



CEO Action for Racial Equity Letter Supporting OH Pretrial Bill

May 20, 2022

The Honorable Robert R. Cupp, Speaker of the House
The Honorable Timothy E. Ginter, Speaker Pro Tempore
The Honorable Bill Seitz, Majority Floor Leader
The Honorable Don Jones, Majority Whip
The Honorable Cindy Abrams, Assistant Majority Whip
The Honorable C. Allison Russo, Minority Leader
The Honorable Thomas West, Assistant Minority Leader
The Honorable Jessica E. Miranda, Minority Whip
The Honorable Richard D. Brown, Assistant Minority Whip
The Honorable Jeff LaRe, Chair Criminal Justice Committee
The Honorable Andrea White, Vice Chair, Criminal Justice Committee
The Honorable David Leland, Ranking Member, Criminal Justice Committee
The Honorable Willis E. Blackshear, Jr., Member, Criminal Justice Committee
The Honorable Sedrick Denson Member, Criminal Justice Committee
The Honorable Tavia Galonski, Member, Criminal Justice Committee
The Honorable Adam C. Miller, Member, Criminal Justice Committee
The Honorable Phil Plummer, Member, Criminal Justice Committee
The Honorable Sharon A. Ray, Member, Criminal Justice Committee
The Honorable Jean Schmidt, Member, Criminal Justice Committee
The Honorable D.J. Swearingen, Member, Criminal Justice Committee

Dear members of the Ohio House of Representatives:

CEO Action for Racial Equity is a Fellowship of over 100 signatory organizations from across America, many of whom have significant presence in Ohio. Ranging from manufacturers to accountants, retailers and other suppliers, we mobilize business leaders with diverse expertise to advance public policy.

One of our key priorities is decriminalizing poverty. Simply, this means confronting the aspects of our justice system that hurt low-income and working-class communities because they lack the means to afford judicial costs. We support the passage of House Bill 315, Make Bail Changes, which aims to improve the lives of many Ohioans, strengthen our workforce, bring equity and fairness to our justice system, and save millions of taxpayer dollars currently spent on detaining people who are not a risk to public safety.

Just a few days in jail, particularly because of poverty, often has severe consequences on an individual's life including job loss, family disruption, and physical and mental trauma. At the House Criminal Justice committee hearing on May 19, 2022, other advocates provided evidence-based testimony on the impact of current pretrial policies and practices on individuals, their families, and communities. The purpose of this letter is to provide additional information on the adverse impact to businesses when individuals who do not belong in jail are held pretrial.



First, Ohio is suffering from a labor shortage and current policies on pretrial detention exacerbate this shortage by preventing thousands of Ohioans from fully participating in the economy. Specifically, they:

- **Keep Ohioans in jail before their trial unnecessarily** – On any given day in Ohio, approximately 12,600 individuals who are presumed innocent are sitting in jail pretrial.¹ Many of these people pose no public safety risk and are in jail simply because they cannot afford their bail. While sitting in jail, they cannot work and provide for their families.
- **Harm people with limited means including many workers** – Ohio’s pretrial policies impact people from all walks of life in every corner of the state. We know from the widely-reported Federal Reserve study that 4 in 10 Americans would not be able to cover a \$400 emergency expense.² This includes many hard-working employees holding essential jobs such as cashiers, nursing assistants, office clerks, servers, laborers and security guards who are trying to do right by their families.
- **Disrupt business operations** – Employees sitting in jail unnecessarily as they await trial negatively impacts business operations, including no-call, no-shows that lead to higher terminations and increased turnover and recruiting costs. Employees with a son, daughter, or other family member who is unnecessarily incarcerated also experience significant stress, negatively impacting their productivity and performance. This can make it harder for employers to provide quality goods and services.

Second, in this era of global competition, Ohio businesses have been working hard to foster and leverage diversity to help drive innovation and business success.

Current pretrial policies have a disproportionate impact on people of color. For example, given disparities in income, a disproportionately higher number of Black households may not be able to afford any amount of bail. Specifically, [61%](#) of Black households earn less than the basic cost of living compared to [34%](#) of White households.³ Furthermore, Black Americans comprise [13%](#) of Ohio’s population⁴ but represent [34%](#) of the state’s daily jail population.⁵ These policies make it difficult for many people of color to reach their full potential, thereby reducing the diversity of the overall labor pool and making it harder for businesses to hire and retain the diverse and skilled workforce needed to remain competitive.

Finally, unnecessary pretrial incarceration uses a significant amount of taxpayer dollars that could be better spent driving economic growth and development through productive investment and/or lower taxes. Passing “Make Bail Changes” could save Ohio taxpayers an estimated \$199-\$264 million annually by reducing the pretrial jail population.⁶

Ohio businesses are looking for ways to create more opportunities for all citizens to fully participate in the economy. The Fresh Start Act, which this legislature passed last year, helped by creating a path to professional licenses for those with convictions, which provides more opportunities for businesses to engage in fair chance hiring.





Passing “Make Bail Changes” will improve the lives of thousands by bringing equity and fairness to our justice system, and can help businesses maintain and build inclusive and sustainable workforces, driving economic growth and development in Ohio. CEO Action for Racial Equity applauds the leadership of Representatives Leland and Hillyer in introducing House Bill 315.

We encourage you to pass House Bill 315 and thank you for your leadership in advancing this legislation.

Sincerely,
CEO Action for Racial Equity

CC: The Honorable Brett Hillyer

Citations

¹ United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. Annual Survey of Jails, 2018. Inter-university Consortium for Political and Social Research [distributor], 2020-04-23. <https://doi.org/10.3886/ICPSR37392.v1> The data set includes the number of individuals incarcerated by race and by conviction status at mid-year. The percentage is based on the methodology provided by the DOJ in the data documentation to aggregate jail statistics at the jurisdiction level and summed over jurisdictions to form state-level estimates.

² Report on the Economic Well-Being of U.S. Households in 2020 – May 2021 (Board of Governors of the Federal Reserve System, May 19, 2021), <https://www.federalreserve.gov/publications/2021-economic-well-being-of-us-households-in-2020-dealing-with-unexpected-expenses.htm>.

³ United Way of Northern New Jersey, ALICE Ohio, 7, Used with permission of United Way of Northern New Jersey. https://www.unitedforalice.org/Attachments/AllReports/2020ALICEReport_OH_FINAL.pdf

⁴ U.S. Census Bureau, “Quickfacts: Ohio,” accessed February 23, 2022, <https://www.census.gov/quickfacts/fact/dashboard/OH/PST045221>.

⁵ The Black jail population of 34% is calculated using the raw data from United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. Annual Survey of Jails, 2018. Inter-university Consortium for Political and Social Research [distributor], 2020-04-23. <https://doi.org/10.3886/ICPSR37392.v1>.



⁶ ACLU of Ohio, “Ohio Could Save Big by Implementing Bail Reform: A Fiscal Impact Study,” 2, Sept

2020, [https://www.acluohio.org/sites/default/files/ACLUofOhio_OhioCouldSaveBigByImplementingBailReform- AFiscalImpactAnalysis_2020-0913.pdf](https://www.acluohio.org/sites/default/files/ACLUofOhio_OhioCouldSaveBigByImplementingBailReform-AFiscalImpactAnalysis_2020-0913.pdf).

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