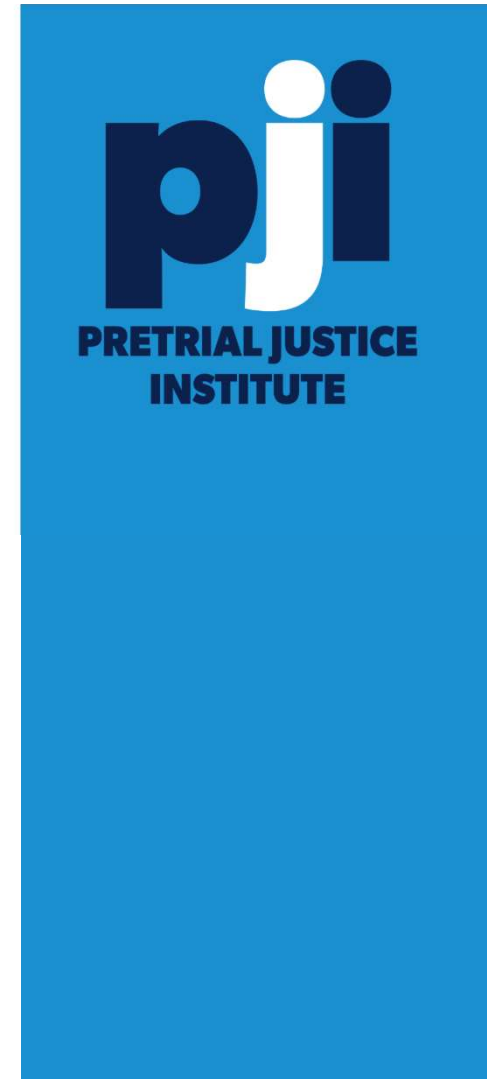


What's Happening in Pretrial Justice?

First Friday Forum,
December 6, 2019



CHANGES IN PRACTICE



2019 Election



- Opportunities to fulfill campaign promises on pretrial reform
- Shifts in state leadership could move stalled efforts

BRENNAN
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FOR JUSTICE

What 2019 State and Local Elections Will Mean for Justice Reform in America



Local Efforts Showing Impact



Philadelphia, Pennsylvania

implemented a range of jail reduction strategies, including:

- ◆ expanding diversion programs
- ◆ alternatives to money bail
- ◆ relying on civil rather than criminal code to respond to low-level nonviolent offenses.

The Result:



The city reduced its jail population by more than 40% and plans to close its oldest facility by 2020.



Local Efforts Showing Impact

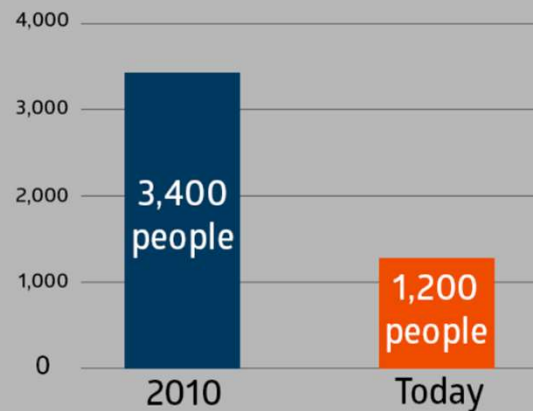


Orleans Parish, Louisiana

implemented a range of jail reduction strategies, including:

- ◆ releasing more people on their own recognizance instead of making them post money bail
- ◆ increasing the availability of public defense at first court appearance
- ◆ increasing the frequency of second bail review for people who couldn't initially post bail.

The Result:



The city reduced its jail population from 3,400 in 2010 to fewer than 1,200 today.



CA Prepares for SB10



The Judicial Council of California has identified 16 counties to act as pilot sites to improve pretrial justice practices.



