

Continuing the Conversation: Unintended Consequences of Pretrial Reform

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Poll Question

Did you participate in the initial Unintended Consequences session at the Network Meeting?

- a) No, I did not
- b) Yes, I did, but I could use a refresher
- c) Yes, I did, and I'm ready to take the conversation to the next level

Unintended Consequence #1

**Expanded use of citations with no
court appearance support or case
processing reform**

Poll Question

In my jurisdiction, there is almost always a financial cost associated with pretrial release.

- a) Agree
- b) Disagree

Unintended Consequence #2

**Financial conditions of release —
and we're not just talking about
secured money bond**

In Your Jurisdiction...

What are the conditions put upon those who are booked and released?

Unintended Consequence #3

Setting unnecessary conditions for those given citations or booked and released from jail

Unintended Consequence #4

Use of non-financial bail conditions initially, but setting of money bond after violations

Poll Questions

Are you using a validated pretrial assessment tool in your jurisdiction?

- Yes/No/Don't Know

Has the assessment been validated locally in the past three years?

- Yes/No/Don't Know

Have you modified the tool from its original validated version?

- Yes/No/Don't Know

Unintended Consequence #5

Use of non-locally-valid or valid-but-modified assessment tools

Poll Question

My jurisdiction is able to match people released before trial with the least restrictive conditions necessary to assure they remain in the community crime-free.

- a) Yes
- b) No
- c) Don't Know

Unintended Consequence #6

No tool? No problem! Courts and communities still need a way to evaluate bail conditions.

