Civil Rights Corps

Pretrial “Risk Assessment” Policy Statement

1. We should talk about pretrial “Risk Assessment” tools as “Needs Assessment” tools. This reflects the first order principle that such tools (and the data they are based on) are a baseline estimate of certain pretrial success rates absent some kind of assistance or intervention. As a result, they are relatively useless in predicting success if a person is given access to services. Instead, they answer questions like: “if we do essentially nothing to help this person, what are the odds of the person showing up in court.”

2. People must understand the extraordinarily limited empirical bases of existing assessment tools. Even the best instruments identify only the risk of nonappearance, not the risk of intentional flight. But we care far more about the latter than the former, which is usually caused by lack of transportation, lack of adequate notice and reminders, mental health issues, drug addiction, forgetfulness, lack of electronic calendar reminders, jobs with no leave, childcare problems, medical problems, mistrust of the court from prior mistreatment, inadequate resources for court-appointed counsel, etc . . . But because intentional flight is so rare, the algorithms don’t even purport to predict it. The same is true of serious, violent crime committed on release. It is so rare for a pretrial person to be arrested for violent crime that the data doesn’t support rigorous and meaningful predictive conclusions.

3. As a result, current tools should never be used in determining the question of detention. They should only be used to help identify which people can be released immediately within a matter of minutes or hours with minimal conditions and which people are in need of services.

4. People must understand the fundamental nature of the tools: they do not answer the values question at the heart of this whole enterprise: how much risk should we tolerate?
   a. Even the strongest proponents of the tools argue that the best they can do is offer some percentage prediction that a person with certain characteristics will engage in some type of conduct (usually non-appearance). But the question of what risk percentage justifies jailing a presumptively innocent person prior to trial (in grotesque and dangerous conditions) is entirely outside the scientific and “validated” scope of the tools. It is a political question and a moral question. Thus, some prosecutors might want to detain people with a 95% chance of success because they believe that a 5% chance of failure is too high. Another prosecutor might want to release those with a 51% chance of success given the enormous costs of pretrial detention. Most people, when talking about these tools, treat the entire thing as some kind of empirical judgment without acknowledging that we still have to make the dispositive policy decisions of what to do with the numbers that the tools produce.
   b. Thus, any tool must be clear about which assumptions and labels are political choices and which are empirically derived. Risk assessment tools may tell us something about whether an individual presents a risk of flight or risk of harm to a particular person, but no tool can tell us how much risk we are willing to tolerate. Those determinations are political and not empirically derived. The tools and their presentation to courts and in public should be explicit about this, rather
than using intentionally misleading terms like “low risk,” “medium risk,” or “high risk.” The tools must openly and transparently reflect the political choices on which those labels are based.

5. We should explicitly recognize that the inputs for these tools reflect systemic racial and economic bias in our system, including because they are based on previous convictions and failures to appear in a system in which people are unfairly arrested, prosecuted, convicted, sentenced, and mistreated at every turn. Moreover, they do not account for all the crimes that white people or rich people commit that are never discovered or that are discovered and never prosecuted due to racial and economic bias at every stage of the system, thus dramatically skewing certain “risk” profiles in relation to actual social harm. We should acknowledge that our system is not even bringing in many of the riskiest people in our society because those people are not being pulled over, having their homes or frat houses and dorm rooms surveilled and raided, or having their corporate finances audited.

   a. A tool and the way it is discussed by officials must therefore not re-entrench or mask current racial or class oppression under the guise of “neutrality” or “data” and must actively confront the extent to which existing metrics like arrests, prosecutions, and convictions themselves reflect racial discrimination.

6. The tools could serve limited positive functions to the extent that they could provide evidence-based backing for the empirical truth that most people are not risky and can be quickly and safely released within hours of arrest. This is the primary benefit of the tools.

7. The tools should take into account the increased crime that pretrial detention might itself cause in the future.

8. The tools should take into account the risk of assaults and other injuries in jail, including from jail overcrowding. The model should build in the effects of marginal increases in detention at the local jail on things like jail crimes, assaults, deaths, and future crime.

