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Assembly Committee on Judiciary
Public Hearing, AB 608, AB 609, AB 610
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Thank you Chairman and members of the Committee for this opportunity to testify on AB 608 - relating to modification of bail in a criminal action, AB 609 – relating to pretrial detention, and AB 610 – relating to the use of pretrial risk assessments.

For me, the issue of bail and pre-trial release began last session when a constituent brought information to my attention regarding a sexual predator who molested his grandchildren. Though the individual admitted he committed the crime, he was allowed bail at \$75,000 while he awaited his hearing, which he was able to post. With a school bus stop in close proximity to his home, this appalled many of the neighbors. I personally spoke to the ADA of Waukesha County, asking him how a person, who could be a danger to the community, could be allowed out on bail. Currently, this is a legislative issue which judges and court commissioners struggle with daily and one that I became passionate about.

The bills brought before you today help to address some of the problems judges and court commissioners face. They are the Assembly companions to the bi-partisan legislation that came out of the summer Study Committee on Bail and Conditions of Pretrial Release of which I had the privilege to be a part of. We heard from judges, court commissioners, public defenders, national experts, district attorneys, and members of the public about the problems they have faced in regards to bail and pre-trial release. From there, the study committee was able to generate four pieces of legislation, three of which are the bills before you today, and the other in the form of Assembly Joint Resolution 107. While AJR 107 is not a bill in this committee, please know the Resolution amends our state Constitution in order for changes to bail and pre-trial release to become a reality.

Each of these bills plays a pivotal role in reforming our bail and pre-trial detention system. While AB 608 and AB 609 will not take effect until an Amendment is passed, the study committee found it important to have legislation in place prior to the passage of an Amendment for a smooth transition and a clear understanding of what those changes would be.

Assembly Bill 608 relates to modification of bail in a criminal action. Currently, some individuals are stuck in jail even when bail is set low because he or she simply does not have the financial means to make bail. This bill would require a court to review the bail of a defendant if, after 72 hours, the defendant remains in custody due to his or her inability to meet the bail. The court must then review the bail every 7 days and give the reasoning requiring the continuation of bail unless the bail is adjusted and the defendant released. This bill would take effect only if an amendment to Article I, Section 8 (3), of the Wisconsin Constitution is ratified.

1 and the defendant is thereupon released, the judge shall set forth on the record the
2 reasons for requiring the continuation of the bail imposed. If the judge before whom
3 the action is pending is not available, any other circuit judge of the county may act
4 under this subsection.

5 (2) Subsection (1) applies only if, on or after the effective date of this subsection
6 [LRB inserts date], an amendment to article I, section 8 (3) of the constitution is
7 ratified. The elections commission shall notify the legislature of the effective date
8 of the amendment under s. 7.70 (3) (h).

9 (END)

TABLE OF CONTENTS

I.	Executive Summary	3
	Overview.....	3
	Research Studies.....	4
	Comparing Criminal Justice Reform with Money Bail.....	4
	Jail Population Analysis.....	6
	2018 Performance.....	7
II.	2014 pre-CJR / 2017 CJR Research Project	9
	Comparing Criminal Justice Reform to Money Bail System.....	10
	Measuring Risk - Performance and Outcomes.....	11
	Public Safety Assessment Performance.....	11
	New Criminal Activity.....	13
	Court Appearances.....	14
	Fairness and Equity.....	16
	Summons/Warrant Decision.....	17
	Time to Pretrial Release for Summonses and Warrants.....	19
	Total Time in Jail Pretrial.....	21
III.	Jail Population Study - 2012 vs. 2018	24
	Impact on County Jail Population.....	25
	Jail Population by Race/Ethnicity/Gender.....	26
IV.	Criminal Justice Reform - 2018 Performance	29
	Pretrial Decision-Making Process.....	30
	Measuring and Managing Risk.....	30
	Pretrial Release Decisions.....	30

Pretrial Monitoring.....	32
Violations of Monitoring and Revocation of Pretrial Release.....	33
Pretrial Detention Decisions.....	34
Speedy Trial.....	37
Decline in Jail Population.....	38
Pretrial Services Program Operations and Funding	39
Revenue and Expenses	39
Pretrial Services Unit Staffing.....	41
Pretrial Services Monitoring	41
Access to Services	42
Technology	42
Court Decisions and Rule Changes	43
V. Conclusion and Next Steps.....	45

Addendum

Development, Maintenance and Administration of eCourts

Research Studies

During 2018, with an understanding of the importance of our state's CJR model in the nationwide discussion of pretrial reform efforts, the Judiciary engaged in two comprehensive research projects to review the impact and gauge the success of reforms to the pretrial criminal justice process in New Jersey. The research was conducted by members of a research collaborative, including social science researchers and data scientists from the Judiciary's Quantitative Research Unit and two independent organizations (University of Chicago – Crime Lab New York and Luminosity, Inc.).

- The first study compared data from 2017, under the current reformed system, to data from 2014, under the longstanding system of monetary bail.
- The second study updated a Jail Population Study published in 2013 and compared the jail populations on October 3, 2012 to the same day in 2018.

Together, these two endeavors inform the main sections of this year's Annual Report.

Comparing Criminal Justice Reform with Money Bail

The first study -- the 2014/2017 Research Project -- compared outcomes and performance measures in 2014 and 2017 for defendants issued a complaint-summons or complaint-warrant in those years. The project tracked cases until final disposition or October 31 of the following year, whichever came first.

The study shed new light on factors that contributed to the decline in New Jersey's pretrial jail population. It revealed that the jail population decreased substantially because CJR defendants were released much sooner than pre-CJR defendants had been.

The Research Project also revalidated and analyzed the performance of the Public Safety Assessment (PSA), a risk assessment tool that aids judges as they craft conditions of pretrial release for individual defendants.

An extensive review of the actual rates of alleged new criminal activity, court appearance, and alleged new violent criminal activity for CJR defendants in 2017 confirms that the PSA has been remarkably accurate in classifying a defendant's risk. It found that as risk scores increase, actual failure rates of compliance increase in step.

As part of the project, researchers analyzed defendants who were released pretrial and confirmed that a large majority were not accused of committing a new crime and

