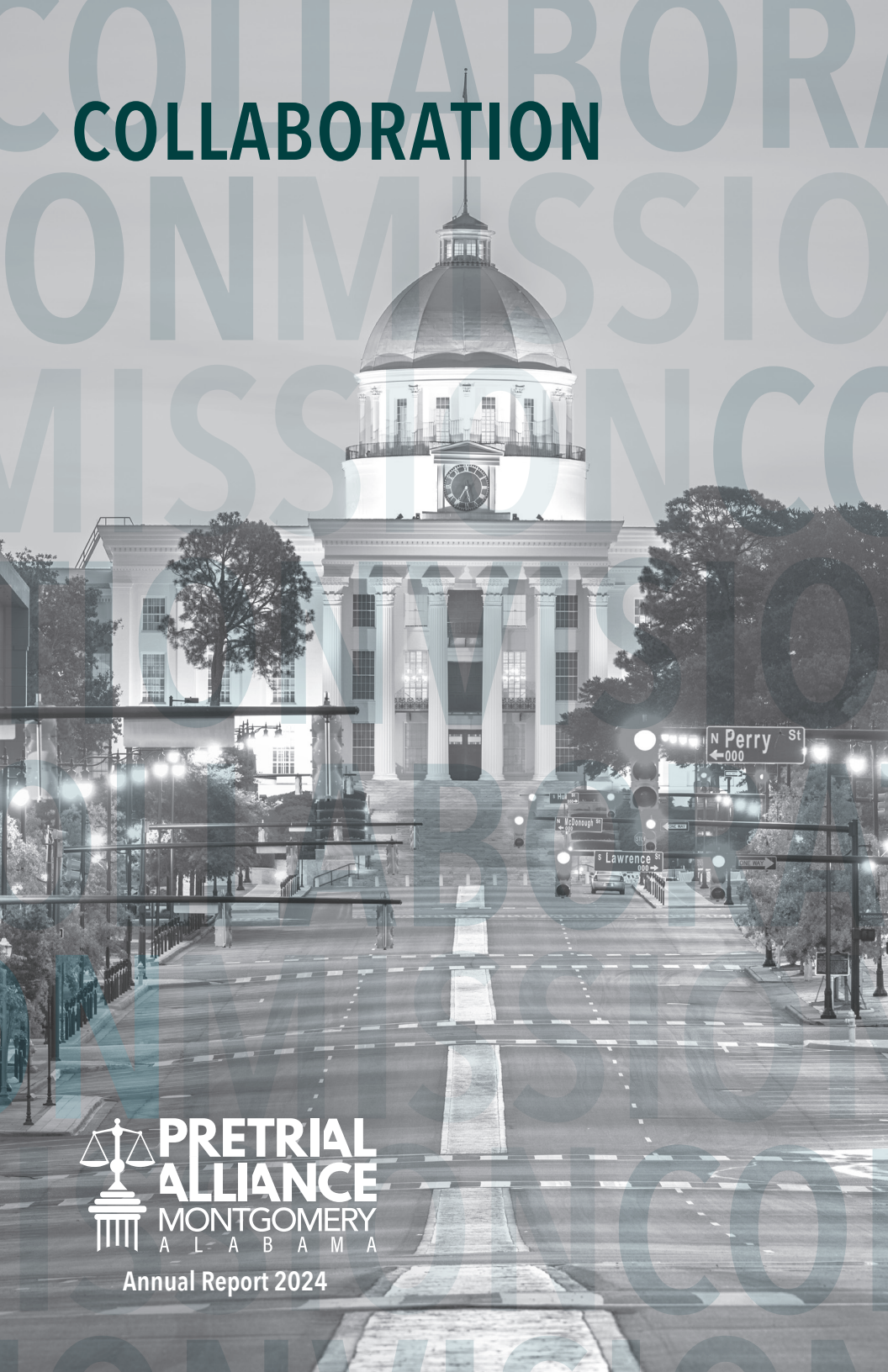


# COLLABORATION



**PRETRIAL  
ALLIANCE**  
MONTGOMERY  
ALABAMA

Annual Report 2024



## **WHAT IS "PRETRIAL?"**

The pretrial phase begins at a person's first contact with law enforcement and ends at case disposition. Under the US and Alabama Constitutions, everyone accused of a crime is presumed innocent.

## A MESSAGE FROM

# JUDGE JOHNNY HARDWICK

I am so happy to share this report, which acknowledges the work and accomplishments of many people in improving Montgomery County's pretrial justice system.

Pretrial Alliance Montgomery's greatest strength has been collaboration. We have advocacy groups, community stakeholders, and pretrial system professionals committed to understanding how our system works as a whole and making improvements to enhance the well-being and safety of all residents in Montgomery County.

