

# BAIL POLICY PLATFORM



## OVERVIEW

Every criminal defendant is innocent until proven guilty, and yet, every day thousands of Ohioans who have not been convicted of a crime are behind bars, not because of what they have done, but because of what they don't have. The money bail system preys upon low-income individuals and sets up a two-tiered system of justice that disproportionately affects Black people and other people of color.



## THE MONEY BAIL SYSTEM SETS OFF DEVASTATING CONSEQUENCES:

People who can't afford money bail are locked up and may lose their jobs, homes, and families, all because they can't afford to secure their release – regardless of guilt or innocence.

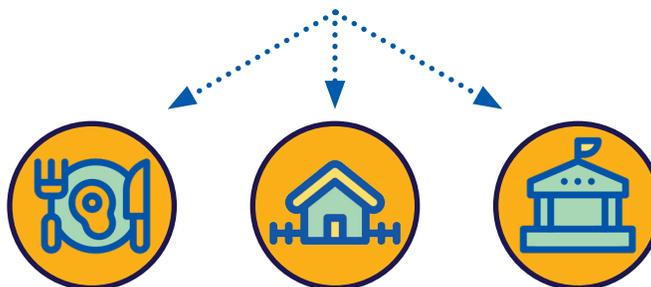


It's incredibly difficult to meet with an attorney and mount a defense while behind bars, which often results in defendants taking plea deals out of financial and emotional desperation, regardless of whether they are innocent or not.

People who cannot afford their monetary conditions of bail, and therefore remain in jail pretrial, are more likely to be convicted than people who pay their way out. They are also more likely to be sentenced to jail or prison, and their sentences are two to three times longer.



Every \$200 or \$500 paid to secure a loved one's release is money that could be better spent feeding a child, securing safe housing, or paying for school.



# ACTION

## THE REFORMS OHIOANS NEED:

All individuals should have an individualized hearing **within 48 hours** of detention with access to counsel.



There should be a **broad presumption of release** without conditions for most individuals.

If the judge determines conditions are necessary to assure the safety of a specific person(s), or organization or to avoid flight, **only the minimum conditions necessary should be set.**



Conditions can be anything from staying in the custody of a specific person, to maintaining or seeking employment, to telephonic or in-person reporting.

Reforms **should not include risk assessments**, which use proxies for race and class as predictors of risk.



**THE ACLU OF OHIO IS COMMITTED TO FIGHTING FOR COMPREHENSIVE PRETRIAL REFORM THAT RECOGNIZES NOBODY'S FREEDOM SHOULD DEPEND ON WHAT'S IN THEIR BANK ACCOUNT.**

There should be a **presumption against monetary conditions of bail.** Monetary conditions should never be used to assure public safety, because they don't. Monetary conditions should only be used if necessary to discourage flight. If any monetary conditions of bail are set, the individual's ability to pay must be considered, and a financial bond must not be set for an individual who cannot afford it.



If people are 'over conditioned' they will be set up to fail.

Pretrial services should include: court date texting/call reminders; transportation assistance.

