Hello Ohio,

My name is Louis and it’s my pleasure to introduce News Inside magazine to Ohio. News Inside is a free publication created in collaboration with The Marshall Project. News Inside is produced by formerly incarcerated individuals with the goal of challenging the false narratives toward people who’ve been entangled in the criminal justice system. News Inside and The Marshall Project challenge these false narratives by providing award-winning investigative journalism backed by credible data, so that you can stay informed. News Inside offers individuals who have been affected by the criminal justice system the unique opportunity to be heard and understood. Ownership of your story is a human right, and fuels the foundation of you are.

The Marshall Project understands the power and responsibilities of media and has now provided you a platform to participate in that power with media that reflects your experiences and your story.

I personally know what it feels like to receive bad information based upon a rumor circulating on the rec yard. I served 23 years straight within the Ohio prison system and earned my parole. When I was struggling to figure out how to gain my freedom, News Inside would have been a valuable resource. News Inside provides accurate information concerning new laws, spotlights on formerly incarcerated individuals who are doing amazing work within the walls and among the community.

As Outreach Manager for The Marshall Project - Cleveland I am extremely excited about Issue 15 of News Inside. This is our first issue with an Ohio insert, dealing with articles specific to Ohio. News Inside should provoke a sense of pride and excitement as you flip through the pages and explore news created to directly affect you and your situation.

Thank you for your support and enjoy the magazine. Please send feedback as to what you think and feel will improve future issues. This is an opportunity to tell our story. You now have the power to make a difference.

Louis Fields
Louis Fields is the outreach manager for The Marshall Project - Cleveland. He served 23 years in Ohio state prisons and was released on parole in October 2021.

Six Years of Bail Reform in Cuyahoga County: A Timeline

How public pressure, inhumane jail conditions and informal agreements reshaped the Cuyahoga County bail system.

By RACHEL DISSELL AND ILICA MAHAJAN

Testify is The Marshall Project’s investigation into Cuyahoga County’s Criminal Courts.

Calls for bail reform are not new in Cleveland or across the country.

More than 50 years ago, the Federal Bail Reform Act of 1966 created a new standard which favored releasing most defendants from jail in non-death penalty cases. It also added the options for judges to set conditions for release, such as electronic monitoring or drug screening.

Federal bail laws were changed again in 1984, tipping the scales back toward keeping defendants locked up pending trial. The laws also allowed judges setting bail to consider whether a person posed a danger to community safety.

The most recent push for what’s sometimes called pretrial justice started in the 2010s. The federal government supported evidence-based practices, and reform took off as journalists told stories about the toll of money bail. One of the most well-known stories was that of Kalief Browder, who spent three years at New York City’s Rikers Island before charges against him were dropped. He was released, but later died by suicide. Illinois recently became the first state to completely eliminate cash bail after a state Supreme Court decision found it is not mandated by the state constitution. (Learn more about the state of bail reform from The Marshall Project.)

The paths to bail reform elsewhere have included statewide legislation, civil rights lawsuits and systems change on the local level. In Cleveland,
the most recent push for reform started around 2016. Since then, justice system officials have discussed, debated and studied the issue. They’ve implemented some changes that have reduced the overall use of cash bail but have not eliminated it.

**August 2016**: The Plain Dealer and Cleveland.com kick off Justice for All, a series of articles looking at Cuyahoga County’s current bail system and advocating for reform.

**Fall, 2016**: The Court of Common Pleas starts to examine how bail is used across Cuyahoga County. The county works with the American Civil Liberties Union of Ohio and the national Pretrial Justice Institute to create a snapshot of people released from several municipal jails and the county jail on the same day, and to get feedback from players in the court system.

The report, completed in September 2017, found that even though the number of criminal cases filed had dropped, the number of people sitting in jail had not, and the county jail was often at capacity.

People who were released from jail on personal or money bonds had an average jail stay of 17 days.

Among defendants with a bond of $5,000 or less, 28% never posted it and remained detained while their cases were pending.

**December 2016**: Cleveland Municipal Court, the largest of Cuyahoga County’s 13 municipal courts, announces it will partner with the nonprofit Laura and John Arnold Foundation to explore using risk assessments and other tactics to reduce the use of money bail. (Full disclosure: Arnold Ventures LLC is a funder of The Marshall Project through philanthropic organizations it administers, including the nonprofit Laura and John Arnold Foundation. Under the terms of its funding, The Marshall Project has sole editorial control of its news reporting.)

**2016**: The Common Pleas Court phases in a “first appearance docket” so felony judges can more quickly review bail set in municipal courts before a case is considered by a grand jury. The goal is for defendants who post bond at the municipal court level to have a county hearing within four days, and defendants who remain in jail to have a hearing within two days. It also speeds up the appointment of attorneys.

**June-Dec. 2018**: Eight people being held in the Cuyahoga County jail die in one year from drug overdoses, medical issues, acts of violence and suicide. Many of them are being held for minor crimes or probation violations. The deaths lead the U.S. Marshals Service to investigate.

