



FREE HEARTS

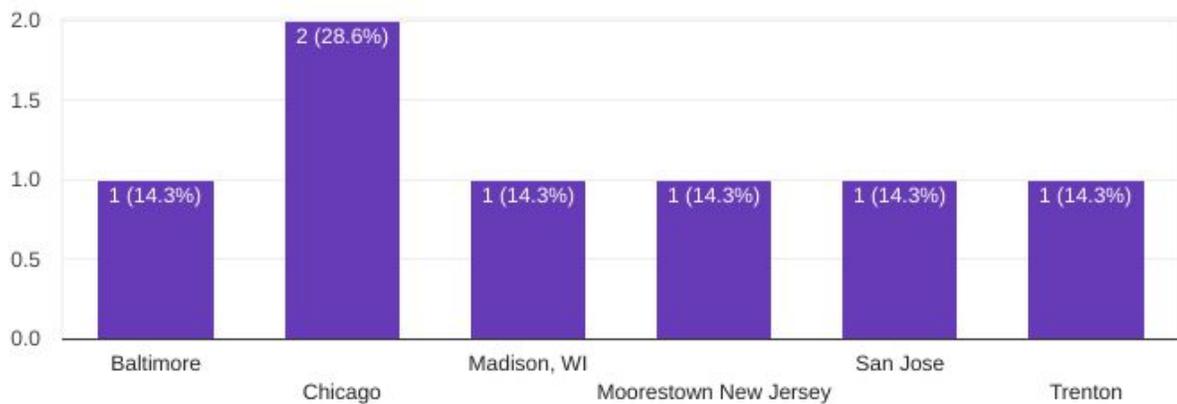
BAIL REFORM COMMUNITY REPORT

November 20, 2017

Please see the below community feedback on bail reform that has already occurred in six geographical locations across the United States. We will update this report as new responses are reported.