North Carolina



University of North
Carolina

School of Government

Criminal Justice
Innovation Lab



North Carolina



Bail Reform for Local North Carolina Jurisdictions—Options for Each Stage of the Pretrial Process

Jessica Smith, UNC School of Government, May 2019

ARREST	INITIAL APPEARANCE	FIRST APPEARANCE	SUBSEQUENT COURT PROCEEDINGS
Citation in lieu of arrest policies	Adhere to statutory preference for nonfinancial conditions	Adhere to statutory preference for nonfinancial conditions	Enhanced court date reminder systems
Summons in lieu of arrest policies	Implement better risk assessment tools and provide a structure for pretrial conditions decision	Implement better risk assessment tools and provide a structure for pretrial conditions decision	Offer appropriate pretrial services (e.g., mental health, transportation) and supervision (e.g., check-ins) with no up-front costs to defendants
Pre-charge diversion (e.g., mental health, substance use, youth, etc.)	Require reasons for secured bond	Require reasons for secured bond	Align procedures for OFAs after FTAs with goals (e.g., check on detention before issuing OFA; judge sets conditions in OFA to avoid mandatory bond doubling when appropriate)
Data collection & reporting	Require ability to pay determinations before financial conditions are imposed on appearance bonds	Require ability to pay determinations before financial conditions are imposed on appearance bonds	Regular review of jail rolls by jail administrator or judicial official, with court hearings scheduled as needed
	Set first court date prior to officer's next court date	Timely first appearances for all defendants, including those charged with misdemeanors	Require counsel (or waiver after opportunity to consult with counsel) for time served pleas
	Data collection & reporting	Early involvement of public defender or appointed counsel in release determination, including counsel's access to defendant in jail & to prior history record	Expedited trials for detained defendants
		Require counsel (or waiver after opportunity to consult with counsel) for time served pleas	Data collection & reporting
		Hold detention bond hearings for those detained on detention bonds	
		Data collection & reporting	

LOCAL BOND POLICY

LOCAL CULTURE



Judicial District 30B

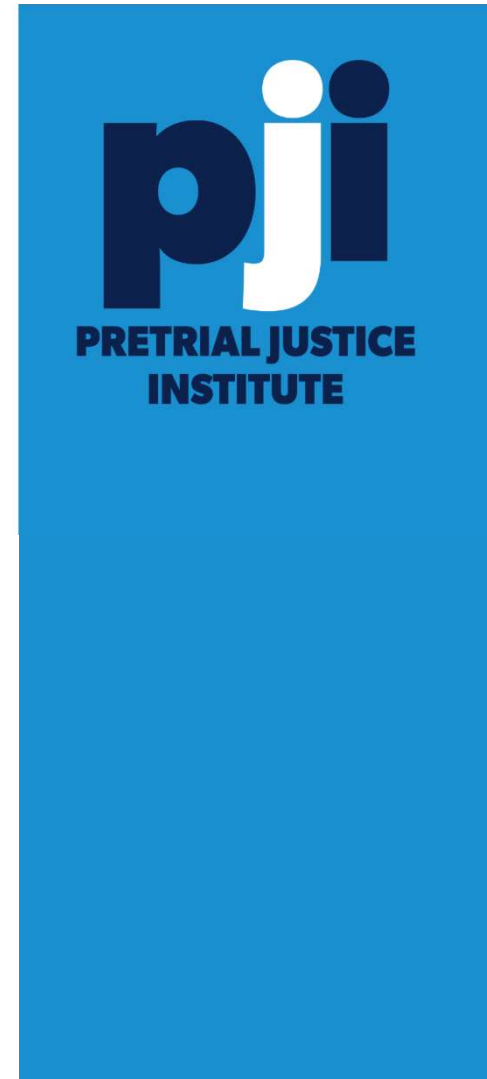


Results from a rural area:

- Increasing the number of people given non-financial conditions by 34% (Haywood) and 64% (Jackson).
- Early involvement of counsel and bond modifications.
- Use of summons in lieu of warrant increased 84%.



