

Pretrial Justice Coalition

Pretrial Transparency Act

The Pretrial Data Transparency Act aims to enhance the transparency of Minnesota's pretrial system by requiring the collection, analysis, and public reporting of pretrial data. The bill requires that pretrial data be reported to the Sentencing Guidelines Commission, analyzed for trends and disparities, and used to provide recommendations to the Legislature for system improvements.

This bill would create a more transparent pretrial data system. By shedding light on pretrial detention trends and disparities, the legislation supports public accountability and informed decision-making that can lead to fairer pretrial practices, reduce unnecessary incarceration, and improve justice outcomes for Minnesota individuals, families, and communities.

Minnesota's current pretrial data system lacks transparency, making it difficult to assess key aspects of the pretrial process, including the impact of bail on detention lengths and case outcomes.

Without access to pretrial data, policymakers, criminal justice professionals, and community members cannot answer basic questions like how many people are jailed pretrial because they can't afford bail, whether people jailed pretrial are more likely to plead guilty than people who are released, and how a person's bail amount impacts the length of time they are jailed before trial.

The absence of comprehensive pretrial data hinders efforts to identify disparities and implement reforms. By collecting, reporting, and analyzing pretrial data, this legislation seeks to:

- Identify areas where the current system is failing and needs reform.
- Highlight successful practices that can serve as models for improvement.
- Provide critical insights into the financial and social impacts of Minnesota's pretrial system.



A LAW FIRM OF AND FOR THE PEOPLE

In Support of HF 1775

March 28, 2025

Dear Chair Liebling and Members of the House Judiciary Finance and Civil Law Committee,

The Legal Rights Center submits this letter in strong support of HF1775, which would dramatically increase criminal legal system transparency and support evaluation of current pretrial practices in Minnesota.

As one of four nonprofit public defense corporations in Minnesota, the Legal Rights Center annually represents hundreds of indigent Minnesotans facing criminal charges. Through this work, our attorneys see firsthand how the pretrial period of a criminal case can affect the outcome of that case. We know that clients who are detained pretrial are seriously limited in their ability to assist in their own defense. We see the way that pretrial detention or severe pretrial conditions can exert pressure on a person to plead guilty when they otherwise would maintain their innocence. And we understand that the race, income, and primary language of our clients impacts how they are perceived at bail hearings and the types of pretrial conditions that are imposed on them.

We know all of this because we work within the criminal legal system every day. But the system as a whole lacks transparency around pretrial issues. HF1775 will enable actors within and outside of the system to understand how the pretrial process works, its impacts on our communities, and what needs to change to achieve true equity and justice. Minnesotans deserve to know whether their legal system is working for them. For these reasons, the Legal Rights Center is proud to support HF1775.

Sincerely,

Malaika Eban

Executive Director



March 31, 2024

Via E-Mail Delivery

Representative Tina Liebling, Co-Chair
5th Floor Centennial Office Building
Saint Paul, MN 55155

Representative Peggy Scott, Co-Chair
2nd Floor Centennial Office Building
Saint Paul, MN 55155

Dear Co-Chairs Liebling and Scott:

Thank you for the opportunity to offer support for HF 1775 (Pinto). I am writing on behalf of the Justice Action Network (JAN), the nation's largest bipartisan organization that advocates for improvements to our criminal justice system. JAN has worked in states across the country and at the federal level, and has been active in Minnesota since 2016.

As lawmakers, you are tasked every day with the critical work of examining the actualities of the state's justice system against its intended purpose. At present, the state does not collect or report on pretrial data that may allow you—as well as justice practitioners, advocates, and researchers—the tools to examine it in full; in absence of such data, policy decisions in the pretrial space may not accurately represent your constituents, may not protect constitutional rights, and may not enhance public safety. These decisions are too critical to be based on limited or anecdotal experience.

As a bipartisan organization, we wish to emphasize that pretrial data collection has become a priority for red, blue, and purple states alike in recent years; without it, there is no way to accurately assess a system's stress points, adherence to best practices, and ensure appropriate uses of resources. Advancing HF 1775 is a decision that will improve the quality of pretrial policy for years to come.