This work has allowed us to review data and see who is in our jail, which confirmed my concerns and convinced me we are right to focus on improving our local pretrial system. Many people remain in jail for low-level, nonviolent offenses. As you will read below, this is costly and can make us less safe because the unnecessary pretrial detention of people who pose little risk to community safety increases the likelihood of a new arrest.

The racial disparities in our system are significant. When comparing people with similar criminal history and charge, Black people are three times more likely to be booked into jail compared to white people. They are also given a higher money bond than white people and, as a result, remain in jail longer.

Along with deep collaboration and study, we recognize that we are limited in the pretrial improvements we can make because state laws and court rules have yet to keep up with empirical research and professional best practices. But we have learned a great deal about how our local system works and are advancing practices within these limitations to improve how the system works as a whole.

# VISION MIS LABORATIO

## VISION

A system that promotes fairness and equity throughout the pretrial justice system and balances concern for community safety, concern for victims, and meeting the needs of the justice-involved person.

## MISSION

To ensure the fair administration of pretrial justice, enhance community safety, and reduce the likelihood of failure to appear or pretrial rearrest by developing a continuum of evidence-informed pretrial justice options.

### **Pretrial Alliance Montgomery Members**

15th Judicial Circuit (lead agency)  
Aid to Inmate Mothers  
Alabama Appleseed Center for Law & Justice  
Alabama Forward  
Alabama Office of Indigent Defense  
Alabama State University  
Auburn University Montgomery  
Community Members  
Equal Justice Initiative  
Law Office of Emmett Hampton  
Metropolitan United Methodist Church  
Montgomery Bail Out  
Montgomery County Community Corrections  
Montgomery County District Court  
Montgomery County Police Department  
Montgomery County Sheriff's Office  
Montgomery Pride United  
Southern Poverty Law Center

# SSION COLLE ON VISIONN

## COLLABORATION

PAM brought together people from the pretrial system agencies and community nonprofits who had never worked together before. Although Montgomery County boasts some of the preeminent legal and civil rights groups in the country, they have rarely worked collaboratively with courts, law enforcement, and community-based organizations to jointly identify areas for improvement and develop proactive solutions to serve residents.

### Why It Matters

Pretrial systems are complex and often fragmented, with individual agencies historically working independently and through different approaches. The National Institute of Corrections has identified collaboration as essential to improving justice systems. The relationships and trust between pretrial agencies and community groups fostered by five years of the Pretrial Alliance could be the seeds of more constructive and trusting relationships among interest groups who all share a desire to see Montgomery as a place where all residents can safely live and thrive.

**IN OUR SOCIETY, LIBERTY IS  
THE NORM, AND  
DETENTION PRIOR TO TRIAL  
OR WITHOUT TRIAL IS THE  
CAREFULLY LIMITED  
EXCEPTION.**

**– Chief Justice William H. Rehnquist,  
U.S. v. Salerno, 481 U.S. 739, 751  
(1987).**



# MAPPING THE PRETRIAL SYSTEM

System mapping is a key way for people working in pretrial agencies to understand and assess how their system works as a whole. Early in its collaboration, PAM created a system map to identify all key decision points in the system, from the first point of contact with law enforcement through case disposition. Representatives of district court, law enforcement, the district attorney's office, the public defender's office, community corrections, the county, and community nonprofits participated in the day-long mapping exercise.

## Why It Matters

Pretrial systems are a collection of agencies that operate independently, and no single agency or individual is accountable for pretrial outcomes or their impacts on communities. As a result, pretrial agencies typically operate in silos. Mapping the pretrial system helps everyone understand how their system works as a whole and can assist with identifying opportunities for improvement.

**3X**

Black people are three times more likely to be booked into jail than white people.

**10X**

Black people pay 10 times more for bond as a portion of their per capita income than white people.

# ADMINISTRATIVE ORDERS PERTAINING TO PRETRIAL RELEASE

In Montgomery County, thousands of people are in jail before trial on low-level, nonviolent charges every year because they cannot afford to pay a financial release condition. Money is often a default condition regardless of whether or not a judicial officer intends to detain a person. PAM spent over two years speaking with judges, prosecutors, and public defenders in Alabama and the South and learned that in those jurisdictions, presiding judges issued a standing order to give magistrates, jail administrators, and law enforcement clear guidelines to release people before an initial appearance who do not pose a risk to community safety. This allowed prosecutors, public defenders, and the courts to focus limited public resources at initial appearances on people charged with serious crimes and there was no negative impact on community safety. PAM developed an order based on local policy needs that authorized the safe, efficient release of people who did not pose a risk to community safety without requiring them to pay for their release from jail. Although the Alabama Supreme Court stayed the orders shortly before they were to go into effect, PAM intends to have further conversations with the Court next year about the standing orders.