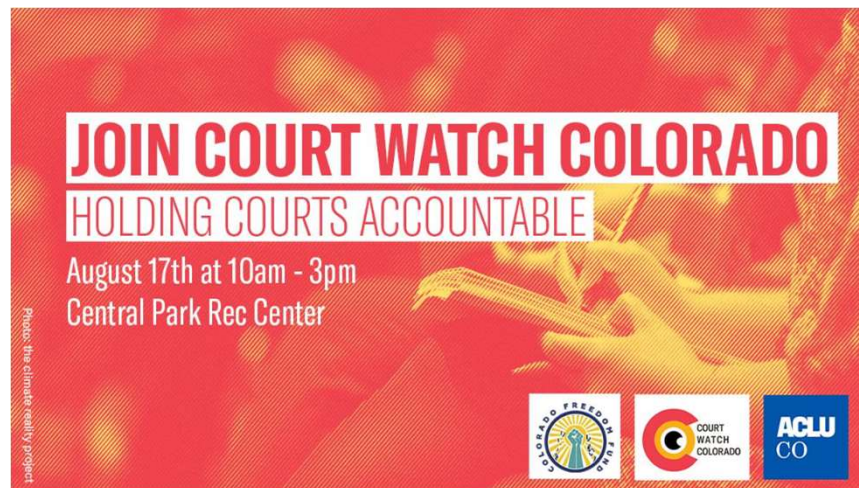
COMMUNITY AND
GRASSROOTS-LED



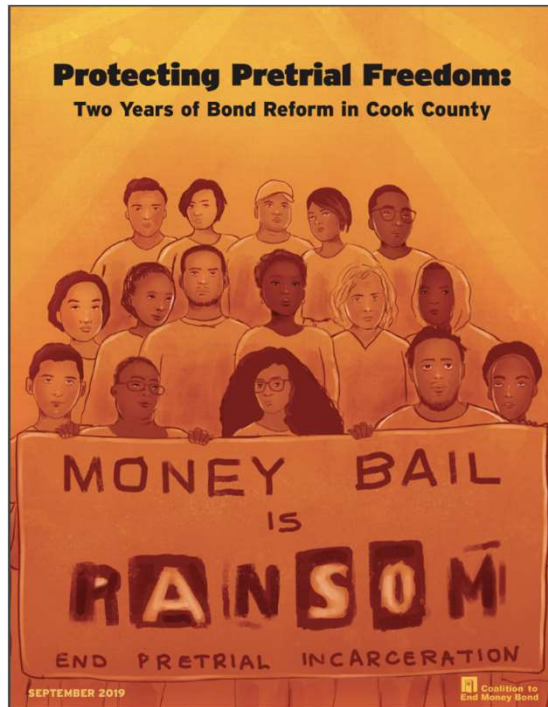
Colorado



ACLU of Colorado and the Colorado Freedom Fund launched a 10-week court watching project in the Denver-metro area.



Cook County, Illinois



In September 2017, Cook County's Chief Judge issued General Order 18.8a, designed to limit the use of money bond.

The Coalition to End Money Bond, with the assistance of over 100 volunteers, gathered data to understand the impact of the order and create accountability.



Massachusetts



Rhetoric, Not Reform

*Prosecutors & Pretrial Practices in
Suffolk, Middlesex, and Berkshire Counties*

CourtWatch MA

OCTOBER 2019



New York



Brooklyn Community Bail Fund announced it will cease operations as a revolving bail fund.



**NEW YORK IMMIGRANT
FREEDOM FUND**

a program of the BROOKLYN COMMUNITY BAIL FUND



New York

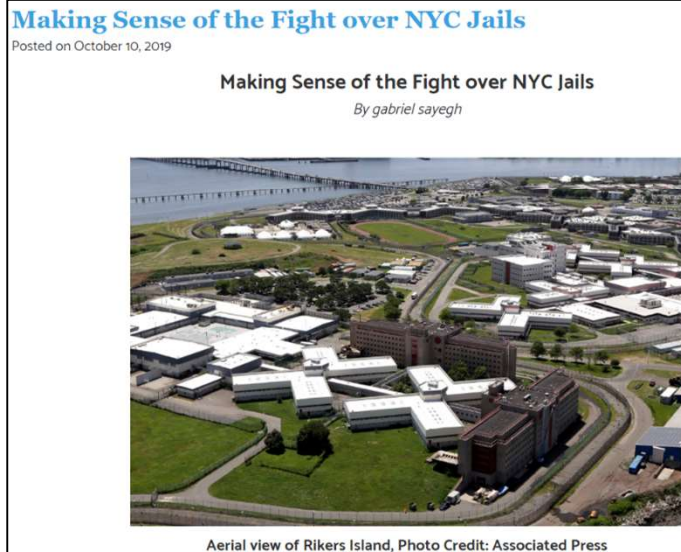


Rikers Island to be replaced with Borough Jails

The New York Times

N.Y.C. Votes to Close Rikers. Now Comes the Hard Part.