9. If tools are going to be used at all, they should focus on the harms that we care about the most: intentional flight and commission of extremely serious crime (as opposed to “nonappearance” and arrests for minor offenses). If used, the tools should be consistently updated and validated locally, excluding any predictive factors highly correlated with race or poverty. A validated tool must continually be updated with new data from the jurisdiction in which the improved pretrial service system exists to consistently improve the tool.

10. The initial net used for determining which instances are eligible for pretrial detention at all should be charge based.1 Eligibility for detention must not be “risk based” as measured by a tool or otherwise.2

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1 To be clear: this means only that the question of who is even eligible for pretrial detention should be severely restricted to the most serious offenses. Even in those cases, there will still be a strong presumption of release unless the government meets its heavy burden of proving, after rigorous adversarial hearing with counsel and heightened legal standards, that no condition or combination of conditions short of complete incapacitation of a presumptively innocent person could protect against specifically identified risk of harm to another person or persons in the community.

2 We recommend a dividing line something like this: "Any felony offense involving the use or threatened use of physical violence or unwanted sexual touching against another person." We would also be open to adding “Any public corruption or serious felony involving financial crimes in which the nature of the charge suggests that the arrestee has significant financial means to flee the jurisdiction.”
Race, Justice and the Federal Bail System

Silvio Lugo
U.S. Pretrial Services Agency, California Northern Bar Association of San Francisco
March 13, 2018 Panel Discussion: Racial & Economic Bias in Detention and Release Decisions

Research on Race & Bail

Shima Baradaran Baughman
Professor of Law
University of Utah
College of Law
Over Incarceration

![Graph showing total state and federal U.S. prison population, 2004-2014.]


Population & Spending Boom

- 1972-2002: 450% increase in spending
- Prison population grew seven fold
- By 2012, $52 billion annual spending on corrections
- 2014 saw over 1.5 million people incarcerated
  - Over half of men and more than half of women serving time for drug offenses
Incarceration by Race

Over 500,000 black men were incarcerated in state or federal prison at the end of 2014, making up 37% of the male prison population. White men made up 32%, and Hispanic men made up 22%.


Incarceration By the Numbers

- 1 in 87 white men are incarcerated in jail or prison
- 1 in 36 Hispanic men
- 1 in 22 African American men

Across America, black men are over 5 times more likely to be incarcerated than white men
### Disparity of Incarceration Rates Between Different Races

**States with highest black/white differential**

<table>
<thead>
<tr>
<th>State</th>
<th>White</th>
<th>Black</th>
<th>B&amp;W</th>
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<tbody>
<tr>
<td>New Jersey</td>
<td>94</td>
<td>1140</td>
<td>12.2</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>221</td>
<td>2542</td>
<td>11.5</td>
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<tr>
<td>Iowa</td>
<td>211</td>
<td>2349</td>
<td>11.1</td>
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<tr>
<td>Minnesota</td>
<td>111</td>
<td>1219</td>
<td>11.0</td>
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<tr>
<td>Vermont</td>
<td>225</td>
<td>2357</td>
<td>10.5</td>
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<td>State Avg.</td>
<td>275</td>
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Since the 1984 Bail Reform Act, pretrial detention rates have increased steadily.

Since the 1990s, pretrial detention rates have risen by 72%. Between 1995 and 2010, defendants detained pretrial increased by 184%.

60% of this growth: immigration caseloads
- which increased by 664% between 1995 and 2010.

Disparity in Bail Decisions Between Different Races

The U.S. Supreme Court has affirmed the pretrial process as ‘perhaps the most critical period’ of criminal legal proceedings; yet, to date, racial disparities at this stage of the justice process have not gotten the same scrutiny as other stages like arrest and sentencing.

**Race and bond amounts are significantly correlated**

- African American Men: 35% higher bond than White men.
- Hispanic Men: 10% higher bond than White men.

**For non-violent drug arrests:**
- African Americans are 2.5 times more likely to be arrested than Whites.
- Hispanics are 2.5 times more likely to be detained than Whites.

