system, too. The current system in Ohio disproportionately punishes and targets Black people and other people of color, as well as people from economically disadvantaged communities. For example, current risk assessments rely on criminal justice data that is steeped in racial biases and lacks oversight, rather than basing it on the case of the individual in question. According to research from the ACLU of Ohio, in Cuyahoga County, Black people are less likely to receive a personal bond and more likely to have a bond set about \$10,000 compared with white people charged with a crime in the same category. Here in Franklin County, Black Ohioans will spend, on average, more than 10 days (or 36%) longer in jail pretrial than white counterparts.<sup>1</sup> The racial disparities in Ohio track studies of large urban areas in general. Black felony defendants are over 25% more likely than white defendants to be held pretrial. Across the country, Black and brown defendants are at least 10-25% more likely than white defendants to be detained pretrial or to have to pay money bail.

The evidence demonstrates that the current bail structure is not only flawed in the ability to administer fair, unbiased treatment during pretrial, but it also perpetuates biases throughout the individual's entire experience with the system. Judges are statistically more likely to sentence to jail someone who has been detained pretrial, meaning that people who cannot afford bail are punished more heavily than wealthy defendants. A [2016 study](#) found pretrial detention to be the "strongest single factor influencing a convicted defendant's likelihood of being sentenced to jail or prison."<sup>2</sup> People who cannot afford bail are also [incentivized to accept guilty pleas](#) in exchange for release at high rates, regardless of their actual guilt or innocence.<sup>3</sup>

Even a short period of incarceration can derail the lives and futures of an individual and their family, and this is incredibly true for women who often serve as dual breadwinner and caregiver for their households. If someone is faced with remaining in jail pretrial because they cannot afford bail, they could lose their job, dismantling the economic security of their family, and costing them valuable financial resources. People who cannot afford bail also often have limited

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<sup>1</sup> <https://www.acluohio.org/en/publications/ohio-could-save-big-implementing-bail-reform-fiscal-impact-analysis>

<sup>2</sup> <https://www.vera.org/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

<sup>3</sup> <https://www.theatlantic.com/business/archive/2016/05/money-bail/484034/>

housing security; missing a single day of work or night in transitional housing could cost them their place. Lastly, many mothers have faced the loss of custody of their children as a result of failing to make their bail and being forced to remain unnecessarily in jail during pretrial.

Ohio Senate Bill 182 would make significant strides toward equality in pretrial release decisions. This legislation would allow judges to make determinations about release by relying on a defendant's level of danger or threat to the community, not their resources. It would also increase the speed with which the court handles pretrial release decisions. The bill, along with its companion legislation in the House (House Bill 315) would make the following changes to the state's bail system, with the intention of creating a more just and fair system:

- Require a court to make a preliminary pretrial release decision for the accused within 24 hours of the accused's arrest;
- Require the court to schedule a conditions of release hearing or a detention hearing to be held within 48 hours of the arrest for any person not released on personal recognizance;
- Establish a presumption that any court-imposed conditions of release would (1) be non-monetary and (2) use the least restrictive means necessary to secure the accused's presence in court; and
- Specify that monetary bail must be imposed with regard to a person's net income. The court must submit in writing any reasoning for imposing a secured bond as a condition of release. A secured bond may be no more than 25% of the accused's net income.

Plain and simple: This bill keeps people out of jail and in their communities. It moves our bail system away from prescriptive secured bond schedules, instead considering factors in a person's life that might affect court appearances, such as their jobs and caregiving responsibilities. Reforming our bail system can lead to a reduction of individuals imprisoned by our system of mass incarceration before they are able to stand trial.

While many states have attempted to remedy these issues through the elimination of cash bail, Ohio is not one of them. New Jersey, Alaska, and New York have all passed legislation to eliminate cash bail in most circumstances, though New York rolled back most of its reforms in early 2020. In February of 2021, Illinois became the first state to completely eliminate cash bail. The California Supreme Court has also ruled it unconstitutional to detain people simply because they cannot afford to pay bail.

These reforms have proven [successful in New Jersey](#), where the pretrial jail population declined by 6,000 people after their implementation. There has been no increase in pretrial crime rates and a consistently high rate of court appearances.<sup>4</sup> With Senate Bill 182, Ohio has an opportunity to

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<sup>4</sup> <https://nj1015.com/nj-bail-reform-showing-early-signs-of-success-report-finds/>

follow the lead of states that have proven the effectiveness in advancing more just reforms of the currently broken bail system. It's time for our state to reduce its reliance on cash bail and institute a presumption of release for *all* defendants, not just those with financial resources.

While we believe that there is a need to move away from overly punitive carceral solutions to address the issues facing our communities, Senate Bill 182 would make important strides in moving our bail system towards a more equitable and fair system. Every day that we fail to move this bill forward is another day where an Ohioan may be forced to lose their home, their job, or their family as a result of our unjust bail system. We urge the committee to take swift action to advance this legislation.

Thank you again for the opportunity to testify today in support of Senate Bill 182. I am available to answer any questions by email at [ryan@innovationohio.org](mailto:ryan@innovationohio.org).

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