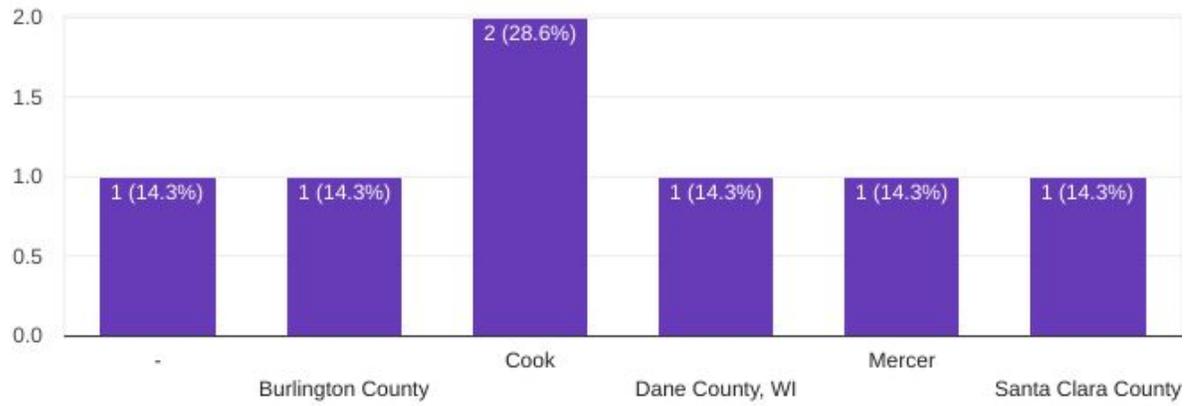
City

7 responses



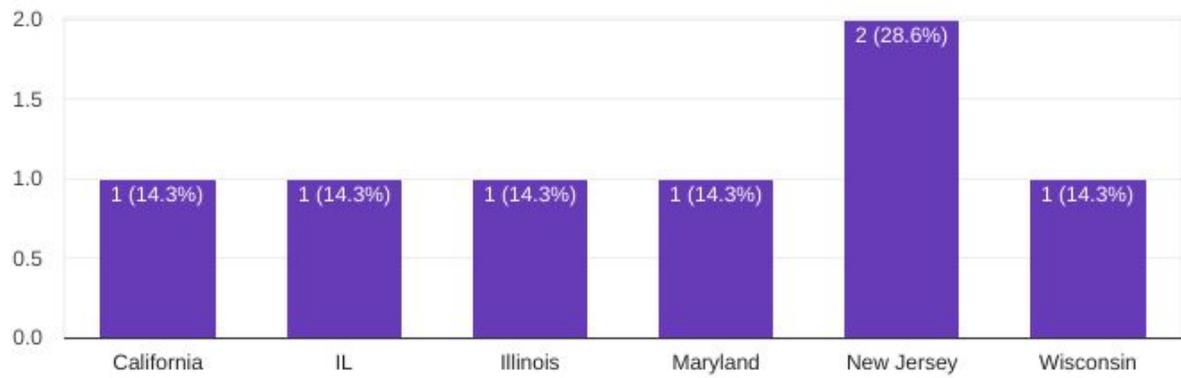
County

7 responses



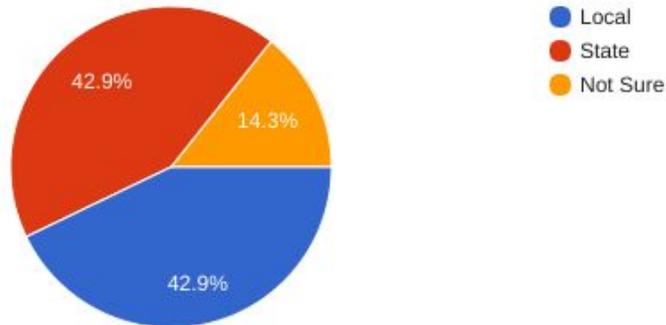
State

7 responses



Was bail reformed on a local or state level?

7 responses



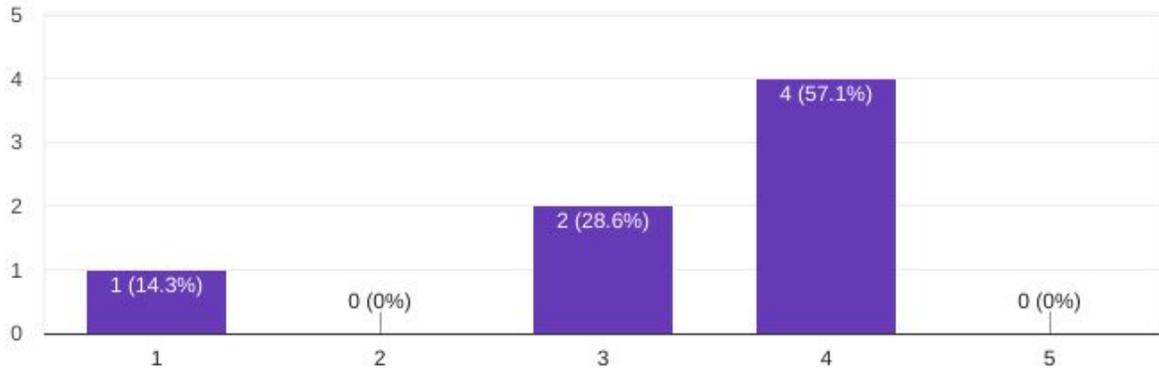
Briefly describe the bail reform that has happened in your city/state.

7 responses

Jan 1 2017 statewide bail reform. Only the most violent and flight risks are held.. Some are released on electronic monitoring. Most are just released within 24 with a court date
I marked "not sure" above, because the "reform" has not actually occurred yet. Dane County, in partnership with the Arnold Foundation, is doing a pilot here of Arnold's PSA risk-assessment tool. The pilot consists of a randomized controlled trial, where some defendants' PSA scores are given to the court for consideration, and some are not. The goal is to see if the PSA increases release decisions at bail hearings, thus reducing incarceration rates.
We had a state law passed that guaranteed lawyers at bail hearings and added "least restrictive conditions" language for conditions of release. That law did not limit judges' use of money bail in any meaningful way. We also had a local court rule that requires judges to set money bail only in amounts that people can afford, which is going well if imperfectly. The jail population has decreased by 900 people in the first 7 weeks.
Reduced reliance on money bail through: increase cite and release, increased pretrial service office, and starting Community Release Project
Effort to end money bail – won a rule change that mandates that judges stop assigning bails that people can't pay.
No More Bail being set in New Jersey, unless your crime was before the new law began January 2017
Court rule change

How do you rate the bail reform that has happened in your city/state?