Bail is a Highly Consequential Decision

- Loss of Liberty
- Higher Cost for Prisons
- Pretrial Detention
- Harm to Families
- Loss of Wages
Loss of Liberty & Due Process

- Incarcerated individuals have minimal access to their attorneys.
  - Can’t help fight their case
  - Busy attorneys cannot visit their clients
  - Heavy reliance on telephone calls and email to communicate with counsel.
  - Prosecutors have access to otherwise privileged information.

Loss of Employment and Economic Impact

Damage to Family Relationships


Damage to Dignity and Standing in the Community

The Impact on Children

- Since 1991 the number of children with an incarcerated parent has increased by about 80%.
- A 2014 study found that having a parent in jail may be more harmful to a child’s health and behavior than divorce or death of a parent.
- About 17% of children entering the child welfare system have at least one incarcerated parent.
- 39% of parents who have been incarcerated lose custody or have their parental rights terminated.

The Trauma of Incarceration

3.2% of the people confined in a jail in 2011-12 reported having been sexually victimized since their confinement, a figure that translates into thousands of victims.

In 2015 the Bureau of Justice Statistics reported that suicide has been the leading cause of death in jails since 2000
- Three times more frequently than in the general population.
- Pretrial detainees committed four-fifths of these suicides.
  - Risk highest during the first seven days of confinement, possibly due to the “shock of confinement.”

Longer Sentences

Even short periods of pretrial detention have a destabilizing effect that increases the likelihood of:

- Failure to appear in court
- Post-disposition recidivism
- New criminal activity while awaiting trial

Of those detained pretrial, “most will receive dismissals, no jail time, or a jail sentence less than time served in pretrial detention.”

Compared to defendants released at some point prior to trial, defendants held for the entire pretrial period had:

- 4x greater likelihood of being sentenced to jail
- 3x greater likelihood of being sentenced to prison
- 3x longer jail sentences
- 2x longer prison sentence


Federal Study

- Two Districts (1800 cases)
  - Pretrial release reduced sentence length for all who were released for at least some period, regardless if bail revocation occurred
Recidivism


Arnold Foundation Study

- Just 2-3 days in pretrial detention increases likelihood of committing new crimes by 40%
  - 8 to 14 days results in 51% increase

Unnecessary Pretrial Detention = Future Harm to the Community
In Houston’s Harris County jail, between 2001 and 2009, more than 100 detainees died while in custody; 70% of those who died were pretrial detainees at the time of death.

If all of the other consequences of being in jail are not bad enough, incarceration can KILL YOU.
Key Cases Relating to Bail

- **U.S. v. Salerno** *(USSC 1987)*
  - “In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

- **U.S. v. Motamedi** *(9th Cir. 1985)*
  - “[F]ederal law has traditionally provided that a person arrested for a noncapital offense shall be admitted to bail. Only in rare circumstances should release be denied.”

One Federal District’s Journey of Discovery

- California Northern internal studies showing possible racial disparities
  - PTD & Unsupervised Release Caseloads

- Local studies identifying racial disparities in criminal justice in San Francisco County
  - Burns Institute Study (2016)
  - Quattonre Center Study (2017)
Our Process

- Pretrial Services and the Court begin to examine the state of bail & race in the District
- 2017 District Conference included panel discussion on race and bail
  - Magistrate Judge / AUSA / AFPD
  - Pretrial Services / Legal Researcher

NDCA Bail Statistics

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<tr>
<th>Percentage Released</th>
<th>Average Release Rates (2010-2015)</th>
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<tr>
<td>National</td>
<td>52%</td>
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### Pretrial Success Rates

**Pretrial Defendant Success Rates Excluding Technical Violations**

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<th>Years</th>
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<td>98.11%</td>
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*“Success Rate” is defined as a defendant having no re-arrest or failure to appear during the period of pretrial release.*

### NDCA Statistics on Race and Bail

**Release Rate Distribution by Race (2010-2015)**

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<tr>
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<td>75%</td>
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<tr>
<td>Black</td>
<td>43%</td>
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<td>Latino</td>
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Access to Financial Resources?

