

ACLU Ohio

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-ohio-ohio-supreme-court-criminal-rule-46-continues-fall-short-meaningful-bail-0>

Public Facing Advocacy Writing

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COLUMBUS Today the ACLU of Ohio sent a letter to the Justices of the Supreme Court of Ohio to express deep concerns regarding updates to the proposed amendments to Criminal Rule 46, the Rule of Practice and Procedure that governs bail-setting procedures for all state courts in Ohio. The ACLU of Ohio has submitted public feedback on Criminal Rule 46 twice before, reiterating the overarching concern that it lacks the procedural safeguards necessary to change bail-setting practices.

Individuals who remain in jail pretrial, compared with those arrested for the same crime who are able to purchase their release, are more likely to get convicted, be sentenced to jail and prison, and receive sentences that are two to three times longer, noted **Claire Chevrier, Policy Counsel for the ACLU of Ohio**. Unless the Supreme Court of Ohio submits another version of Criminal Rule 46 to the Ohio general Assembly, wealth-based detention will continue.

The ACLU notes that one proposed change that would have made a true difference was the previous requirement that financial conditions of release be limited to situations in which defendants pose a risk of non-appearance. The most recent version of Criminal Rule 46 now provides that financial conditions of bail be related to a defendant's risk of non-appearance, the seriousness of the offense, and the previous criminal record of the defendant.

Cash bail does not promote public safety, it simply allows wealthier individuals to pay for their release while stranding other individuals behind bars unnecessarily. The justice one receives should not depend on their zip code or whether they land before a judge who has the courage to recognize that common bail-setting practices violate the constitution, concluded **Jocelyn Rosnick, Policy Director for the ACLU of Ohio**.

[The letter is available.](#)

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