## Why It Matters

A large body of research shows that pretrial detention for any amount of time is associated with an increase in a new arrest and an increase in missed court appearances. Montgomery County detains thousands of people every year on low-level, nonviolent charges, like marijuana possession and minor traffic (non-DUI) offenses.



**1,397** people were in jail related to minor (non-DUI) traffic offenses

## Getting Pretrial Decisions Right

- ▶ Should this person remain in jail or be released?
- ▶ If the person is released, what conditions will help people be successful while on release?



PRETRIAL ALLIANCE  
FOR CALIFORNIA



# LISTENING TO IMPACTED PEOPLE

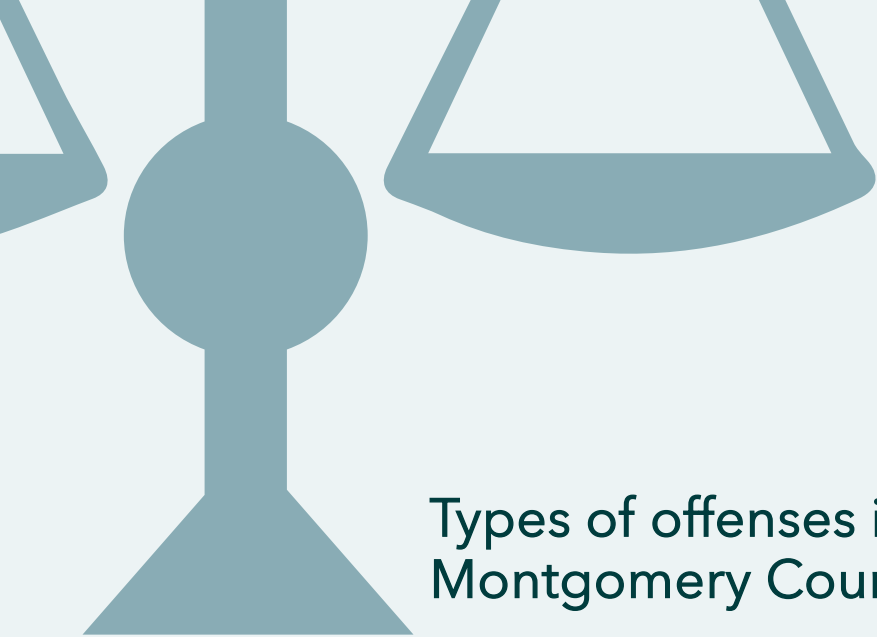
PAM spoke to people who had experienced the county pretrial phase. The interviews provided insight into lengthy case processing. The average case processing time was two years, with one person reporting that it took seven years for their case to resolve. Nearly everyone said the fines and fees imposed, often for mandated programs, were overwhelming. While some reported a commitment to meeting their financial obligations, often, the amount was beyond what they could afford to pay. Finally, several reported challenges with the for-profit bail bond agencies. Some said that the bail bonding fees changed, others reported a requirement to attend weekly check-ins at a cost of \$25-\$50 above and beyond the bonding fee. Some people reported being on payment plans to the commercial bail bond agencies well beyond when their case was disposed.

9 People impacted by the pretrial system interviewed

## Why It Matters

People impacted by the pretrial system bring expertise and perspective to the policymaking table, particularly when it comes to discussing and developing strategies to achieve fairness and effectiveness.





## Types of offenses in Montgomery County

15% Drugs (less than 2% for trafficking)

24% Violent

30% Property

25% Public disorder





## ASSISTING WITH COURT ATTENDANCE AND PROVIDING SUPPORTIVE SERVICES

PAM collaborated with behavioral science experts at the nonprofit ideas42 to evaluate district court orders and forms and improve people's understanding so they remember and attend their court dates. This will help people understand their obligations and attend required court hearings.

### Why It Matters

Court documents are historically designed for legal professionals working in the system. They can be confusing and full of legal language. Making court documents easier to understand and read helps people understand what is required of them and attend their court dates. These simple changes can make a big difference in people's lives and ensure the pretrial system operates effectively.

## WHAT IS PRETRIAL IMPROVEMENT?

Improving our pretrial system strengthens communities by ensuring decisions made during the pretrial phase are informed and deliberate and contribute to enhancing community well-being and safety. Pretrial practitioners must consider carefully who should be in jail before trial and who should be released because unnecessary detention for any amount of time results in worse outcomes for people and communities. People in jail simply because they cannot afford to pay a financial release condition—not because a judge decided they posed too significant a risk to community safety—are more likely to be rearrested in the long term. That is because detention destabilizes people's lives, interfering with work, school, and family responsibilities. When parents are in jail, the stress and instability result in children with far greater rates of delinquency, abuse, and poor school performance. These effects cascade through families and our community.





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[www.pretrialmontgomery.com](http://www.pretrialmontgomery.com)