NDCA Release Distribution by Bond Type (2010-2015)

- Money Bail (Collateral, Percentage, Surety):
  - 376 (15%)
- No Money Bail (Personal Recognizance, Unsecured):
  - 2245 (85%)

Type of Charge?

NDCA Release Rate by Offense Classification (2010-2015)

- Drugs: 37%
- Financial/Property: 81%
- Violence: 26%
- Weapons: 20%
Type of Charge

**Weapons/Firearms (2010-2015)**
Overall Release Rate = 30%
- Asian 4%
- Latino 24%
- White 16%
- Black 51%
- Others 1%

**Financial/Property (2010-2015)**
Overall Release Rate = 81%
- Asian 26%
- Latino 11%
- White 44%
- Black 19%
- Others 8%

**Drugs (2010-2015)**
Overall Release Rate = 37%
- Asian 4%
- Latino 44%
- White 16%
- Black 23%
- Others 8%

**Violence (2010-2015)**
Overall Release Rate = 35%
- Asian 8%
- Latino 31%
- White 28%
- Black 23%
- Others 31%

NDCA Statistics on Race and Bail

**NDCA Release Rate Distribution by Race 2010 - 2015**

- **Weapons**
  - Asian
  - Black
  - Latino
  - White

- **Financial/Property**
  - Asian
  - Black
  - Latino
  - White

- **Drugs**
  - Asian
  - Black
  - Latino
  - White

- **Violence**
  - Asian
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  - White
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#### Initial Takeaway

Tangible racial disparities may exist within our district when it comes to obtaining bail.
The Challenge

- Local analysis not conclusive
- Further analysis is needed to determine the true impact of race on release rates
  - Statistical analysis to control for relevant variables.
    - Race, criminal history, poverty, etc.

Next Steps

- Partner with a local university to conduct robust statistical analysis of data
- Study impact of PTRA on race and bail
- Develop Best Practices to address unconscious bias
Best Practices for Judges to Promote Fairness and to Eliminate Bias

- Awareness Leads to Fairness
  - Training: learn about unconscious bias and develop/use tools to help guard against infected decisions (e.g., flipping)
  - Accountability: regularly review statistics; consider keeping your own log
  - Cultural competence: broaden your base of understanding (law clerks, colleagues, other court staff, friends)

- Intentional Decision Making
  - “Doubt your objectivity”
  - Before you decide: articulate the reasons supporting your decision, check them for hidden assumptions, and seek further information as needed
  - Slow down

- Respect in the Courtroom

Best Practices for Defense Attorneys to Promote Fairness and to Eliminate Bias

- Continue to challenge yourself and make yourself aware of the biases you may have
  - [https://implicit.harvard.edu/implicit/takeatest.html](https://implicit.harvard.edu/implicit/takeatest.html)

- Use goal-directed thinking to reduce bias in real-world situations

- Continue to have positive real-word interaction with diverse groups of people and encourage others to do the same

- Stay “woke” and keep cognizant that ultimate goal is not colorblindness in the promotion of fairness
**Best Practices for Prosecutors to Promote Fairness and Eliminate Bias**

- **Objective:** Protect the community, ensure judicial efficiency, and respect individual liberty

- **Office Practice**
  - Policy → discretion on bail recommendations, guided by objective standards
  - Training → Bail best practices and implicit bias for all prosecutors

- **Individual AUSA Practice**
  - Seek detention/conditions of release based on specific, articulable facts to address particular risks
    - History of violence or fraud, FTAs, probation/parole violation, drug/alcohol abuse
    - Lack of employment, stable housing, viable sureties/co-signers
  - Have discovery ready and be prepared to set the case for trial

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**Best Practices for Pretrial Services to Promote Fairness and to Eliminate Bias**

- **Continue the collection and examination of defendant data regarding race and bail**
  - Standardize reports on bail and race; share results of ongoing data analysis with staff to **heighten awareness**
  - External: share results of data analysis at least annually with the Court and key stakeholders to promote ongoing dialogue regarding race and bail

- **Provide ongoing staff training on unconscious bias.**
The Humphrey Decision

Courts now must:
- make an individualized assessment of a defendant’s ability to pay bail (i.e., they can’t condition freedom on an unattainable financial condition)
- Consider “non-monetary alternatives to bail”
The Bail Schedule

- Will it survive other legal challenges?
- If not, what mechanism will replace it (non-monetary alternatives)?
- What role does pretrial services play?
- What is the state of pretrial services in the Bay Area? In California?