The City Council approved a sweeping \$8 billion plan to close the troubled jail complex and replace it with four smaller jails by 2026, an aggressive timeline that will prove challenging.



Activists attended the City Council vote on closing the Rikers Island jail complex. Natalie Keyssar for The New York Times

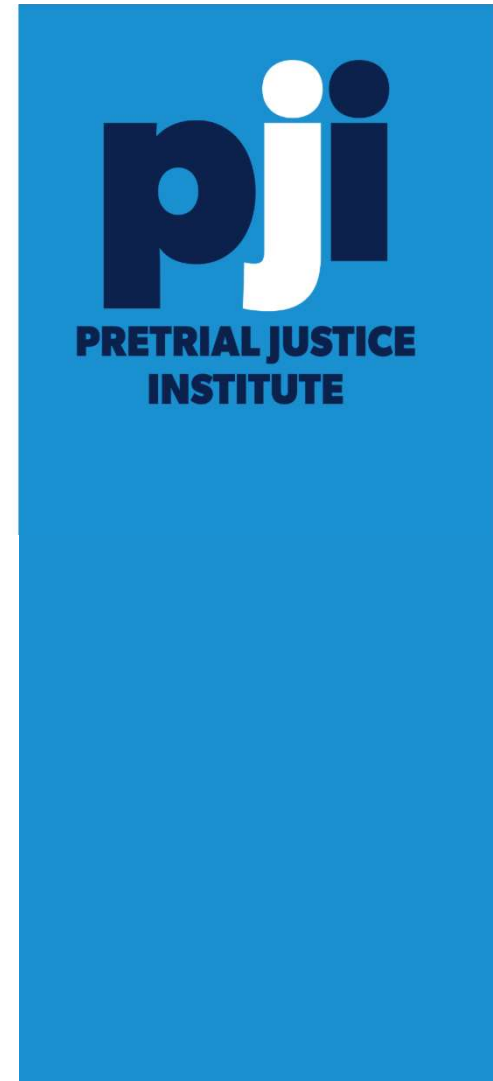
California



Los Angeles Board of Supervisors cancels a \$1.7 billion contract to replace the men’s downtown jail.



LEGISLATION



Alaska



HB49 took out many provisions of SB91:

- Presumption of release based on assessment score is removed.
- Removes 'clear and convincing' standard for pretrial detention.
- Inability to pay showing.
- Eliminates 30-day grace period for people who fail to appear.



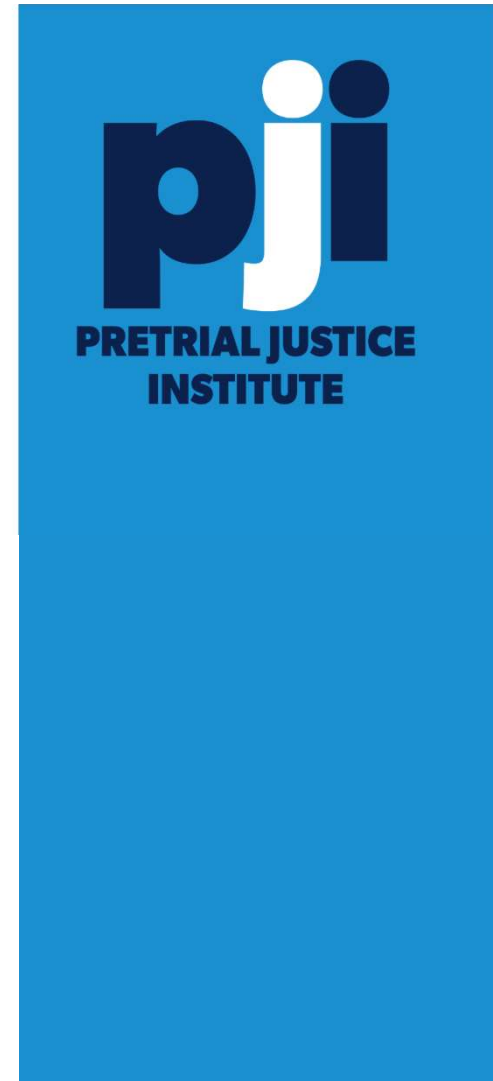
California



SB394, the **Primary Caregiver Pretrial Diversion Act**, allows courts to create diversion courts for caregivers of children under age 18.



