



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

September 8, 2017

Hon. Kamala Harris
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Hon. Rand Paul
United States Senate
167 Russell Senate Office Building
Washington, D.C. 20510

RE: Pretrial Integrity and Safety Act of 2017 (S.1593)

Dear Senator Harris and Senator Paul,

We write to express our support for your bill, the Pretrial Integrity and Safety Act of 2017 (S.1593). By offering states the resources necessary to reform the practice of money bail, this important legislation will ultimately improve public safety and strengthen our criminal justice system.

As current and former leaders in law enforcement, we know from experience that conditioning freedom on someone's ability to pay for it does not enhance public safety. Under money bail systems, nearly half of violent offenders buy their way into unsupervised release.¹ Too often, those who cannot afford bail are people who were arrested for nonviolent offenses. Thus, we spend taxpayer dollars to keep them behind bars while dangerous individuals quickly return to our streets. The Pretrial Integrity and Safety Act would support states to adopt research-based pretrial risk assessments that would reform money bail systems, allowing us to keep high-risk offenders in jail and save resources, choosing when to best use our resources to incarcerate low-level offenders.

Oversized jail populations cost taxpayers billions annually, further drawing law enforcement resources away from apprehending and prosecuting violent offenders. Since 2000, detainees awaiting trial have accounted for 95 percent of national jail population growth.² Approximately 450,000 jail inmates are currently awaiting trial at any given moment, costing taxpayers approximately \$38 million per day, for a total of \$14 billion annually.³ Moving away from money bail can help our police officers and prosecutors focus their attention on keeping violent criminals off the streets. Pretrial Justice Institute estimated that instituting bail reform could result in roughly \$78 billion in savings a year – resources that can be redirected to law enforcement fighting violent crime.⁴

Many states have initiated this effort. Kentucky, for example, has required judges to use pretrial risk assessments to determine pre-trial decisions since 2011, resulting in the pre-trial release of about 70 percent of arrestees, while saving the state approximately \$25 million in one year.⁵ In California, Santa Clara County law enforcement implemented the use of pretrial risk assessments in 2014, resulting in the release of 1,400 defendants from jail in 2014 and savings of approximately \$31.3 million within six months.⁶ Despite the increase in pretrial releases, the county's impressive 95 percent court appearance rate remained, and 99 percent of released defendants were not re-arrested on new charges.⁷

As more states join the national movement of bail reform, it is crucial that they have federal support — especially those states that have high incarceration rates, but lack the funding necessary to reform their money bail systems. As law enforcement who have fought on the front lines against violence, we support your bill, the Pretrial Integrity and Safety Act of 2017 as a vital step toward prioritizing public safety.

Respectfully yours,

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Chairman, Law Enforcement Leaders to Reduce Crime & Incarceration
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Executive Fellow, Police Foundation
Former Police Chief, Greenville, North Carolina

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Thomas Wine
Commonwealth's Attorney, Jefferson County, Kentucky

¹ ARNOLD FOUND., DEVELOPING A NATIONAL MODEL FOR PRETRIAL RISK ASSESSMENT 1 (2013), http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf.

² TODD D. MINTON & ZHEN ZENG, BUREAU OF JUSTICE STATISTICS, JAIL INMATES AT MIDYEAR 2014 1 (2015), <https://www.bjs.gov/content/pub/pdf/jim14.pdf>.

³ NATALIE R. ORTIZ, NATIONAL ASSOCIATION OF COUNTIES, COUNTY JAILS AT A CROSSROADS 2 (2015), http://www.naco.org/sites/default/files/documents/County%20Jails%20at%20a%20Crossroads%20-%20Full%20Report_updated.pdf.

⁴ Shima Baradaran Baughman, *Costs of Pretrial Detention*, 97 B.U. L. Rev. 1, 30 (2017) <https://www.bu.edu/bulawreview/files/2017/03/BAUGHMAN.pdf>.

⁵ ARTHUR W. PEPIN, CONFERENCE OF STATE COURT ADMINISTRATORS, EVIDENCE-BASED PRETRIAL RELEASE 8 (2012), <http://cosca.ncsc.org/~media/Microsites/Files/COSCA/Policy%20Papers/Evidence%20Based%20Pre-Trial%20Release%20-Final.ashx>; DEPARTMENT OF PUBLIC ADVOCACY, THE ADVOCATE, KENTUCKY PRETRIAL RELEASE MANUAL 32-33 (2013), https://dpa.ky.gov/Public_Defender_Resources/Documents/PretrialReleaseManualExternal102814REDUCED.pdf;

Charlotte McPherson, *Pretrial Supervision, Like Detention, Should Be Carefully Limited*, PRETRIAL JUSTICE INST., July 19, 2016, <http://www.pretrial.org/pretrial-supervision-like-detention-carefully-limited>.

⁶ COUNTY OF SANTA CLARA BAIL AND RELEASE WORK GROUP, CONSENSUS REPORT ON OPTIMAL PRETRIAL JUSTICE 44 (2016), <https://www.sccgov.org/sites/ceo/Documents/bail-release-work-group.pdf>;

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BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA MANAGEMENT AUDIT DIVISION, MANAGEMENT AUDIT OF THE OFFICE OF PRETRIAL SERVICES 11 (2012), www.sccgov.org/sites/bos/Management%20Audit/Documents/PTSEFinalReport.pdf.

⁷ COUNTY OF SANTA CLARA BAIL AND RELEASE WORK GROUP, CONSENSUS REPORT ON OPTIMAL PRETRIAL JUSTICE 6 (2014), http://www.courts.ca.gov/partners/documents/pdr-ca-sc-brwg_appendices.pdf.