Lessons from the Federal System

- A bail schedule is a contradiction to individualized assessments
- Invest in pretrial services ($$)
  - A group of professionals dedicated to assisting judges with individualized assessments
    - Don’t forget about supervision
      - Defendant accountability and community safety
      - Without it over use of preventive detention may keep release rates low
Key Cases Relating to Bail

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- National 52%

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- Latino: 24%
- White: 46%
- Black: 26%

Financial/Property (2010-2015)
Overall Release Rate = 82%
- Asian: 4%
- Latino: 4%
- White: 64%
- Black: 26%

Drugs (2010-2015)
Overall Release Rate = 37%
- Asian: 8%
- Latino: 11%
- White: 26%
- Black: 55%

Violence (2010-2015)
Overall Release Rate = 26%
- Asian: 4%
- Latino: 33%
- White: 34%
- Black: 21%

NDCA Statistics on Race and Bail

NDCA Release Rate Distribution by Race
2010 - 2015

% Released

Weapons  Financial/Property  Drugs  Violence

- Asian  - Black  - Latino - White
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Initial Takeaway

Tangible racial disparities may exist within our district when it comes to obtaining bail.

Further statistical analysis is needed.
Racial and Economic Bias in Detention and Release Decisions (5:45 to 7:30 p.m.)

Panelists

Honorable Teri Jackson, PJ, SF Superior Court; member, Judicial Council’s Pretrial Detention Reform Workgroup
Silvio Lugo, United States Pretrial Services, Northern District of California
Sharon Woo, Supervising Assistant District Attorney, San Francisco District Attorney’s Office
Alec Karakatsanis, Civil Rights Corps.
Candis Mitchell, Federal Public Defender’s Office

Moderator: Laurel Beeler

Introduction:
- LB introduces topic
- panelists will introduce themselves in 30 to 45 seconds (LB to introduce TJ if running late)

Overview of the Problem: The Federal System — Silvio, Candis, Alec

Silvio slides:
- Bail statute: presumes release, looks at flight risk (danger and hearings only in certain cases); slides 1 and 2
- Least restrictive conditions: [examples] — Candis, Silvio
- Nonetheless: problems: race and poverty in the federal system (based on data) — Silvio slides 3 to 11
- Equivalent issues on the state side? — Alec (bridge to next topic)

Overview of the Problem: The State System: Humphrey and the Challenges of Moving from a Cash-Bail System — Judge Jackson, Alec, Sharon

Judge Jackson: the state system, what the task force is trying to do
Issue: poor, low-risk defendants who are jailed b/c of the inability to pay — Alec, Sharon, Candis
Key decision: Humphrey and how is the state going to implement it? — Alec, Sharon, Judge Jackson
Other decisions: YGR case, CRB decision — Alec, Candis

The Problem: More Context (and what are we to do) — Alec, Sharon, Candis, Silvio, Judge Jackson

Poverty/wealth-based detention decisions
- constitutional issues: ability to pay & non-monetary alternatives under the 8th and 14th am. — Alec
- Ability to pay and effect on poor and minority defendants — Sharon, Candis, Silvio
  - Issues with detention: short stays → lost jobs and family impact; long → impact on sentences etc.
  - 70% of children of incarcerated parents → incarcerated.
- A legal culture that is desensitized to incarceration and has stopped requiring good reasons for it — all