Please feel free to contact our organization's government relations representative, Chas Anderson at chas@parkstreetpublic.com, with any questions.

Thank you for your consideration.

Sincerely,

Jenny Catchings
State Policy Manager, Justice Action Network

C: Representative Pinto



State of Minnesota
Board of Public Defense

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William M. Ward
State Public Defender

March 31, 2025

Re: HF1775/SF1908

Dear: Members of the House Judiciary, Finance, and Civil Law Committee
and Members of the Senate Judiciary and Public Safety Committee:

I am writing to urge you to support **HF1775/SF1908**, 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 his 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 1775/SF1908 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.

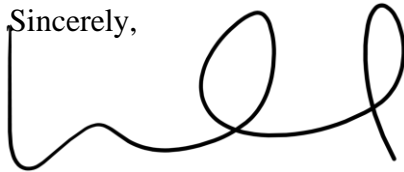
WHY IT MATTERS & WHO IT IMPACTS: Pre-trial incarceration impacts tens of thousands of Minnesotans and their families every year. It creates worse outcomes for people held in local jails, both personally and legally, compared to similar defendants who are released to await trial. People jailed pre-trial 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 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.

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 1775/SF1908 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 read 'William M. Ward'. The signature is fluid and cursive, with a large loop at the end.

William M. Ward
State Public Defender



March 31st, 2025

Representatives Peggy Scott and Tina Liebling
Co-Chairs, House Judiciary Finance and Civil Law Committee
Minnesota House of Representatives
Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Co-Chairs Scott and Liebling and committee members,

Subject: Statement in support of HF 1775

I am David Zimmer, Public Safety Policy Fellow with Center of the American Experiment, a position I have held for the past 3 years following a 33-year career as a peace officer with the Hennepin County Sheriff's Office.

I write in support of HF 1775 which would mandate the collecting, analyzing, and reporting of pre-trial release data on an annual basis.

As a conservative who values a consequential criminal justice system, I also recognize that there is room for improvement regarding Minnesota's constitutionally mandated "cash only" bail option.

I'm in favor of ensuring a standardized public safety threat evaluation tool is used for pre-trial release decisions.

The data collected, analyzed and reported on in response to HF 1775 would inform policy makers of pre-trial release outcomes, and ultimately help determine if any changes to Minnesota's pre-trial release process are warranted.

I caution the committee to ensure research funds are used judiciously and that every effort is made to direct these funds to efforts that are truly non-partisan, and unlikely to deliver a pre-determined outcome.

Sincerely

David P. Zimmer

David Zimmer
Public Safety Policy Fellow



New Justice Project
2356 University Ave W #401A, St Paul, MN 55114
organize@newjusticeprojectmn.org

To: Members of the House Judiciary, Finance, and Civil Law Committee

Subject: HF 1775 | Data Transparency Bill

Dear House Judiciary, Finance, and Civil Law Committee,

On behalf of the New Justice Project, we are asking for your support on HF 1775. This means the State Court Administration would have the means to gather pre-trial data, and the Sentencing Guidelines Commission would need to study, report on, and share the data with the public.

New Justice Project is a non profit organization that empowers and educates those impacted by the criminal legal system and systemic racism. We have been a part of initiatives like Restore the Vote MN which restored the vote to over 50,000 justice-impacted Minnesotans.

Here at New Justice Project, both staff and members alike have had firsthand experience navigating the criminal legal system and how trying it is to navigate the pre-trial process while maintaining access to their housing and jobs. When someone is released to their community instead of having to pay cash bail, they are more likely to get the support they need to have a fair case and keep access to their basic living needs.

With the current data available, it is hard to assess pre-trial conditions which would cut costs for both the state and the person being impacted by the pre-trial process. For instance, according to the Prison Policy Initiative, 71% of folks held in pre-trial jails across the U.S are not convicted. We only hope for this bill to move us to the next step in creating fairer cost effective pre-trial processes in Minnesota.

Minnesota's pretrial system impacts families, our economy and Minnesotans wellbeing. It should not be allowed to operate in the dark. We urge you to support the passage of HF 1775 for pre-trial data transparency in Minnesota.

Sincerely,
Nelle Rivers (they/them)

New Justice Project
Campaign Coordinator
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