Statement for the Record for House Judiciary Committee Markup on H.R. 2152
Submitted by Congressman Ted W. Lieu (CA-33)
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"I am concerned by the House Judiciary Committee's efforts to enact H.R. 2152, the Citizens' Right to Know Act, which is premised on the false notion that pretrial services programs make our communities less safe. I am troubled because the available data and reports show the exact opposite: moving away from the current money bail system and strengthening pretrial services programs actually make us safer and restore justice.

Today, more than 2 million people are incarcerated in the United States, of whom 450,000 individuals have not been convicted of a crime. In jails alone, 65 percent of inmates are awaiting trial and most are unable to afford bail. The money bail system is clearly unjust, unnecessarily costly, and makes us less safe.

Our justice system was founded on the idea that an individual is innocent until proven guilty. But with money bail, people without financial means are left to languish behind jail bars before they have their day in court. What's worse is that the decision to detain a person most often doesn't even take into account the likelihood that he or she will reoffend or flee. When left in jail pretrial, defendants are at risk of losing their jobs and their homes, and the cycle of poverty continues. Further terrifying is that too often people who cannot afford bail decide to plead guilty purely to get out of jail.

The current money bail system used across the United States is also very expensive. Each day, taxpayers spend $38 million on pretrial detention, a sum far greater than would be spent to release and monitor individuals who pose neither a safety nor a flight risk. In fact, individual jail beds may cost more than $200 a day, whereas pretrial systems based on risk cost on average $7 a day. We should focus on using pretrial service programs to implement risk-based assessments that use valuable taxpayer resources more efficiently and effectively.

Finally, reliance on a monetary payment for release before trial makes our communities less safe. When we base a pretrial release decision on a bond schedule rather than an assessment of a flight or danger risk, individuals with financial means are released even if they are dangerous. Last year, a woman in San Francisco who was accused of murdering her kids' father was released after posting bail. At the same time, another man from the Bay Area who was accused of welfare fraud was kept in jail because he could not afford bail.

I am encouraged by progress in states and localities to transition away from money bail systems and adopt individualized risk assessments instead. These assessments ensure that the decision to detain someone prior to trial is based on whether or not the person poses a danger to society or is at risk of failing to appear in court – not by measuring his or her wealth. In places that have made such changes, we've seen great success. For example, the District of Columbia system, which eliminated reliance on money bail, honors the presumption of innocence and does not measure justice by a defendant's wealth. As a result, 85 percent of defendants are released before trial, of whom more than 90 percent return to court and stay arrest free while their cases are pending.

It's important that we endeavor to follow the lead of places like the District of Columbia to ensure the integrity of our justice system, save taxpayer dollars, and keep our communities safe. I hope that the Committee will work with me to reform this inherently unfair and unjust system to ensure that no American is detained before pretrial solely because he or she cannot afford bail."