



March 18, 2024

Dear Members of the Senate Judiciary:

My name is Damon Drake and I serve as Executive Director of We Resolve, the Twin Cities Participatory Defense Hub. I urge you to support SF 3222/HF 2201, a bill to mandate that Minnesota counties annually report pre-trial data to the Sentencing Guidelines Commission so the Commission can make recommendations to improve statewide bail and pre-trial practices.

We Resolve was founded three years ago and is a nonprofit organization that stands with, and supports, loved ones, their families, and their communities as they go through the criminal legal process. We Resolve's model is designed to give a voice and support to those for whose voices are most often silenced. We hope to mitigate the harm that the criminal justice system has on the individual, family, and the community as a whole. We use the Participatory Defense Model to defend community members and their loved ones against a discriminatory punishment system and to humanize them before the court. Our team of "resolvers" includes families, artists, community organizers and is staffed by a diverse group of men and women, all of whom have lived experience in the oppressive and harmful "legal" system.

Here is the problem. In Minnesota each year, over 69,000 Minnesotans are booked into our county jails. Many are held there because they are unable to afford bail money in a country that promises we are "innocent until proven guilty." These men and women are disproportionately Black, brown and Indigenous persons, according to the [Vera Institute](#). And, the cost of incarcerating our citizens whose guilt has yet to be determined costs our taxpayers a ridiculous amount of money daily, with no benefit to public safety ([Prison Policy Institute](#)).

Minnesotans deserve transparency and accountability from the pre-trial system. But right now, 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. This lack of transparency prevents lawmakers from identifying and addressing systemic harms, and it removes a critical check against public misinformation about the pre-trial and cash bail systems.

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Tipping the Scales Toward
Community Healing

SF 3222/ HF 2201 provides a solution and would improve transparency by requiring Minnesota counties to collect and report data for everyone who is subject to the pre-trial process, including:

- The defendant'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.

Per the bill's language, 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.

Wealth-based, pre-trial bailing significantly and negatively impacts the communities we serve. It forces innocent families to determine if they should pay their mortgage or rent, help their children with school supplies, put more gas in their car, get groceries or try to get their loved one out of jail. It flies in the face of this country's notion that we are innocent until proven guilty.

And, sentencing data tells an even more sordid and discriminatory tale. People detained until trial 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. The 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 ([National Institute of Corrections](#)).

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 **SF 3222/HF 2201 for pre-trial data transparency in Minnesota.**

Sincerely,

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