September 12, 2017

The Honorable Rand Paul

167 Russell Senate Office Building

Washington DC, 20510

The Honorable Kamala D. Harris

112 Hart Senate Office Building

Washington, DC 20510

**Re: S. 1593 - Pretrial Integrity and Safety Act of 2017**

Dear Senator Paul and Senator Harris:

As current and former law enforcement and corrections officials, we write to commend your introduction of S. 1593, the *Pretrial Integrity and Safety Act of 2017*, to promote states’ transition to risk-based decision-making in pretrial release determinations. It is no secret that money bail is the grease that keeps the gears of our overburdened criminal justice system turning. In far too many jurisdictions, the wealthy and dangerous may purchase their way out of pretrial incarceration, while the poor—who pose no flight or safety risk—remain jailed. The use of money bail harms public safety and diminishes confidence in the integrity of our criminal justice system. S. 1593 is a much-needed boost to scale good pretrial release practices nationwide and we support its adoption.

In a single year, there are over 11 million admissions to local jails in the United States. While this is an astonishing number, worse still is that most of these individuals are incarcerated because of their inability to pay a bail bondsmen’s fee. Indeed, the bail-bond industry—which brings in approximately $2 billion in profit each year[[1]](#footnote-1)—spends significant resources and energy to stop any reforms to this unjust system.

Such unnecessary incarceration of poor people compromises community safety and stability. The detained may lose their jobs, their homes, and their families, as well access to myriad vital services, like healthcare. They are sent to dangerous jails where violence is commonplace. Their risk of conviction and harsh sentencing far exceeds that of similarly situated pretrial defendants released on their own recognizance. Moreover, courts and magistrates tend to impose money bail on people of color at a much higher rate than on white defendants, even if all other risk factors are the same.

Poor defendants, who cannot afford even the lowest bail amounts, may plead guilty (without the advice of counsel and regardless of guilt) just to be released from jail, which leads to even more detrimental consequences, from loss of an ability to earn a living to deportation. Research on these guilty pleas reveals that these detainees are more likely plead guilty not because they are more likely to be convicted; instead, it is because that by the time they negotiate disposition of their case, they have, in effect, already served their sentences in pretrial detention.

Perhaps most troubling, the incarceration of low-risk individuals before trial actually *promotes* future criminal behavior. In essence, states and counties are making substantial investments in *creating* crime by unnecessarily jailing poor people. The most recent estimate of the cost of that “investment” is over $14 billion *each year*.[[2]](#footnote-2) As law enforcement and corrections officials, we can imagine a litany of ways for jurisdictions to spend those tax dollars in a manner that would actually improve public safety, rather than exacerbate existing societal ills.

The bill also promotes alternatives to wealth-based incarceration, which includes funding to encourage states to pursue best practices tailored to their unique needs. Indeed, we have seen a number of states and localities across the country reform or replace the bail system, beginning with the federal system back in 1962. Research indicates that releasing more defendants pending trial may lead to a decrease in crime. In the first six months of Kentucky’s risk-based program to effectively identify defendants suitable for release, the average arrest rate for defendants who were released before trial decreased 15 percent. The bill also encourages data collection and accountability mechanisms to ensure that states are getting it right.

We also believe that enactment of S. 1593 will help enhance confidence in the criminal justice system. Basing pretrial release determinations on risk rather than wealth will help restore a sense in communities that our justice system treats everyone fairly. A belief that our system treats people equally makes community members more likely to obey the law and helps build mutual trust between our communities and law enforcement.

Thank you for your leadership on this important issue facing thousands of jurisdictions across the country. We welcome enactment of the Pretrial Integrity and Safety Act and we stand ready to assist you and your colleagues in achieving that most commendable result.

Sincerely,

Terry Blevins  
Former Sergeant and Terrorism Liaison Officer  
Gila County, AZ Sheriff's Department

Kathleen Dennehy   
Commissioner, Massachusetts Department of Corrections (2003-2007)

Deputy Chief Steve Downing (Ret.)

Los Angeles Police Department

Major Neill Franklin (Ret.)

Maryland State Police and Baltimore Police Department

Lt. Commander Diane Goldstein (Ret.)  
Redondo Beach Police Department  
Santa Ana, CA

Officer Patrick Heintz (Ret.)  
Hampden County Sheriff's Department  
Agawam, MA

Chief Robert J. Hoffman (Ret.)  
Plainfield, CT Police Department

Thomas Hoffman   
Director, California Dept. of Corrections & Rehabilitation, Division of Adult Parole Operations (2006-2009); Captain, Deputy Chief, and Interim Chief of Police, West Sacramento (CA) Police Department (1994-2004); Inglewood (CA) Police Department (1974-1994)  
  
Senior Patrol Officer Tim Johnson (Ret.)  
Hilliard, OH Police Department

Special Sheriff David Lanoie (Ret.)  
Greenfield, MA

David Long  
Former Special Agent  
U.S. Department of Labor's Office of Inspector General  
San Francisco, CA

Capt. Leigh Maddox (Ret.)  
Maryland State Police  
Baltimore, MD

Sheriff Jim Manfre (Ret.)

Flagler County, FL  
  
Matt McCally  
Former Reserve Police Officer  
Renton, WA

Chief Norm Stamper (Ret.)

Seattle Police Department

Special Agent Ray Strack (Ret.)  
Department of Homeland Security, Immigration and Customs Enforcement  
Ft. Lauderdale, FL

Silvestre Tanenbaum  
Former Patrol Officer  
Carrollton Police Department  
Dallas, TX

Sgt. Carl Tennenbaum (Ret.)  
San Francisco Police Department  
Sebastopol, CA

James Trainum   
Detective, Metropolitan Police Department of the District of Columbia (Ret.)

Superintendent Richard Van Wickler  
Cheshire County Department of Corrections  
Keene, NH

Officer LeRoy Washington (Ret.)  
Federal Probation Officer  
United States Government  
Kamuela, HI

Roger Werholtz   
Interim Executive Director, Colorado Department of Corrections (2013); Secretary, Kansas Department of Corrections (2002-2010); Deputy Secretary, Kansas Department of Corrections (1987-2002)

*Affiliations for identification purposes only*

1. *See* https://www.theatlantic.com/business/archive/2017/05/bail-bonds/526542/ [↑](#footnote-ref-1)
2. *See* https://university.pretrial.org/viewdocument/pretrial-justice-how-much-does-it [↑](#footnote-ref-2)