- How do algorithms work? Actuarial data to predict dangerousness and risk of flight
- Risk factors that statistically correlate with nonappearance in court or commission of a crime pretrial
- Examples: age, current charges, priors (felony, misd). prior FTA in 2 years, > 2 years; prior jail time
- Risks assessment versus needs assessment?
- Pros? Cons?
  - Are the numbers better predictors than the individualized factors?
  - Inclination to decide “on the numbers” as opposed to individualized?
  - Is the data reliable, neutral, objective? Is it accurate in risk predicting? Are the datasets too static? Not local enough? How are they validated? Analyzing our own local data on an ongoing basis?
  - Better for testing who needs services? (release immediately v. release with services?)
  - Are the tools better than opaque decision-making? More transparent? Do they work? How to test that?
  - Do judges ignore the numbers? (Santa Cruz: yes on recs for release, no on detention) — Silvio
  - Who supports the tools? Who opposes them? (Human Rights Watch) (Pro Publica/Compas)
  - Limits

Is there anyone doing it right? — Alec, Silvio, Judge Jackson (from research)

- 131 Harv. L. Rev. 1125 (2/9/2018): D.C. releases 94% of Ds pretrial; 90% make court appearances
- NJ: 2014 bail reform, eliminated money bail; individualized assessments

More Tools For Effective Decision-making

- effective non-monetary conditions — Candis, Sharon, Silvio
  - text messages to remind about court dates: simple step shown to substantially reduce FTAs
  - GPS monitors
  - Drug treatment, jobs, housing
  - Personal sureties: family and friends (unsecured bonds)
  - The commercial bond industry: — Sharon, Alec (do you give something up by giving up a right to bail?)
- What doesn’t work (or what is unnecessary?): arbitrary cash bail (discriminates against poor)
- The need for supervision (and the risks of over-supervising) — Silvio

What More Can We Do To “Get it Right?”

- Concerns for community safety versus the defendant’s right to a fair trial — Sharon
- How can a court best evaluate “taking a chance” and letting someone out?
- Psychological factors? (family support or not)
- What about the context? Pretrial and the concept of innocent until proven guilty?
- Personal awareness: bias, doubt your objectivity, articulate reasons for decisions, check your assumptions
Racial and Economic Bias in Detention and Release Decisions

Bar Association of San Francisco
Panel Discussion:
Racial & Economic Bias in Detention and Release Decisions
March 13, 2018
Four Choices:

18 U.S.C. § 3142(b) – Release on personal recognizance or unsecured bond (unless the judge determines that “such release will not reasonably assure the appearance of the person . . . or will endanger the safety of any other person or the community”)

18 U.S.C. § 3142(c) – Release with conditions (13 possible conditions plus catch-all including custodian, employment, curfew, drug treatment) (§ 3142(c) (2) precludes “impos[ing] a financial condition that results in the pretrial detention of the person”)

18 U.S.C. § 3142(d) – Temporary detention (10 days or less so agency can act)

18 U.S.C. § 3142(e) – Detention: when no condition or combination of conditions will reasonably assure the appearance of the defendant or the safety of any other person or the community

18 U.S.C. § 3142(f) – Detention hearing only for certain enumerated offenses and risks

Burden of proof: Risk of flight – preponderance of the evidence
Danger to the community – clear and convincing evidence
Key Cases Relating to Bail

- **U.S. v. Salerno** *(USSC 1987)*
  - “In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

- **U.S. v. Motamedei** *(9th Cir. 1985)*
  - “[F]ederal law has traditionally provided that a person arrested for a noncapital offense shall be admitted to bail. Only in rare circumstances should release be denied.”
NDCA Bail Statistics

Average Release Rates (2010-2015)

<table>
<thead>
<tr>
<th>Percentage Released</th>
<th>Northern District of California</th>
<th>Ninth Circuit</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>65%</td>
<td>60%</td>
<td>51%</td>
<td>52%</td>
</tr>
<tr>
<td>60%</td>
<td></td>
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<td></td>
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<tr>
<td>55%</td>
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<tr>
<td>50%</td>
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<tr>
<td>45%</td>
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<td>40%</td>
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</table>

Average Release Rates (2010-2015)