**March 2018**: Cuyahoga County Bail Reform Task Force report makes sweeping recommendations, including creating centralized booking and bail hearings and a countywide pretrial justice system that includes the 13 municipal courts and the county common pleas court. The report also recommends that judges default to setting a personal bond in certain low-level and nonviolent cases.

**April 2018-Dec. 2019**: Common Pleas Court Administrative and Presiding Judge John J. Russo changed long-standing practice by limiting private conversations between the bond commissioner’s office and police, prosecutors or defense attorneys about bail prior to arraignment. The court also started having the bond commissioner recommend personal bonds in nonviolent fifth-degree felony cases, Russo said in a 2019 letter.

**June 2018**: County leaders announce the formation of a Criminal Justice Council that includes representatives from law enforcement, prosecutors, criminal defense attorneys, local officials and advocacy groups. The council agrees to collaboratively tackle justice reform, including bail, and the treatment of defendants with mental health concerns.

**Sept. 24, 2018**: Cleveland Municipal Court launches its pretrial services program. It includes text reminders for court dates and electronic monitoring. In the first year of the program, the percentage of defendants who fail to show up for a court date is cut in half, according to the court. About 8% of defendants are charged with a new offense after their release.

**Nov. 2018**: A U.S. Marshals report finds inhumane conditions and civil rights violations in the crowded county jail. Pete Elliott, the U.S. marshal for the Northern District of Ohio, calls the jail one of the “worst in the country.”

**July 2019**: The Bail Project launches in Cleveland. It starts to post bonds for defendants and support them when they are released.

**July 2019**: An Ohio Supreme Court task force examines the state’s bail
system and makes several recommendations, including:

Make a pretrial release risk assessment tool available to all judges statewide.

Require counties with more than one municipal court to use standard bond amounts based on a defendant’s charges when a judge is not available to make a release decision.

Require defense attorneys to be present during a bail hearing if a person could be detained.

Create more alternatives to pretrial detention and collect better data on bail and pretrial detention.

**August 28, 2019:** Cuyahoga County Prosecutor Michael O’Malley puts in writing the office’s practice of not asking for cash bonds or objecting to personal bonds in lower-level felony cases that don’t involve violence — unless there’s evidence that the person is a risk to a person or the community.

**July 2020:** New statewide rules issued by the Ohio Supreme Court go into effect, requiring Ohio counties to first consider personal bonds before setting monetary bail, and for counties with more than one municipal or county court to set bail standards for all courts to use.

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**July 2020:** New statewide rules issued by the Ohio Supreme Court require courts to release a defendant on the “least restrictive conditions” that will reasonably assure the defendant will return to court, protect the safety of the community and not obstruct the criminal justice process.

**September 2020:** The ACLU of Ohio releases the results of a two-year project to determine cost savings of bail reform. The report, which included Cuyahoga County cases, also looked at racial disparities in the current bail system. An economist hired by the civil rights organization estimated the state could save as much as $264 million a year by releasing people charged with misdemeanors and most felonies instead of keeping them detained.

**November 2020:** Common Pleas Court Administrative and Presiding Judge Brendan Sheehan instructs the court’s bond commissioner to recommend personal bonds — which don’t require a payment for release — in third, fourth and fifth degree felonies cases that don’t include an allegation of violence.

**March 2021:** The ACLU of Ohio releases a report on the impact of cash bail on sentencing outcomes. The report, which included Cuyahoga County cases, finds that the longer a person sits in jail, the more likely they are to be convicted and get a lengthier jail or prison sentence.

**May 2021:** Bills introduced in the Ohio House and Senate would require courts to release defendants on a personal bond unless there is a safety risk or a flight risk. The bills also would require courts to consider the ability to pay when setting the bond amount. Legislation is backed by a broad coalition including Americans for Prosperity, ACLU of Ohio and the Ohio Public Defender. The legislation stalls.

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**January 2022:** Ohio Supreme Court rules in DuBose V. McGuffey that a judge can’t set financial conditions of bail that are higher than the amount reasonably necessary to make sure a person shows up for court proceedings, and that public safety can no longer be a consideration for monetary bail.

**June 2022:** Republican lawmakers in Ohio vote to put a proposed constitutional amendment on the statewide ballot. A majority of voters would have to approve the amendment, which would require judges setting bail to consider public safety and shift oversight of bail from the Ohio Supreme Court to the legislature.

**Nov. 8, 2022:** Ohio voters overwhelmingly decide to amend the state’s constitution to include specific factors that judges have to consider when setting bail amounts and conditions, including: public safety, the seriousness of the offense, a person’s criminal record, and the likelihood a person will return to court. This strips the Ohio Supreme Court of the authority to set bail rules and practices and gives that power to the state legislature. ■
People sentenced to prison in Ohio have several ways to shave time from their sentences. One way is to earn time credits by participating in educational, health or work programs approved by the prison. Another option is to complete an approved class or training, or by earning a diploma or certificate. Starting April 4, 2024 the maximum time a sentence can be reduced by earning credits is increasing to 15%. That would mean, for example, 1.5 years taken off a 10-year sentence. What was known as a “good time” reduction (up to 30% of a sentence) was eliminated by lawmakers in 2011.