Poll Question

I know what my state constitution says about pretrial detention eligibility

a) Yes

b) No

Unintended Consequence #7

A wide, deep, long detention net

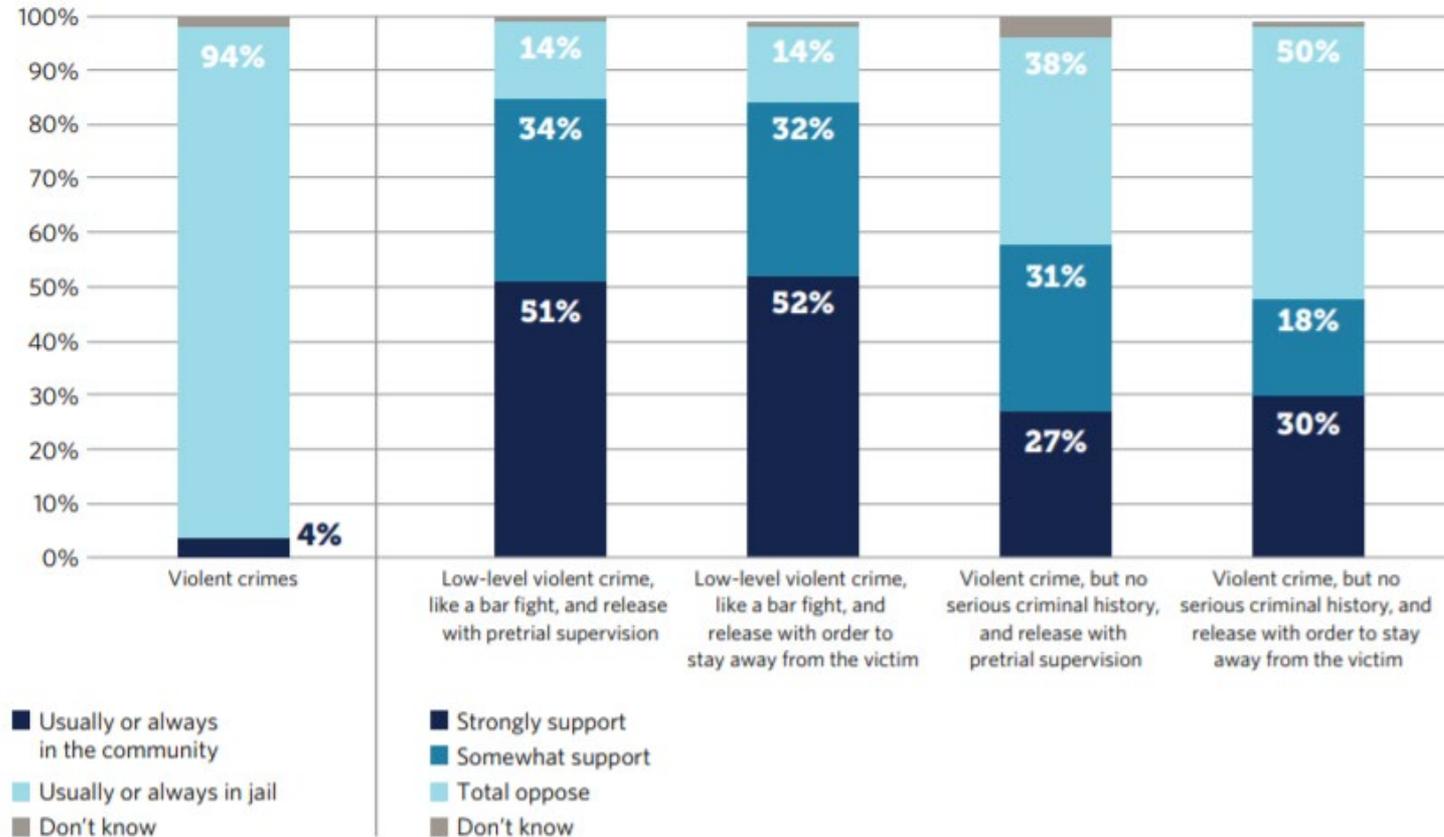
Poll Question

The public is in favor of detaining those accused of violent crime before trial.

- a) True
- b) False
- c) It depends

Nearly All Americans Prefer Pretrial Detention for Violent Offenses but Support Alternatives in Some Cases

Should people accused of these types of crimes generally remain in the community or be locked up in jail until their trials end? Would you support or oppose their release under the conditions shown?



Unintended Consequence #8

**Harsh (or hidden) exceptions to
“reformed” processes**

Unintended Consequence #9

**Mitigating racially disparate
impact(s) at only one decision
point**

Unintended Consequence #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.)

**HELP US PICK THE NEXT
TEN...**

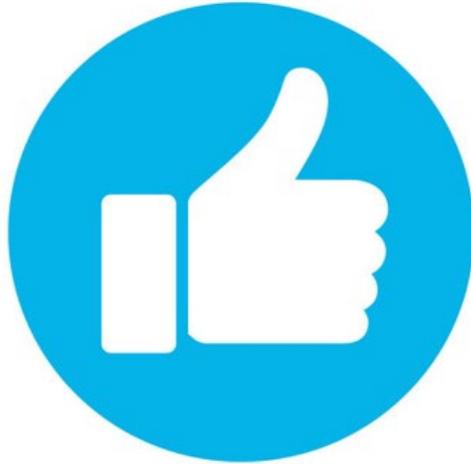
Is This Justice?

**Increasing pretrial release without
expanding community supports**



Is This Justice?

**Asking the system what the
community needs**



Is This Justice?

**Electing reformers without
accountability for change**



Is This Justice?

Replacing jail buildings with electronic jails



Is This Justice?

Ignoring the fine print



Is This Justice?

**“Deflecting” or “diverting” people
who aren’t eligible for arrest**



WHAT ELSE IS ON YOUR LIST?

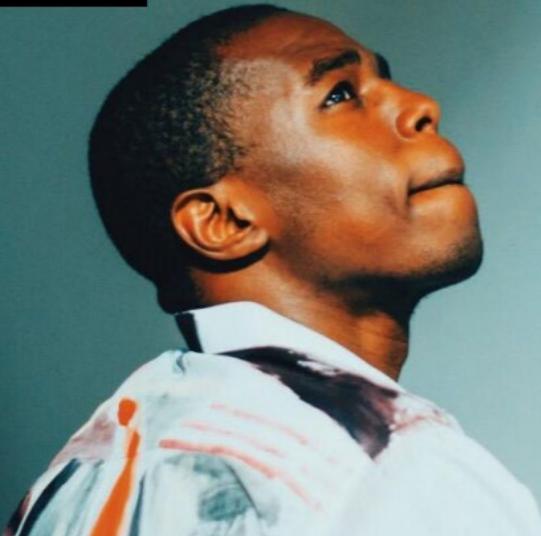
Looking for More?

RACIAL EQUITY TRANSFORMATION: PJI'S RATIONALE
JULY 2019

The Leadership Conference on Civil and Human Rights
CIVIL RIGHTS CORPS

Vision for Justice 2020 and Beyond:

A New Paradigm for Public Safety
Overview • September 2019



THIS AIN'T JUSTICE

10 Pretrial Reforms with Unjust Consequences

incarceration as an injustice.

thinking about what's needed to achieve liberty, equity, and safety.

ings that may seem like "reform" but are not.

d practices that "ain't justice." How many do you see in your system?

Citations with no court appearance support reform

d by law enforcement can reduce custodial arrests and the jail stays. However, without court date information and attention paid by the courts to the timing and number of people cited may fail to appear, resulting in warrants, and future "risk" scores.

Release — and we're not just talking

y-driven detention, but it's not the only reason denied. When people are required to pay fees for or other conditions of release, those who don't pay go to jail. Often, these fees are ongoing, so even if they pay, their community can have their liberty revoked due to non-payment.

Those given citations or booked

for preventing unnecessary jail stays are likely to be detained by a judge or prosecutor. Those cited by law enforcement or jail are not. Once again, an opportunity for reform is lost. "Risk" scores.