



# Pretrial Justice in Montgomery County, Alabama Insights from Community Members

Pretrial Alliance Montgomery (PAM) is a collaborative group of criminal legal system professionals, community nonprofits, and community members working to improve the pretrial system. Its mission is to ensure the fair administration of pretrial justice, enhance community safety, and reduce the likelihood of failure to appear and pretrial arrest by developing a continuum of evidence-informed pretrial justice options.

**O**n March 28, 2023, and June 29, 2023, PAM hosted two community listening sessions. The purpose was to listen to community members' perceptions, concerns, and ideas of the local pretrial system. This report summarizes the feedback of those who attended.

## REASONS FOR ATTENDING

Community members attended for a range of reasons. Some were college students studying or interested in the criminal justice system. Others were concerned about racial disparities and the incarceration of African-American men and wanted to learn how they could support positive change. Other reasons included representing veterans and ensuring they had a voice at the table and concerns about children, families, and the separation caused by pretrial detention. Some people were lawyers, had worked in the criminal justice system, or had family members in law enforcement. One person was interested in running for city council.





# Listening Session Themes

## A NEED FOR PUBLIC EDUCATION

At both listening sessions, people expressed interest in more public education. Most had never been in a courtroom and were unfamiliar with the pretrial process. They shared that they were not aware that people could be detained for two reasons: risk of flight to evade prosecution and/or a risk of committing a new serious offense that harms the community. Others expressed surprise learning of the U.S. Supreme Court’s declaration that release before trial is supposed to be the “norm” and detention the “carefully limited exception.” Others said they felt many people don’t understand people are innocent until proven guilty during the pretrial phase.

People asked if PAM could do more outreach, including short video clips, digital billboards, outreach to local churches, and engaging with social media influencers who could share more broadly informative posts about pretrial justice.



“The general public who doesn’t really understand the concept of people being presumed innocent. Just because someone has been arrested doesn’t necessarily mean they committed the crime. Even if they did, they still are entitled to that dignity of a fair trial and have an opportunity to give their side of [the story.]

— Community member

## ADDRESSING SOCIAL NEEDS

A common and broad topic of discussion included the underlying social needs of people involved in the pretrial phase. Discussions covered a wide range, including social issues that might have led to a person’s involvement with the criminal justice system and needs that made it difficult for people to succeed during the pretrial phase.

Broadly, topics included:

Mental health

Substance use disorder

Lack of housing or housing instability

Poverty



People identified barriers that might prevent or make it more difficult for people to attend court.

- The barriers identified included:
- Lack of transportation
- Conflicts with work/missed work to attend court
- Child care and family responsibilities



**Community members identified the following as solutions/responses to those barriers:**

- Probation officers should be advocates for people going through the pretrial process.
- Attorneys should explain the process more and monitor their clients closely to ensure compliance/success.
- Separate pretrial system for veterans
- Educating the public on the process (and probable cause specifically).
- Prevention by increasing social services, mental health care, and treatment for substance use.
- Intervention, including rehabilitation and diversion (i.e., alternatives to traditional criminal justice system processing)
- No cost and low-cost conditions of release
- Resources in the schools
- Increase services to include the expansion of in-patient treatment (substance abuse), mental health facilities/resources, and public transportation. Some groups talked about expanding Medicaid in Alabama.
- Peer supporters (people with similar life experiences who can support youth and help people stay out of jail.)
- Training and job skills
- Pretrial support
- Community policing (police and residents know one another)



**Our state needs to spend more money on health care and less money on criminal justice, in my opinion. If we would take the expanded Medicaid, then we would have more infrastructure, more mental health infrastructure...I get very frustrated when we talk about spending money to build prisons, but we can't afford to expand Medicaid.**

**— Community member**

## **CONCERNS ABOUT RECIDIVISM**

There were concerns about people released from jail who engaged in criminal behavior. Some expressed concern about people detained before trial because they cannot afford to pay their financial release condition and how this type of detention contributes to recidivism due to the destabilizing influence of detention on people's lives, including the loss of jobs, housing, and family ties. One person asked whether jail being a "revolving door" was a perception in the community.

## **VETERANS**

At one session, a person who works with veterans attended to share the everyday needs of veterans. Because some veterans struggle with Post-Traumatic Stress Disorder (PTSD) or have other mental health needs, they asked for a separate system for veterans. They also noted that many veterans are unable to pay a monetary bond, resulting in pretrial detention simply due to a lack of ability to pay, not because they pose a risk to community safety.



**I want to know, how many veterans are sitting in jail? They haven't gone to trial because what happens is when you get arrested, and you go to jail, and you can't afford your bail, you lose your home...you lose everything. And you're still innocent...It's a problem.**

**— Community member**

## **CHILDREN AND FAMILIES**

There was discussion about family separation when a parent or guardian is held in detention pretrial. People wanted to know what happened to children when a parent was in jail before trial, especially for nonviolent charges when the reason for detention was an inability to pay the financial release condition. How children were placed, whether in foster care or with an extended family member, was considered a genuine concern.

