



State of Minnesota
Board of Public Defense

331 Second Avenue South, Suite 900
Minneapolis, MN 55401
www.pubdef.state.mn.us

William M. Ward
State Public Defender

(612) 200-8755
FAX: (612) 349-2568
william.ward@mnnpd.us

March 17, 2024

Re: HF 2201/SF 3222

Dear Members of Public Safety Finance and Policy Committee and Judiciary and Public Safety:

I am writing to urge you to support **HF 2201/SF 3222**, a bill to mandate that Minnesota counties annually report pre-trial data to the Minnesota Sentencing Guidelines Commission (MSGC) so the MSGC can make recommendations to improve statewide bail and pre-trial practices.

As you are well aware, our agency represents the vast majority of accused individuals facing criminal charges in this state. We witness daily how the indigent accused are too often remanded to jail on non-violent offenses simply because they cannot afford the bail amounts. We saw at the onset of COVID how many poor individuals were in-custody at the time of the outbreak simply because they were poor and sitting in jail on non-violent offenses. We worked with stakeholders to get the individuals released and witnessed that recidivism rates did not rise and failure to appear rates dropped.

Each year, tens of thousands of individuals are booked into local jails in Minnesota and those who remain in-custody are disproportionately poor or unhoused, and Black, brown, or Indigenous. All of this comes at tremendous costs to Minnesota taxpayers, who pay an estimated minimum \$55/day to incarcerate legally innocent people in local jails with no measurable benefit for public safety.

Minnesotans deserve transparency and accountability from the criminal court pre-trial system. Unfortunately, it is practically impossible for lawmakers or the public to access county-by-county data that would provide a clear and complete picture of pre-trial practices in our state. It is my position that this lack of transparency prevents lawmakers from identifying and addressing systemic harms, and it removes a critical check against public disinformation about the pre-trial and cash bail system.

HF 2201/SF 3222 would improve transparency by requiring all eighty-seven (87) Minnesota counties to collect and report data for everyone who is subject to the pre-trial process. This data would include:

- The accused's race, ethnicity, age, sex, gender, housing status, and occupation.
- Data about a defendant's bail including whether bail was required for release, the amount of bail required, the judge who set the bail, whether the defendant was released pre-trial, the length of pre-trial incarceration, and whether (and how) a defendant paid the bail; and
- Other pending cases associated with the defendant; and
- The outcome of the defendant's case.

Each year the Commission will report to the Legislature about the impact of the cash bail system on racial and socioeconomic inequities and on costs for taxpayers and communities.

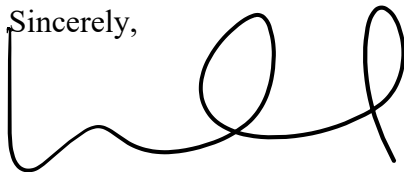
WHY IT MATTERS & WHO IT IMPACTS: Pre-trial incarceration impacts tens of thousands of Minnesotans and their families every year. It creates worse outcomes for people held in local jails, both personally and legally, compared to similar defendants who are released to await trial ([Vera Institute](#)). People jailed pre-trial are at a high risk of losing employment, housing, access to treatment and mental healthcare, and even family connections – the very things that keep people stable and safe.

National data ([National Institute of Corrections](#)) demonstrates that individuals detained until trial/disposition are 4.44 times more likely to be sentenced to jail and 3.32 times more likely to be sentenced to prison than defendants who are released at some point pending trial/disposition. Additionally, any imposed jail sentence is 2.78 times longer for defendants who are detained for the entire pretrial period, and the prison sentence is 2.36 times longer than if the person was released at some point pre-trial. And despite a lack of comprehensive data, small studies of Minnesotans jailed pre-trial confirm that the individuals and communities most subject to these harms are poor or unhoused and Black, brown, and Indigenous ([Prison Policy Institute](#); [Vera Institute](#); [Minnesota Freedom Fund](#)).

Minnesota's pretrial system impacts lives, families, and communities, and it shouldn't be allowed to operate in the dark. I urge you to support the passage of **HF 2201/SF 3222 for pre-trial data transparency in Minnesota.**

Please feel free to call or email me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'William M. Ward', with a stylized, looping flourish at the end.

William M. Ward
State Public Defender