

"There has never been a time more ripe than now to bring commonsense pretrial to our country. Families and communities have the right to expect our systems to work, and those who work in the system have the vision and commitment to see this through. We can take what we have seen work and accelerate progress throughout the whole country, state by state. We can do this."

— Cherise Fanno Burdeen, Executive Director, Pretrial Justice Institute



The Pretrial Justice Institute is a national organization working for safe, fair and effective pretrial justice by promoting reforms in arrest, bail, and diversion decision-making. We support the use of data-driven, evidence-informed practices and policies across the juvenile and adult pretrial justice system in order to eliminate outcomes that are influenced by race, gender, social class or economic status. Moreover, we support juvenile and adult pretrial detention only in cases where due process has determined that no conditions exist that would reasonably assure appearance at court and community safety.

PJI has spent over 35 years working directly with local jurisdictions and practitioners in the justice system. Over the past six years, PJI has expanded its approach to include state based advocacy resulting in successfully fighting legislation in nearly 20 states that would endanger public safety and erode constitutional rights. At the same time, the economy has provided motivation to counties and states needing to decrease correctional spending.

The Human and Financial Costs of Unnecessary Pretrial Incarceration

Sandra Johnson of Las Vegas, Nevada, a mother of one and recent parolee, was pulled over for expired tags. For reasons unknown to her she was arrested on a "no-bail bench warrant." After spending 17 days behind bars, the court finally realized the warrant was a mistake and released Sandra. During those 17 days, she lost her new job, lost her car because she couldn't afford the \$1300 needed to release it from impound, and was separated from her daughter.

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In Lubbock, TX, Leslie Chew, a homeless handy man living out of his car, attempted to steal some blankets to stay warm. Not able to pay his \$3,500 bond or even 10% to a bondsman, Leslie spent more than 6 months behind bars waiting to confess guilty in front of a judge, at a cost of over \$7,000 to taxpayers in jail costs.

The Problem

On any given day, nearly half a million people sit in jail, primarily because they lack even the minimal funds needed for release. They remain incarcerated at the public's expense at a cost of over \$9 billion a year. To make matters worse, PJI reports show that these individuals receive much harsher sentences than if they would have been released under an evidence-based pretrial system.

Nearly 85% of jurisdictions do not have evidence-based pretrial practices which results in the mass incarceration of those too poor to purchase their release. There is a lot of work to be done.

The Solution

PJI is dedicated to changing the way communities deal with crime and people at the front-end of the criminal justice system. Our staff are nationally and internationally recognized experts in the field, and publish more on pretrial justice than any other organization in the world.



Pretrial justice reform has profound implications beyond the bail decision. Law enforcement policies encouraging the use of summons/ citations in lieu of arrest, appointment of counsel at first appearance and screening of arrest charges prior to initial appearance are all crucial elements of a fair, safe and effective justice system but unfortunately each remain the exception rather than the norm in our courtrooms.

Communities are starting to demand and implement evidence-based pretrial justice practices. A 2010 study of over 50,000 pretrial release decisions and outcomes in the Commonwealth of Kentucky, a state where commercial bail bonding for profit is outlawed, found that 74% of defendants were released pretrial. These released defendants had a court appearance rate of 92% and a re-arrest-free rate of 93%. In the District of Columbia, where commercial bail bonding agents do not operate, similar results are found. In places like Mecklenburg County, NC and Camden County, NJ, bail reengineering projects are reducing jail populations by a third without any corresponding increase in failures to appear or pretrial re-arrest.

PJI does its work through the publication of groundbreaking research, aggressive media campaigns, strategic advocacy for policy reform, and training in best practices.