LITIGATION



Electronic Monitoring



Arizona Court of Appeals rules that people cannot be forced to pay for their own electronic monitoring before they have been convicted. (Hiskett v. Lambert)



Challenging E-carceration



Montana



Federal court declares that provisions
of a form bail contract used by
AIA, one of the nation's largest bail insurers,
are void against public policy.



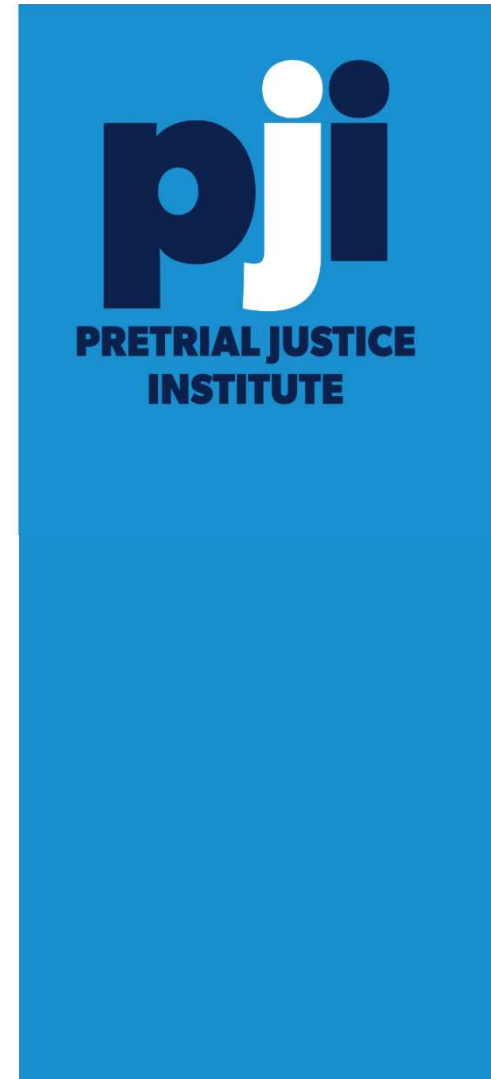
Settlements



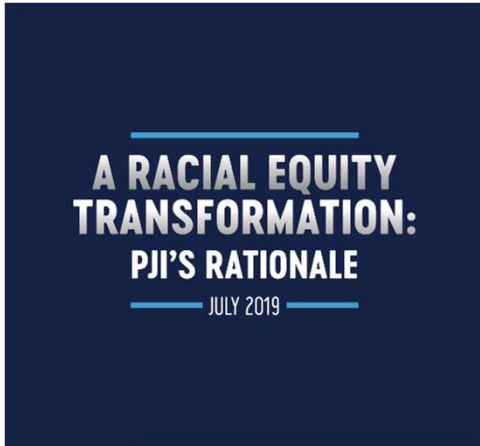
- Buffin v. San Francisco
- ODonnell v. Harris County



What's UP at PJI?



No Pretrial Justice without Racial Justice



Interaction Institute
for Social Change

10

Trying to reduce disparity without learning about racial equity and then examining structural and institutional barriers to it. (We should know, we've been trying it for decades.)

Racially disparate impacts in the criminal justice system are insidious and complex. They persist because they are built into policies and practices and reinforced through the decisions that individuals make every day. There isn't a simple fix, be it a "race-neutral" assessment, implicit bias training, or a community engagement strategy. Advancing equity is difficult work that requires deep personal reflection and education, as well as organizational and systemic change. If people and communities aren't willing to do that work, to commit to the value of racial equity and the practice of looking at things through a racial equity lens, they may actually increase disparities despite a commitment to reform.