One person familiar with Adverse Childhood Experiences (ACEs) explained how a parent in jail causes stress for children and how chronic stress of sustained pretrial detention and the associated negative impacts (such as job loss and loss of housing) interfere with healthy childhood development, contributing to a cycle of lasting effects on children that affect their behavior over their lifetime. During this discussion, one person shared a story of a single mother



they knew who spent 45 days in jail, separated from her children. Her charge was nonviolent, but she could not afford to pay the financial release condition. This person said that family separation and the impact of pretrial detention on children motivated her to attend the listening session.

Some community members discussed how unpaid child support might result in a person's arrest and detention. There was acknowledgment that detention does not solve the problem. One community member shared her lived experience, describing the burden she faced working four jobs as a single mother who did not receive the child support that was due. This caused members to ask, how does the system distinguish between someone who cannot afford to pay versus another who willfully does not pay?

**“ ...if a father gets arrested for not paying child support, the laws are there. But I don't see the benefit of that arrest because now you've really stifled his ability to take care of his kids. But that can be argued in many different ways.**  
— Community member



## PRETRIAL DETENTION

Members felt that stress, anxiety, trauma, shame, loss of employment, and negative public perception were collateral consequences of pretrial detention. Members felt that some people believe that if someone is arrested, they must have done whatever they were accused of. Even if found not guilty [or charges dismissed], the stigma remains.

Members felt that some people are released from jail and “pick up where they left off” (criminal behavior). Members are concerned with the cost of pretrial release (ability to pay for release, recidivism due to inability to pay, access to programs due to inability to pay).

People asked, why are people in jail for nonviolent crimes versus the most serious, violent offenses? Another person noted that putting some people in jail for a “minor crime” can increase the likelihood of recidivism.



**“ If you take someone who was accused of a minor crime and you put them in jail, [increase in recidivism] was concerning. The last thing we want to do is make a petty thief a felon.**  
— Community member

## About Pretrial Alliance Montgomery

Pretrial Alliance Montgomery (PAM) is a collaborative team studying and identifying effective, research-informed pretrial improvements. PAM results from Montgomery County's selection as a Research-Action Site in the national Advancing Pretrial Policy and Research (APPR) initiative. As a Research-Action Site, the county receives intensive assistance to study its pretrial system, understand local data, and design and implement research-based strategies responsive to local needs.

Learn more at [pretrialmontgomery.com](http://pretrialmontgomery.com)

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## RACIAL DISPARITIES

Several people said they attended the listening session out of concern for the high rates of incarceration of African-American men. During the discussions, people expressed concern about discrimination based on race and socioeconomic status, as well as the concern that the public sees a person arrested as guilty and the stigma that goes with system involvement. There was concern that Black men were targeted for traffic stops. On a related note, some community members expressed concerns that law enforcement made traffic stops and issued tickets to meet quotas and/or generate revenue.



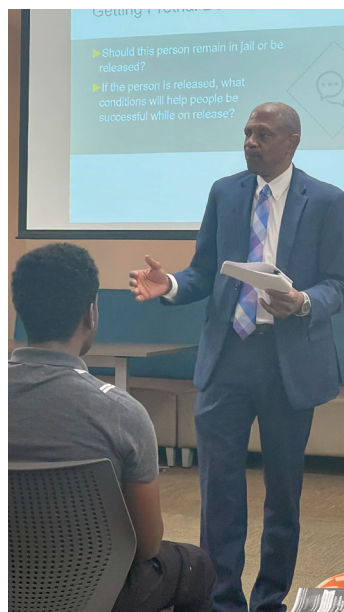
**As a Black man, I will not get the benefit of the doubt or be judged 'innocent until proven guilty.'**  
— Community member

## FEES, FINES, AND MONETARY BOND

People were familiar enough with the use of financial conditions of release (i.e., monetary bond), including that if people could not afford to pay for their release, they would pay a commercial bail bonds company 10 percent of the bond and not receive that money back, even if they attended all court hearings and ultimately were found not guilty.

Concerns expressed included that paying a financial release condition was like a second penalty when people were presumed innocent: "People are literally trying to survive from one paycheck to the next. So adding a burden again, it's like you are penalizing folks for being poor, working poor." They asked for data from PAM to show whether paying money was associated with community safety and how monetary bonds were related to pretrial detention.

In one small group, members expressed concern about traffic tickets as a source of income for the state and the local criminal justice system. They thought law enforcement had quotas to meet revenue goals and wanted more community policing, with some sharing memories of police officers knowing their names as a child and knowing the names of neighbors.



**I think the income inequality is a recurrent theme in the justice system where a \$35 fee for a lot of people is nothing and for other people is everything, and I just think that's a huge problem.**  
— Community Member