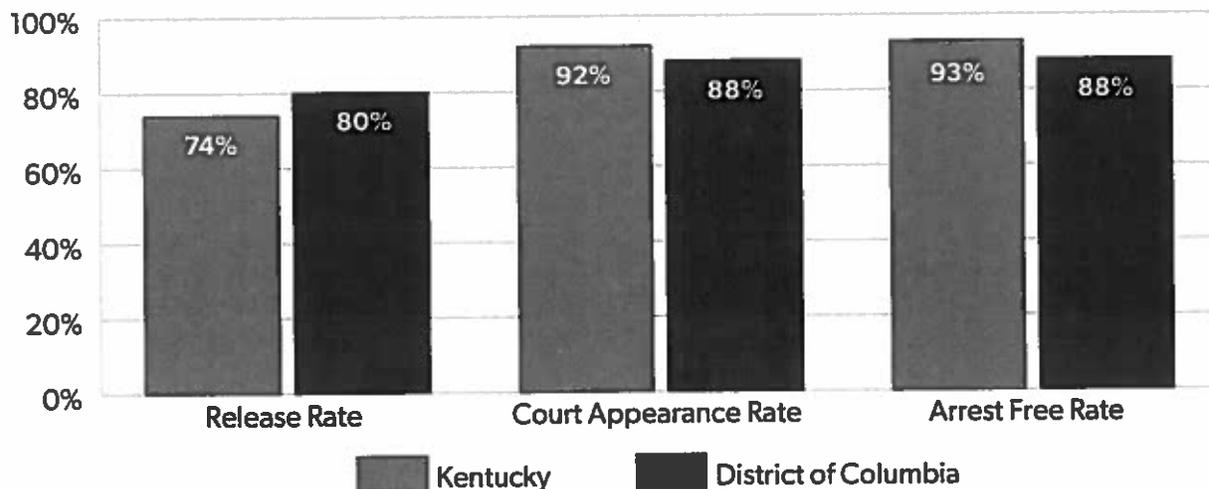
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Ray Henderson, a father of three boys, sat in a Lubbock County jail for forging a check. Not able to make his \$500 bond, he remained in jail for over four months, costing taxpayers over \$5000. If he had been released, lawyers say he would most likely have received a sentence of "time served" and probation and be able to return to his sons. But in jail, he had little bargaining power and nothing to show for himself. Prosecutors offered Ray a prison sentence of seven years, not only costing Ray seven years away from his three sons, but seven years more of taxpayer dollars to pay for his incarceration.

Moreover, we work to achieve our mission by moving policymakers and justice system stakeholder to adopt and implement practices and policies through:

- Educating key stakeholders and moving them to action
- Working in key states to advocate for change
- Developing messages, stories, and media coverage in support of change
- Connecting local jurisdictions to research based technical assistance

Two Jurisdictions with Pretrial Justice Reforms



Pretrial Justice “must be grounded in rational and transparent risk assessment—built on evidence-based tools, and predicated on the presumption of innocence.”

—Eric Holder, U.S. Attorney General

This is what we want in every community

- Issuance of citation or summons in lieu of custodial arrest when appropriate. We want the justice system to use established, objective criteria to select defendants who can be issued a citation to appear in court in lieu of a custodial arrest.
- Prosecutorial review of cases before initial appearance. We want the case to proceed to initial appearance after receiving a timely and careful screening by an experienced prosecutor. This is to assure that the charge that goes before the court at that hearing is the likely charge on which the prosecutor is moving forward.
- Defense representation. We want all defendants to be represented at initial appearance by attorneys who argue for release on the least restrictive conditions needed to assure safety and appearance.
- Release decision criteria. We want all release decisions to be based upon validated objective assessments of risk to public safety and appearance in court, with non- nancial conditions of release based on the identi ed risks and the law.
- Elimination of Bond Schedules. We want to stop the disenfranchisement of the majority of those arrested, who are too poor to pay for their release, and to limit the unfettered release of those who have the means to purchase their freedom.
- Supervision of pretrial release conditions. We want conditions of risk and need-based, non- nancial release to be ordered by the court and accountably supervised. Such conditions could include job training, substance abuse treatment, and supervision by a case manager.
- Court date reminder procedures. We want every defendant to receive a reminder about upcoming court dates.
- Detention. We want a system where both danger to the community and ight are legislated considerations of bail. Additionally, defendants found to pose unmanageable risk should be detained prior to trial as the result of legislated due process, which includes speedy trial provisions for those detained.
- Measuring performance and outcomes. We want comprehensive data regularly kept, captured and reported on outcome and performance measures of pretrial justice. Research should be conducted to identify evidence-informed practices.

Contact Information

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“For the poor, bail means jail.”

*—Conference of State Court Administrators
White Paper, endorsed by
the Conference of Chief Justices*