7 responses



* 1=not good at all, 5=excellent

What do you feel has been successful about the bail reform in your city/state? 7 responses

Low level especially addiction based crimes are no longer held for months. Poor are not held for lack of a few dollars

Nothing. The Arnold PSA tool is a dead end that simply reinforces racial bias that is already present in the criminal justice data that it relies on, and raises questions about due process and equal protection violations. Human Rights Watch, and others, have taken a strong position against the use of *any* risk-assessment tools during bail/release hearings, including specifically the Arnold PSA tool. HRW's position is in favor of reducing pretrial detention by increasing the number of "crimes" that police can "cite and release" people for, instead of taking people to jail; and during bail/release hearings, to make as many people "bailable" as possible by limiting preventive detention to individualized full-blown adversarial hearings where evidence is considered about a specific individual's intent to evade court or commit new harms in the community. HRW recommends doing away with all data-driven risk tools, because it simply recreates population-based profiling that judges do in their heads currently. See a short statement of HRW's position at the first link below, and a detailed discussion in the chapter on risk assessment in the second link below.

<https://www.hrw.org/news/2017/07/17/human-rights-watch-advises-against-using-profile-based-risk-assessment-bail-reform>

<https://www.hrw.org/report/2017/04/11/not-it-justice/how-californias-pretrial-detention-and-bail-system-unfairly>

Decreasing jail population, right to counsel, "least restrictive conditions" language, and turning money bond from the main cause of detention into a mere condition of release. ALSO there was no corresponding punitive change, such as an increased power of preventative detention.

That we have started some implementation – and more importantly, they approved the Community Release Project (which hasn't been initiated yet)

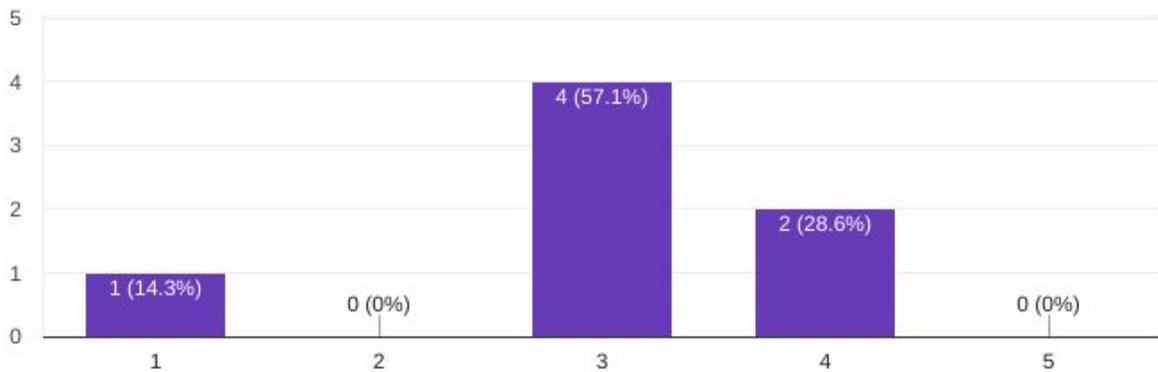
The rule change happened!! And more and more people are getting out of Cook County Jail as a result.

its no longer about the money, and folks are being release on the OR, but i think we need to work on those who may have a prior incident, will be held with no bail, until pretrial hearing..

noticeable reduction in the use of monetary bonds

How do you rate the successes of the bail reform in your city?

7 responses



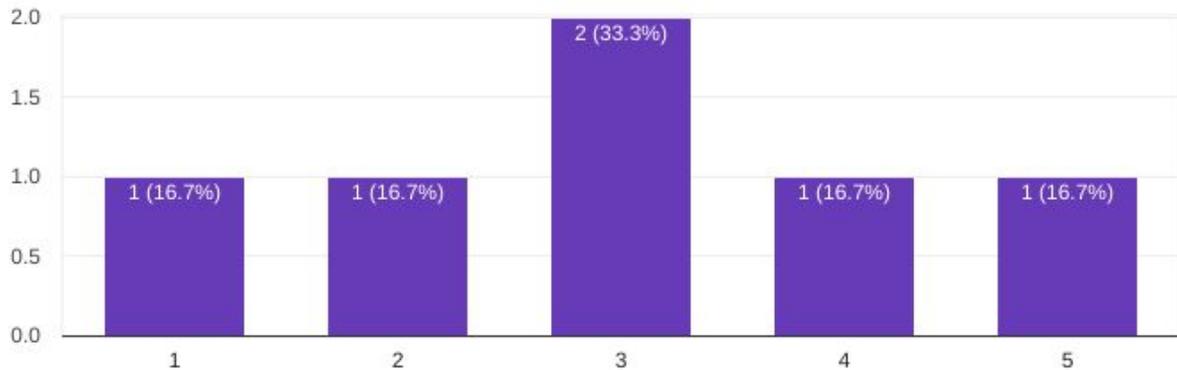
* 1=not very successful, 5=extremely successful

