



1050 17th Street, N.W.
Suite 1150
Washington, DC 20036
202.525.5717

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**U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050
Phone: 202-224-5225**

RE: The Pretrial Integrity and Safety Act

Dear Chairman Grassley and Ranking Member Feinstein,

There are more Americans who cycle through local jails each year than there are people who live in the 11 least populous states.¹ With roughly 11 million admissions each year,² the massive churn in U.S. jail populations can be attributed largely to an uptick in pretrial detention, mostly from populations too poor to post bail. Jailing poor people does not increase public safety, but it may encourage crime. For these reasons, on behalf of the R Street Institute, we write in strong support of S. 1593, The Pretrial Integrity and Safety Act.

More than 60 percent of those detained in a jail cell have not been convicted of a crime. That the majority of jailed citizens are awaiting disposition of their cases—presumed innocent under the law—should trouble advocates of constitutional Due Process.

Of course, this number would be less startling if jails were filled with people demonstrated to be threats to society. But recent data show that pretrial and convicted jailees often are detained for nonviolent offenses.³ The text of this bill reiterates the lack of public-safety justification for our bloated jail populations: “nearly 50 percent of defendants who were determined to be high-risk were allowed to return to the community with little or no effective oversight simply because they could afford to pay the amount set for money bail.”

¹ U.S. Census Bureau, “Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2016,” accessed July 24, 2017. <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

² Peter Wagner and Bernadette Rabuy, “Mass Incarceration: The Whole Pie 2017,” Prison Policy Initiative, March 14, 2017. <https://www.prisonpolicy.org/reports/pie2017.html>

³ Ram Subramanian, et al., “Incarceration’s Front Door: The Misuse of Jails in America,” Vera Institute of Justice, July 29, 2015. <https://www.vera.org/publications/incarcerations-front-door-the-misuse-of-jails-in-america>

We applaud the bill's commitment to replace money-bail systems with individualized and risk-based pretrial assessments that make use of objective and locally validated assessment tools. The justice system's tendency toward human bias and inherent error can be mitigated with improved technology. Leveraging data-driven solutions can reduce both crime and the size of incarcerated populations.

When citizens are jailed, a cascade of negative outcomes are unleashed that follow them throughout their lives and increase the likelihood they will wind up behind bars in the future. The combination of lost economic opportunities and the negative influences prevalent in a jail environment often mean poor and deprived populations may resort to crime once they re-enter society—especially where state governments also impose draconian employment-screening requirements.⁴

If jails were effective at curbing crime, we could have a discussion on the merits of continuing to commit the more than \$20 billion that taxpayers spend each year on jails.⁵ But even short stays in jail can increase a person's likelihood to reoffend significantly, while longer detentions correlate with increased odds of recidivism.⁶

Indeed, rising recidivism rates already are arguably the biggest threat to public safety. This bill seeks to address that concern by encouraging speedy trials. S. 1593 proposes to set "specific limits on the time within which either the defendant shall be brought to trial or the case shall be resolved through a nontrial disposition." This could curb recidivism by minimizing the amount of time a person spends under state supervision or behind bars.

The Eighth Amendment's ban on excessive bail should be a buttress against a system tilted in favor of the wealthy and connected. It is time to replace our bail system with one that promotes equality before the law. This bill enacts desperately needed reform to pretrial justice and represents a step in the direction of individual liberty.

Sincerely,

Jonathan Haggerty, Justice Policy Analyst
Arthur Rizer, Justice Policy Director
R Street Institute

Christina Delgado, Justice Policy Manager

⁴ Ian Adams, "Ex-offenders need jobs, not handouts. But there are too many regulatory barriers," *The Weekly Standard*, April 18, 2017. <http://www.rstreet.org/op-ed/ex-offenders-need-jobs-not-handouts-but-there-are-too-many-regulatory-barriers/>

⁵ Christopher Henrichson, Joshua Rinaldi, Ruth Delaney, "The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration," Vera Institute of Justice, May 2015. <https://www.vera.org/publications/the-price-of-jails-measuring-the-taxpayer-cost-of-local-incarceration>

⁶ Christopher T. Lowenkamp, Marie VanNostrand and Alexander Holsinger, "The hidden costs of pretrial detention," Arnold Foundation, November 2014. http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf