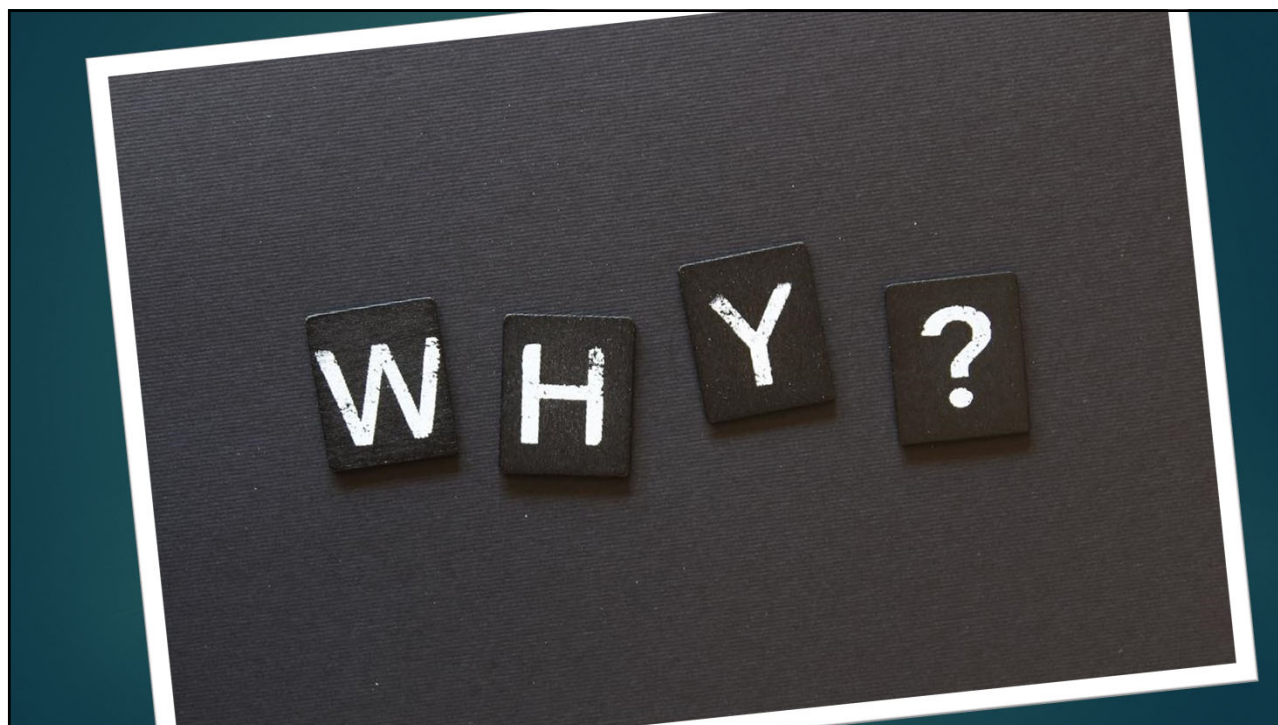




1



2

Why

- Public Safety

3

Why

- Public Safety
 - Release of dangerous defendants
→ risk of more crime

4



5

Why

- Public Safety
 - Release of dangerous defendants
→ risk of more crime
 - Detention of low-risk defendants
→ risk of more crime



6

Why

- Public Safety
- Costs



7

Why

- Public Safety
- Costs
 - Detention costs



8

Why

- Public Safety
- Costs
 - Detention costs



9

Why

- Public Safety
- Costs
 - Detention costs



10

Why

- Public Safety
- Costs
 - Detention costs
 - Recidivism costs, law enforcement costs, etc.

11

Why

- Public Safety
- Costs
- Fairness

12

Why

- Public Safety
- Costs
- Fairness
 - Incarceration based on poverty, not risk

13

The system causes “[a] . . . basic injustice: poor arrestees . . . are incarcerated where similarly situated wealthy arrestees are not, solely because the indigent cannot afford to pay a secured bond.”