What do you feel has been a failure about the bail reform in your city/state? 7 responses

<p>There have been errors obviously but they are very heavily publicized. The opponents have their own FB page and point out any crime committed by someone out on reform. The Bond industry has political clout here so that is still a fight. It APPEARS some prosecutors are over charging to try to hold people now-10 months in...</p>
<p>See notes in earlier answer.</p>
<p>Implementation has been uneven and varied widely according to judge. It's also hard to get information about what is happening since there is no transparency even though the courts are collecting data on bond court outcomes.</p>
<p>It still relies on judge's determination</p>
<p>The rule change just happened, so I wouldn't say "failure," but so far, there are some judges that aren't following the new rules.</p>
<p>people who may previous charges still in limbo waiting out in the county jail, if you have a pending case that has not been heard yet, and you catch another charge they will not release you on the OR, the use the risk assessment to determine if your a threat.. I think that is flawed and holding people in jail with out being indited and found guilty...</p>
<p>no mechanisms in place to prevent against those who would have been given a high bail to now being detained without bail (i.e. insufficient pretrial services)</p>

How do you rate the failure of the bail reform in your city/state?

6 responses



* 1=epic fail, 5=not very problematic

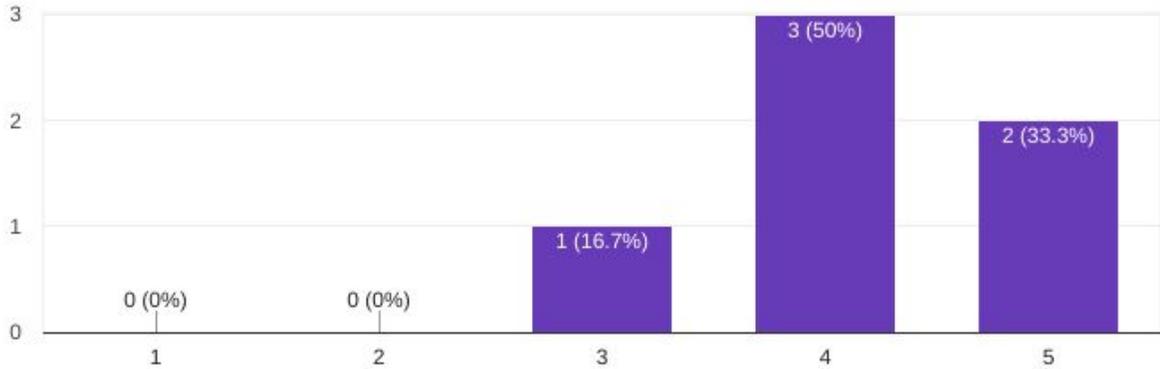
What is the top thing that you would change about the bail reform in your city/state?

6 responses

I am pretty pleased at this point
End the pilot test of the Arnold PSA tool. Pass a local County ordinance to prevent Dane County courts from using any data-drive risk assessment tools. At the state level, pass state legislation to eliminate money bail and move to a system of expanded "cite and release" and bail/release hearings driven by individual evidence of flight or danger.
Making the affordable bail requirement permanent and statewide such as through a supreme court rule change.
Not make it have a "bail schedule"
Since NJ passed No money bail we have seen a reduce in our jail numbers.
increase funding for pretrial release services; employ educational training to judges and other stakeholders; change the preventive detention statute and limit the crimes in which someone may be detained

How do you rate the top thing that you would change about the bail reform in your city/state?

6 responses



** 1=if this one thing is changed, there would still not be much change, 5=if this one thing is changed, I would be happy with our bail reform*

Is there anything else that you want to say? 4 responses

#EndMoneyBail #AbolishPretrialDetention #FreeThe350BailFund

Thank you for putting this together and offering to share it!

The state bill "SB10" would change alot if it stays as written and passes.

Look at the risk assessment form and revamp it...