How much credit can a person earn?

The amount of credit a person can earn by participating in educational, substance abuse, job training programs or working in prison industries will almost double under the new law. People can get prison sentences reduced by up to 15%. For example, a person serving a three-year term could earn a maximum of 164 days off. The previous maximum amount was 8% of a prison sentence, or a little over 87 days.

Before the change, Ohio prisoners were eligible to earn only about half the number of credits compared to a person serving time in federal prison. That was among the lowest in the country, according to an Ohio ACLU study.

Because credit laws have changed over time, there are many restrictions on who can earn credit, depending on the type of conviction and when the crime or conviction happened.

Most credit is earned monthly

Under existing state law, five days of credit can be earned for each completed month of a program or other approved activity. A person serving a sentence for a sex crime that happened before Sept. 30, 2011, can earn one day of credit for each month. The Bureau of Sentence Computation tracks the earned credit.

The rules say participation must be “productive.” What does that mean?

People must show up at least 75% of the time to earn credit. Credit may also be denied for behavior issues while in a program. A guilty finding by the Rules Infraction Board for misconduct means a person could be denied credit for the month.

Who decides which programs count for credit?

The Ohio Department of Rehabilitation and Correction must approve a program for it to be eligible. Not all programs are available at each of the state’s 28 adult institutions. It’s best to check if a program is eligible before participating.

Some currently approved programs include:

- Educational & Workforce
  - Adult basic literacy education
  - Pre-high school equivalency
  - HSE and high school
  - Advanced job training
  - Career-technical education
  - Apprenticeships
  - Work extension assignments
  - Career enhancement
  - Vocational programs
  - Ohio Penal Industries

- Alcohol & Drug treatment
  - Therapeutic communities
  - Alcohol and other drug treatment residential units
  - Alcohol and other drug intensive outpatient programs
  - Alcohol and or other drug treatment readiness programs
  - Alcohol and other drug recovery maintenance programs
  - Alcohol and other drug continuing care programs
  - Substance Abuse and Mental Illness (SAMI) dual diagnosis programs
  - Treatment transfer program
  - Brief Intervention Program
Not everyone is eligible to earn credit through these programs

Ohio laws that allow people to reduce prison terms have changed at least five times since 1996. Eligibility can be based on the types of convictions, and also, the date when a crime occurred or when a person was sentenced. That means if you hope to earn credit, it’s important to check before participating in a program.

In general, people serving life sentences without parole eligibility, or mandatory repeat violent offenders sentenced after July 1, 1996, are not eligible for earned credits. People sentenced to prison for a sex crime on or after Sept. 30, 2011, also can’t earn credits for sentences related to those crimes.

Other convictions that can prevent you from earning credits are:

- Murder, manslaughter and vehicular manslaughter, and felonious and aggravated assault charges
- Human trafficking-related charges
- Some sexual assault offenses, including rape, gross sexual imposition or sexual battery involving a person under 13 years of age
- Use of a firearm with a prior record of violent convictions
- Certain drug convictions
- Convictions while serving time for a parole violation

Can I earn credit for getting my high school diploma?

Yes, as long as the sentence is not a mandatory term, an offense of violence or a sex crime. For example, if a person is serving a sentence for gross sexual imposition, robbery and theft, they would only be eligible to earn time off the sentence for the theft offense. If you are eligible to earn credit, you can get your sentence reduced by three months or up to 10%, whichever is less, for earning a diploma or what’s commonly called a GED. (The total time reductions you can earn in credits or cannot equal more than 15% of your total sentence.)

Can earned credit be taken away?

Possibly. Credit for program participation awarded to people whose offenses happened on or after July 1, 1996, can be forfeited for rule violations. But only the ODRC director or someone they appoint can remove the credit. Once the credit is forfeited, it can’t be earned again. Rule violations that can lead to forfeiting some or all credits include:

- Causing, or attempting to cause, the death of another person
- Hostage taking or physically restraining another person
- Causing or trying to cause physical harm to another person
- Throwing or expelling a bodily substance or other liquid or material at another person
- Intentionally grabbing or touching a staff member or other person visiting an institution without consent
- Non-consensual sexual conduct with another person through force or intimidation
- Consensual sexual conduct or contact with another incarcerated person
- Consensual romantic contact with another incarcerated person, including kissing and hand holding.

Earned credits awarded prior to July 1, 1996, can’t be forfeited for any reason.

Are there other ways to get time off my sentence?

Yes.

- If, at sentencing, the judge grants what’s called a “risk reduction” sentence, you can be released once you serve 80% of your sentence if you complete required assessments and classes. Only some convictions qualify for this reduction.
- The ODRC director can recommend to the sentencing judge a reduction of between 5% and 15% for “exceptional conduct” or an adjustment for certain felony cases.
- ODRC can recommend what is called “judicial release” if a person has served 80% of their sentence, for people who qualify. (Most offenses of violence, life sentences, sex offenses and firearm-related offenses do not qualify.)

Illustrations by Jarett Sitter for The Marshall Project