



Commonsense Pretrial

Voters Want 3DaysCount™ Solutions

The Pretrial Justice Institute’s 3DaysCount campaign promotes commonsense solutions to long-standing pretrial justice system challenges that discriminate against the poor, fail to protect individual and community safety, and squander public resources.

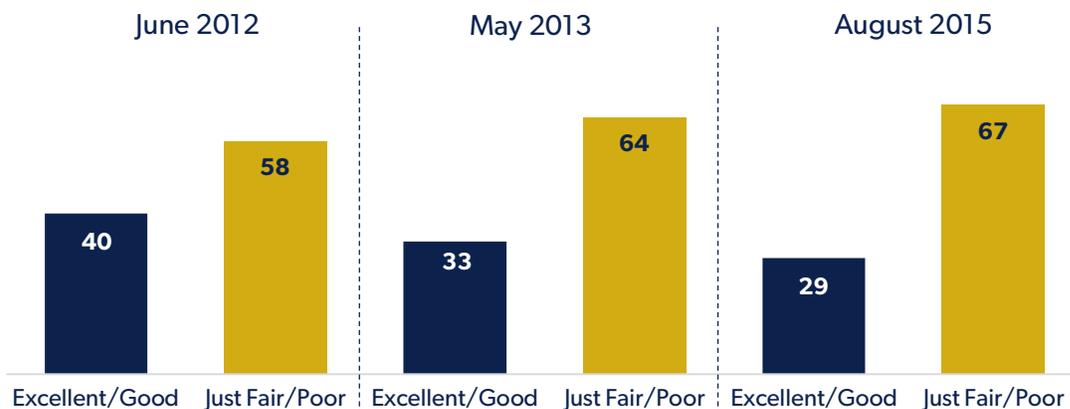
Elected officials and other justice system stakeholders can be confident in widespread and strong public support for the principles, goals, and specific solutions of the campaign, which will set a new standard of pretrial justice by the year 2020 by supporting 20 states to:

- Reduce unnecessary arrests that destabilize families and communities,
- Replace discriminatory money bail with practical, risk-based decision-making, and
- Restrict detention (after due process) to the small number of people who pose unmanageable risks if released.

People Want Change

Polls show falling confidence in current U.S. criminal justice practice. Two-thirds of likely voters feel that the system is doing a “just fair” or “poor” job at protecting public safety and using public resources wisely. Repeated polling by PJI shows this dissatisfaction increasing—reaching more than two-thirds of respondents in 2015 (Figure 1).

Figure 1. Performance of Criminal Justice System¹



1. Lake Research Partners, Key Findings on Recent Public Opinion Research: Pretrial Risk Assessment, August 2015. NOTE: except where otherwise cited, all data points in this brief are attributable to Lake Research Partners, 2015.

Much of this dissatisfaction may be traced to the undue influence of money. 69% of likely voters believe that criminal justice systems favor the rich; only 13% strongly believe that all citizens are treated equally regardless of wealth.

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3DaysCount Solutions

Each of the 3DaysCount solutions responds to recognized system challenges with improvements that voters support.

Reduce Arrests

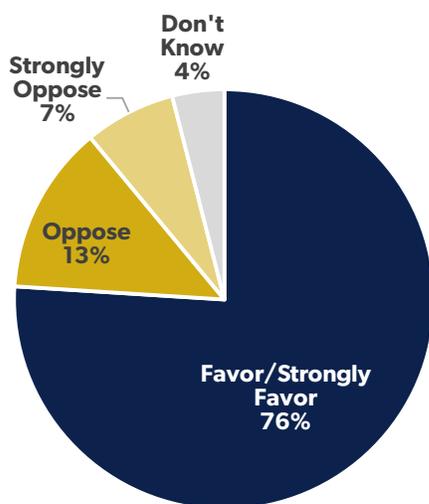
Voters understand that not all alleged lawbreakers belong in jail, and that even a short time in detention can have lasting and harmful consequences.² 3DaysCount supports systems to perform custodial arrests only when necessary and to release others safely with citations or summonses to appear in court.

When asked to identify the biggest problems facing our criminal justice system, the incarceration of people for minor, nonviolent offenses was the most common response, named by 34% of respondents.

An overwhelming percentage of voters polled by PJI (80%) agree or strongly agree that police should focus on identifying and arresting violent, high-risk suspects instead of low-level, nonviolent suspects. This belief crosses political party lines.

Similarly, 76% of voters support or strongly support reducing the number of arrests for low-level, nonviolent offenses by issuing citations in lieu of arrest for those offenses (Figure 2).