<table>
<thead>
<tr>
<th></th>
<th>% Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>52%</td>
</tr>
<tr>
<td>Ninth Circuit</td>
<td>51%</td>
</tr>
<tr>
<td>Northern District of California</td>
<td>60%</td>
</tr>
</tbody>
</table>

# Pretrial Success Rates

<table>
<thead>
<tr>
<th>Years</th>
<th>California Northern</th>
<th>Ninth Circuit</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2015</td>
<td>98.11%</td>
<td>97.60%</td>
<td>97.07%</td>
</tr>
</tbody>
</table>

*"Success Rate" is defined as a defendant having no re-arrest or failure to appear during the period of pretrial release.*
NDCA Statistics on Race and Bail

Release Rate Distribution by Race (2010-2015)

<table>
<thead>
<tr>
<th>Race</th>
<th>% Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>83%</td>
</tr>
<tr>
<td>White</td>
<td>75%</td>
</tr>
<tr>
<td>Black</td>
<td>43%</td>
</tr>
<tr>
<td>Latino</td>
<td>45%</td>
</tr>
</tbody>
</table>
Access to Financial Resources?

NDCA Release Distribution by Bond Type (2010-2015)

- Money Bail (Collateral, Percentage, Surety): 376 (15%)
- No Money Bail (Personal Recognizance, Unsecured): 2245 (85%)
NDCA Release Rate by Offense Classification (2010-2015)

- Drugs: 37%
- Financial/Property: 82%
- Violence: 26%
- Weapons: 20%
Type of Charge

Weapons/Firearms (2010-2015)
Overall Release Rate = 20%

- Asian: 4% [50%]
- White: 16% [25%]
- Latino: 24% [23%]
- Black: 56% [15%]

Financial/Property (2010-2015)
Overall Release Rate = 82%

- Latino: 11% [50%]
- White: 44% [85%]
- Black: 26% [88%]
- Asian: 19% [66%]

Drugs (2010-2015)
Overall Release Rate = 37%

- Latino: 41% [23%]
- White: 28% [61%]
- Black: 23% [53%]
- Asian: 8% [31%]

Violence (2010-2015)
Overall Release Rate = 26%

- Latino: 25% [13%]
- White: 32% [53%]
- Black: 32% [20%]
- Asian: 11% [32%]
NDCA Statistics on Race and Bail

NDCA Release Rate Distribution by Race
2010 - 2015

- Weapons
- Financial/Property
- Drugs
- Violence

% Released

- Asian
- Black
- Latino
- White
# Prior Criminal History

<table>
<thead>
<tr>
<th>Charged Offense</th>
<th>Prior Felonies</th>
<th>% Whites Released</th>
<th>% Blacks Released</th>
<th>White/Black % Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Weapons</strong></td>
<td>0</td>
<td>12%</td>
<td>8%</td>
<td>33%</td>
</tr>
<tr>
<td></td>
<td>1 to 2</td>
<td>5%</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 +</td>
<td>8%</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td><strong>Drugs</strong></td>
<td>0</td>
<td>43%</td>
<td>22%</td>
<td>51%</td>
</tr>
<tr>
<td></td>
<td>1 to 2</td>
<td>8%</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 +</td>
<td>2%</td>
<td>6%</td>
<td></td>
</tr>
<tr>
<td><strong>Financial/Property</strong></td>
<td>0</td>
<td>79%</td>
<td>54%</td>
<td>32%</td>
</tr>
<tr>
<td></td>
<td>1 to 2</td>
<td>5%</td>
<td>9%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 +</td>
<td>2%</td>
<td>6%</td>
<td></td>
</tr>
<tr>
<td><strong>Violence</strong></td>
<td>0</td>
<td>36%</td>
<td>15%</td>
<td>58%</td>
</tr>
<tr>
<td></td>
<td>1 to 2</td>
<td>1%</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 +</td>
<td>0%</td>
<td>2%</td>
<td></td>
</tr>
</tbody>
</table>
Initial Takeaway

- Tangible racial disparities may exist within our district when it comes to obtaining bail.
- Further Statistical analysis is needed.

Four Choices:

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