ODonnell v. Harris County, 892 F.3d 147, 162 (5th Cir. 2018)

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Why

- Public Safety
- Costs
- Fairness
 - Incarceration based on poverty, not risk
 - Incarceration increases likelihood of adverse consequences

15

Why

- Public Safety
- Costs
- Fairness
 - Incarceration based on poverty, not risk
 - Incarceration increases likelihood of adverse consequences
 - Coerced pleas/wrongful convictions

16

Why

- Public Safety
- Costs
- Fairness
- Racial & ethnic differences

17

Why

- Public Safety
- Costs
- Fairness
- Racial & ethnic disparities
- Litigation risk

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Magistrate Bail Decision-Making Tools



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Magistrate Bail Decision-Making Tools



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Magistrate Bail Decision-Making Tools

- Empirical

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RELATIONSHIP BETWEEN RISK FACTORS AND PRETRIAL OUTCOMES

Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		X	
2. Current violent offense			X
<i>Current violent offense & 20 years old or younger</i>			X
3. Pending charge at the time of the offense	X	X	X
4. Prior misdemeanor conviction		X	
5. Prior felony conviction		X	
<i>Prior conviction (misdemeanor or felony)</i>	X		X
6. Prior violent conviction		X	X
7. Prior failure to appear in the past two years	X	X	
8. Prior failure to appear older than two years	X		
9. Prior sentence to incarceration		X	

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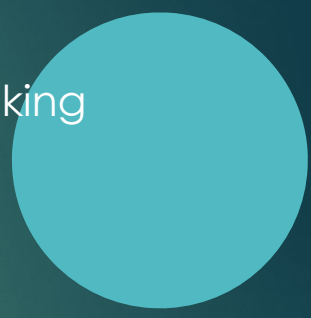
	New Criminal Activity Scaled Score					
Failure to Appear Scaled Score	1 (90.9% No New Criminal Activity)	2 (80.1% No New Criminal Activity)	3 (70.7% No New Criminal Activity)	4 (62.7% No New Criminal Activity)	5 (54.3% No New Criminal Activity)	6 (46.4% No New Criminal Activity)
1 (87.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured				
2 (85.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	
3 (83.8% Appear for Court)		WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	Standard or Intensive CDPO
4 (74.4% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard CDPO	Intensive CDPO
5 (66.2% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard or Intensive CDPO	Intensive CDPO
6 (61.2% Appear for Court)				Standard CDPO	Standard or Intensive CDPO	Intensive CDPO

WPA-Written Promise to Appear; CDPO- Place in the Custody of Designated Person or Organization

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Magistrate Bail Decision-Making Tools

- Empirical
- Non-empirical structured decision-making



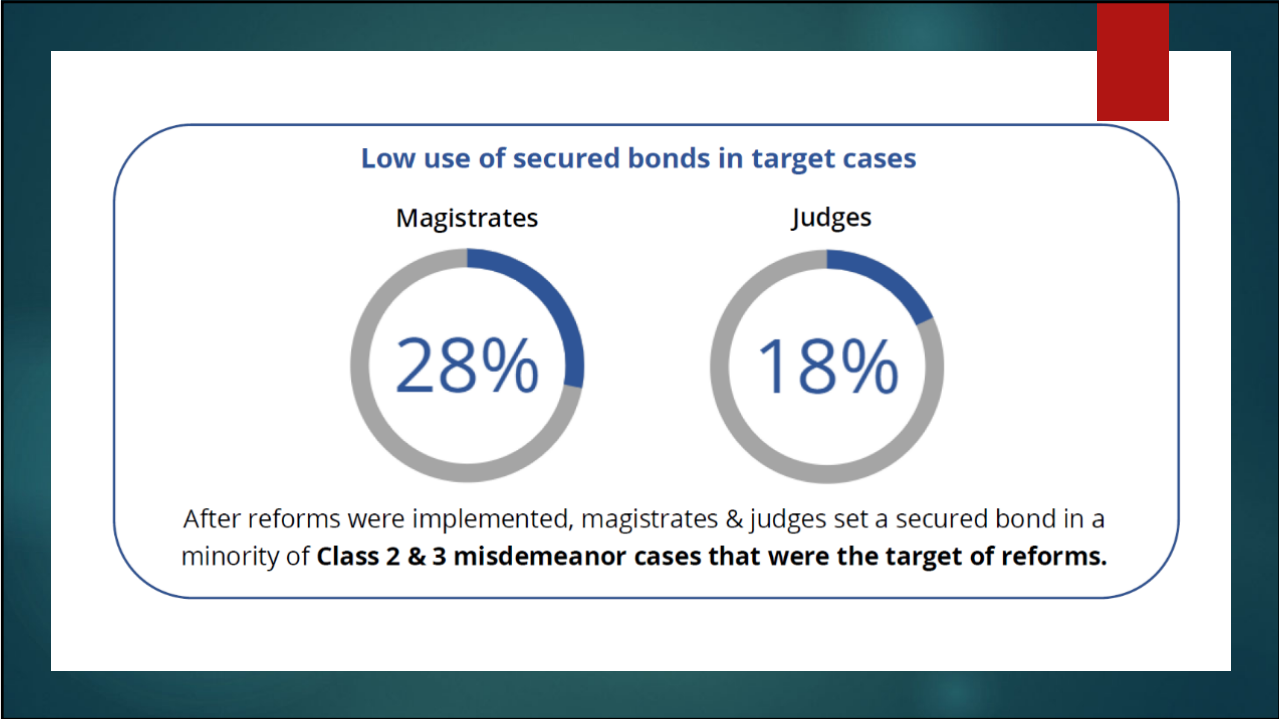
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- Presumption for lowest offenses
- No special rules for most serious offenses
- Screening factors for other offenses
- Embed 15A-534 into the tool
- Preserve discretion
- Explanations for secured bonds
- Require consideration of ability to pay
- **Tailored by local stakeholders to meet local concerns & needs**

