

Summary of "Bail Reform" forum held at Cleveland Hts/University Hts Public Library on Thursday December 12, 2019

## Experts say state needs bail reform

By JULIE HULLETT

CLEVELAND HEIGHTS — Panelists at a Thursday forum concluded that the state of Ohio is in desperate need of bail reform, a slow yet necessary process to even the scales as defendants stand before the justice system.

The Greater Cleveland Chapter of the League of Women Voters sponsored the event at the Cleveland Heights-University Heights Public Library on Dec. 12, in addition to other sponsors such as Case Western Reserve University Siegal Lifelong Learning, Heights Public Library, Ideastream and First Interstate Properties, Ltd.

Nick Castele of WCPN/Ideastream moderated the panel, which consisted of advocacy counsel for the American Civil Liberties Union of Ohio Claire Chevrier, Cleveland Municipal Court Judge Charles Patton, Jr. and Cuyahoga County Common Pleas Court Administrative and Presiding Judge John Russo.

“In Ohio, we have a two-tier system of justice in which wealthy individuals who were assigned cash bail as a condition of release get to go home to their families,” Ms. Chevrier said. “Those who don’t have deep pockets and can’t pay for their cash bail as a condition of release stay in jail.”

### **Pretrial services**

Judge Patton said that Cleveland did not have a pretrial services department two years ago. A representative from pretrial services greets people in custody directly after their arrest and gathers information such as their employment and housing status. Judge Patton said that a risk assessment tool is used to determine if the person is a risk to the community and the pretrial services department gathers that information.

He said that there are currently 90 people in Cleveland Municipal Court jail. Several years ago, there was an average 200-300 people in jail on any day, according to Judge Patton.

“During this year, we have reduced our jail population by more than 50 percent by utilizing the pretrial services,” he said.

### **Risk assessments**

Ms. Chevrier said that risk assessments cannot be objective. Although some are better than others, she said, risk assessments are based on underlying biases and criminal policing. For example, some assessments would flag defendants who live in a high crime neighborhood, which Ms. Chevrier said is criminalization of poverty. Other biases include number of former arrests and convictions, which can have racially disparate outcomes, she explained.

“There’s a lot of coercion under cash bail system,” she said. “That is not an objective measure.”

### **Closing the gap**

Judge Russo explained how Cuyahoga County Common Pleas Court works in coordination with Cleveland Municipal Court. He said that 60 percent of the felony charges in the common pleas court come from the 13 municipal courts in the county. The county court must manage 15,000 to 17,000 cases per year, he said.

Six years ago, Judge Russo said that defendants waited an average of 30 days in jail between appearing in front of the municipal court and the county court. He said that the gap is now four days because dire consequences come from being stuck in jail.

“We closed that gap for a number of reasons...[like] how it can affect someone’s life in a matter of three days, losing a car, a job, a home, whatever it might be,” Judge Russo said.

### **Moving forward**

Judge Russo was a member of the Supreme Court of Ohio’s task force on bail reform and the group published nine recommendations, including requiring a risk assessment tool and the presence of counsel for an initial appearance, considering alternatives to pretrial detention and use text or email reminders for court dates, according to the report.

Judge Russo said that Ohio needs a “centralized data-based system for criminal justice system” so every region of the state can collect and compare data equally. Judge Patton compared the costs of keeping people in jail or releasing them until their next court date.

“We are spending between \$100-150 per night per defendant in jail,” Judge Patton said. “We are spending less than \$10 for every night they’re on the street.”

Ms. Chevrier and the ACLU are advocating for “a presumption of release” unless the judge or prosecutor asks for a hearing because they notice something concerning in the facts of the case or the person’s history that could make the person a public safety risk.

Audience members and mental health professionals Dr. Megan Testa and Annette Amistadi said that the forum was informative. Dr. Tetsa of Shaker Heights, a psychiatrist at University Hospitals, said that she often works with patients who are mentally ill and need treatment rather than jail time. Ms. Amistadi of Parma said that she came to the forum to learn more about how the justice system can treat people fairly and work as efficiently as possible.

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