

HF 2201/SF 3222: WHY WE MUST IMPROVE PRETRIAL DATA COLLECTION TO PRIORITIZE SAFETY AND FAIRNESS AND ANSWER CRITICAL QUESTIONS ABOUT OUR PRETRIAL JUSTICE SYSTEM



BACKGROUND: In Minnesota, defendants have a [constitutional right](#) to unconditional bail in all cases. In practice, this means that people with access to money or bonds can choose to pay their way out of jail regardless of their safety risk, while someone who does not present a risk to public safety but cannot afford their bail amount will remain in custody. ***This money-based system does not prioritize public safety, undermines fairness, and drains resources from individuals, families, and communities.***

OUR POLICY PRIORITY: Here in Minnesota, we seek to support policies that enhance public safety, reduce the number of people unnecessarily languishing in jails, protect constitutional rights, and promote justice. Incarcerating people before trial costs county and state governments approximately \$14 billion annually.¹ But to improve our pretrial practices, ***we must have accurate and consistent pretrial data to understand how our current system functions.***

Unfortunately, currently reported and available data on the pretrial system is sparse, with no statewide source of information. This bill seeks to rectify this issue by capturing accurate and consistent court data from all 87 counties on the following key data points:

- The number of people who are on pretrial status
- The percent of people released during the pretrial period vs. the percent detained
- The most serious charge for each person detained / released pretrial (broken down by felony vs. misdemeanor and property/drug/violent)
- Each person's bond type and amount
- Demographics for each person (age, race, gender)

The bill is currently being drafted with input from stakeholders, allowing us to improve on [last year's version](#)

¹ *Advancing Pretrial Policy and Research Roadmap for Pretrial Advancement, 2022*