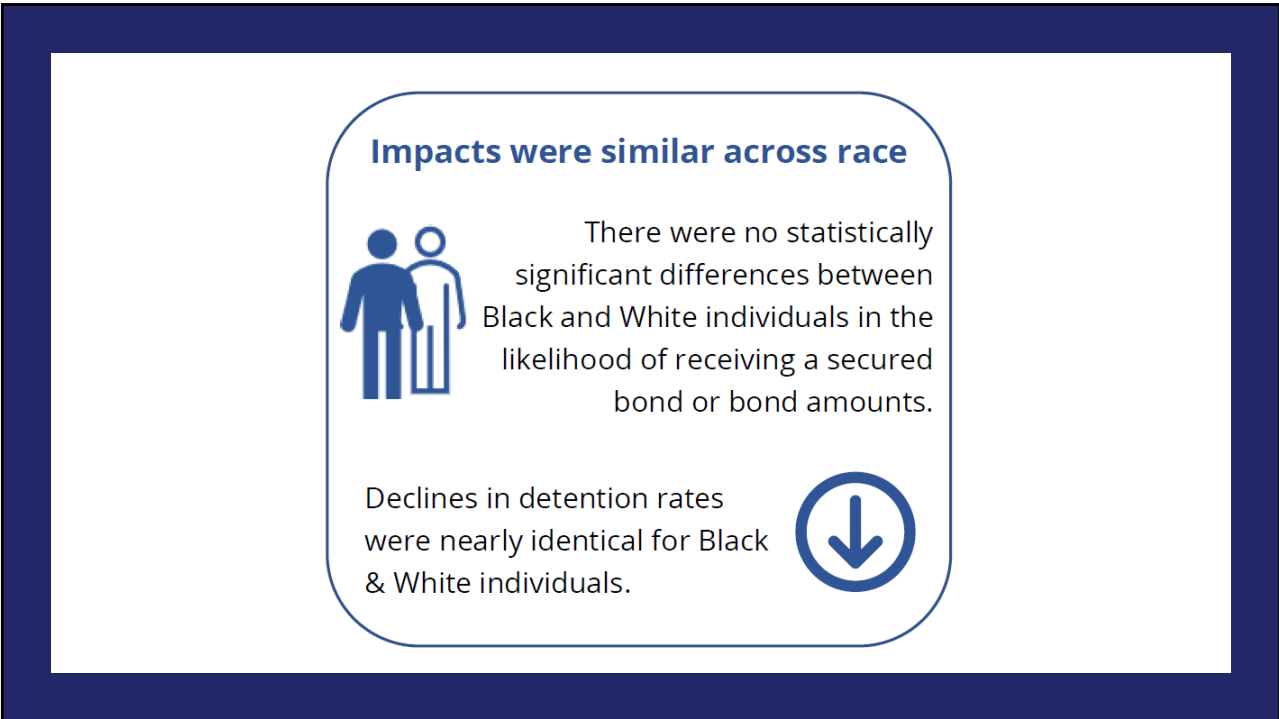
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R E S U L T S ?

28



29



30



Average monthly detentions
decreased 22.6%.

31

The share of individuals who
acquired a new pretrial charge

DECREASED

0.84

percentage points

Within misdemeanor & felony
subcategories, increases in new pretrial
criminal activity were small & driven by
increases in nonviolent offenses.

32

The court non-appearance rate decreased significantly after reforms were implemented.



33



Questions?

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