

A Call for Reforming the Nation's Costly Pretrial Detention System

NEWS FROM WASHINGTON



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Offering judges a more scientific basis for deciding who can be released before trial was among the suggestions for changing the \$9 billion jail system at a blue-ribbon conference in Washington, headed by Attorney General Eric Holder.

A chorus of critics from Attorney General Eric Holder on down assailed the money bail system in the United States at a two-day pretrial justice conference that ended yesterday in Washington, D.C. Many

of the hundreds of thousands of inmates in county jails awaiting trial are accused non-violent, nonfelony offenders who are behind bars only because they can't afford to post the bail required to get out—often just a few hundred dollars, Holder said.

The conference was sponsored by Holder's Justice Department, along with the nonprofit Pretrial Justice Institute, partly in memory of a similar event organized by Attorney General Robert Kennedy in 1964.

The jail system costs 9 billion taxpayer dollars annually, much of which could be saved by using recognized tools to measure the risks that a defendant will not return for required court appearances if released, Holder and other speakers contended.

Experiments in helping judges make better decisions on who can safely be released before trial are under way in several jurisdictions around the U.S., but the prevalent bail system based on money, in which insurance companies collect from defendants bail amounts set by judges in return for ensuring that the suspect returns to court are entrenched in most courts, "like a creature that will not die," complained Judge Truman Morrison of Washington, D.C.

Morrison said the system is unscientific and that most judges "guess" in setting bail figures. "It's utterly random," he said.

About two-thirds of the nation's 3,000 counties lack organized pretrial services programs that use evidence-based approaches to handling pretrial releases, said Assistant Attorney General Laurie Robinson, whose agency supported the conference.

Attendees represented a broad swath of the criminal justice system, including prosecutors, defense attorneys, and jail administrators. They made a long list of suggestions to improve the system, including thorough evaluations of new pretrial detainees and better decisions by prosecutors on filing appropriate criminal charges earlier in the process.

Judge William Dressel, president of the Nevada-based National Judicial College, called for "transparent" decision making by judges—"letting the accused offender know what happened [in setting bail] and why it happened." A representative of the bail bond industry, Dennis Bartlett of the Virginia-based American Bail Coalition, appeared on one panel but did not speak in the conference's concluding session.

Although funds for new criminal justice programs are scarce, some speakers suggested that the current economic picture should be an incentive to adopt more cost-efficient programs.

"There is a moment here we should take advantage of," said Michael Jacobson, president of the Vera Institute of Justice, which advocates improved pretrial release programs. Jacobson urged advocates to focus public attention on "the unnecessary, harmful incarceration of people who can't afford" to gain release.

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