Figure 2: More than three-fourths of voters support citations in lieu of arrest.



Replace Money Bail with Risk Assessment

Support for replacing money bail with risk-based systems—the second goal of 3DaysCount—coincides with the widely held belief that the criminal justice system favors those with financial resources. 83% of respondents believe that people with money are able to buy their way out of jail while poorer people remain incarcerated.

Nearly three-fourths of voters believe that risk, not money, should be the primary factor in pretrial release decisions. This support transcends political, racial, and ethnic divisions (Figure 3). In some jurisdictions, the support is as high as 91%.³

84% of voters favor or strongly favor the use of risk assessment and, when needed, pretrial supervision to reduce unnecessary pretrial incarceration.

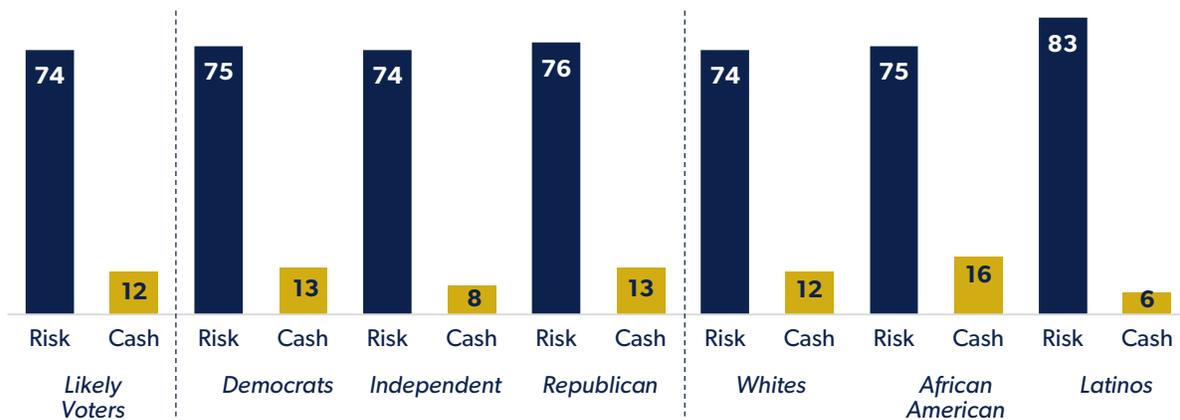
² Laura and John Arnold Foundation, "Pretrial Criminal Justice Research," November 2013.

³ Florida TaxWatch Center for Smart Justice, Smart Justice Poll Results. January 19, 2012.

Although voters may be initially reluctant to abandon the money bail system—not surprising given it is the only system they’ve ever known—a brief explanation of risk-based systems increases support for replacing money bail with risk to more than half (58%).

Risk-based decision-making is so intuitively appealing, in fact, that many voters (28%) believe it is currently in use. Yet fewer than 10% of jurisdictions use empirically derived assessment tools to guide pretrial decisions.

Figure 3. Determining Factor for Keeping Someone in Jail Before Trial: Risk Assessment vs. “Cash” Bail



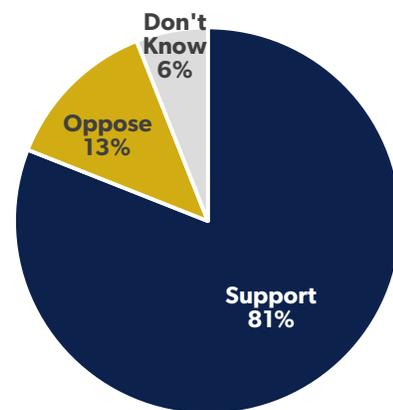
Allow for Detention of Defendants Based on Risk

The third goal of 3DaysCount, to empower states to detain the highest-risk defendants, with full due process and without the chance to buy their way out, is supported by 81% of voters (Figure 4).

Americans believe that the criminal justice system’s top mandate is to protect public safety⁴, yet more than a third of voters (35%) say that money bail fails to address crime or keep us safe. They are right. Currently, most courts are legally obligated to offer release to dangerous defendants they believe should remain behind bars. Although they may try to circumvent this obligation by setting high bail amounts, these are too often met—usually with the help of the for-profit bail industry.

The commonsense solutions supported by 3DaysCount are based on research and best practices. Importantly, they also enjoy broad and strong public support. Elected officials and other justice system stakeholders can be confident that their constituents support the principles, goals, and specific solutions advanced by 3DaysCount.

Figure 4: Support for Preventive Detention



⁴ The Opportunity Agenda, *An Overview of Public Opinion and Discourse on Criminal Justice Issues*. August 2014.