



PROMOTING FAIR PRE-TRIAL PRACTICES

VALUE

The right to due process is a cornerstone of our commitment to freedom and fairness. The U.S. Constitution provides the right to due process, habeas corpus, and equal protection under the law to all people in the United States. These principles are central to our system of justice.

PROBLEM

However, our due process guarantees have often been tenuous in practice. Current pre-trial practices have the effect of coercing low-income defendants into pleas even when they are innocent. These practices often force people into jail or prison before trial if they can't pay bond. And we know that being imprisoned increases the likelihood that someone will enter a guilty plea, increases the length of their sentence, and increases the severity of the charge that the person takes.

SOLUTION

To protect the right of everyone to fair treatment when facing imprisonment, pre-trial practices should encourage fairness and emphasize alternatives to imprisonment whenever possible. Detention and money bail should only be imposed when an individualized assessment of the involved party require it.

ACTION

Urge your state Legislature to pass measures that abolish cash bail requirements; encourage the use of warning and citations rather than arrests; prohibit for-profit pre-trial agencies; and require that defendants be provided with counsel prior to bail determinations.