



Office of the Washington State Auditor

Pat McCarthy

Reforming Bail Practices in Washington

Joint Legislative Audit and Review Committee

March 14, 2019

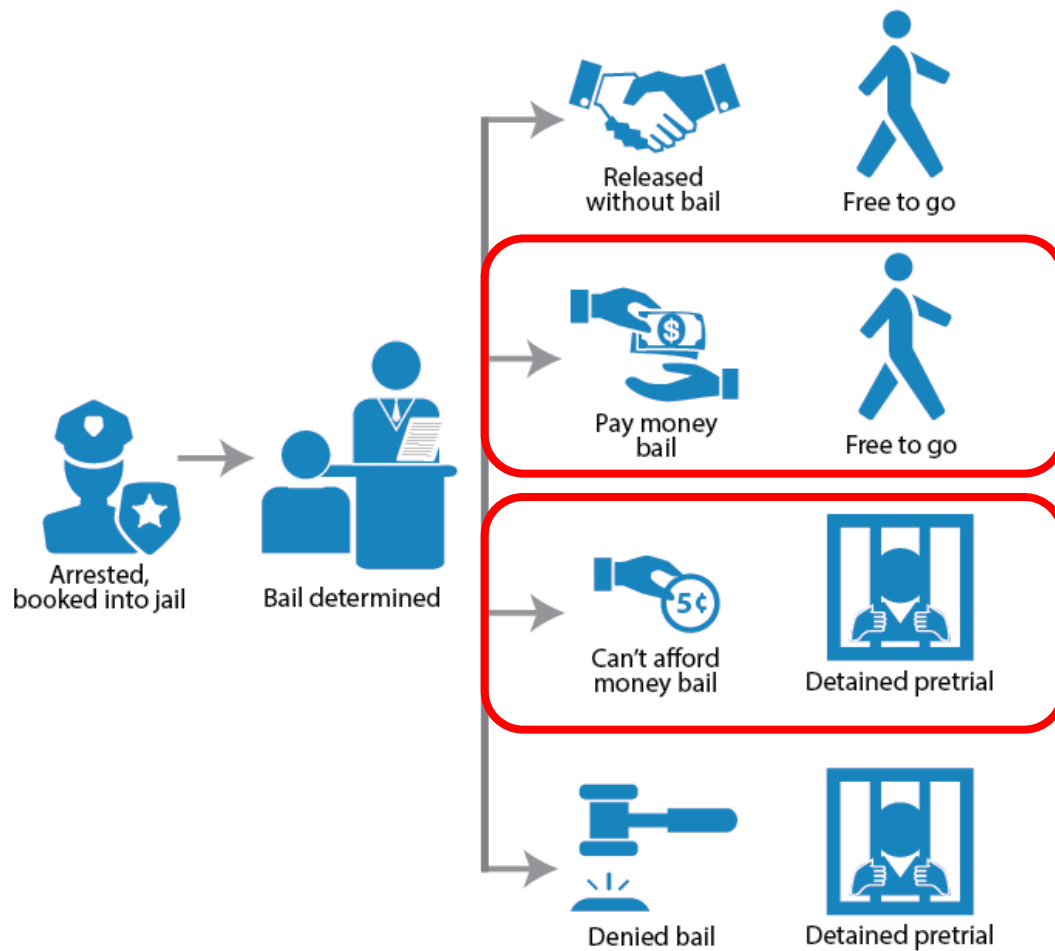
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The Constitution presumes the release of defendants

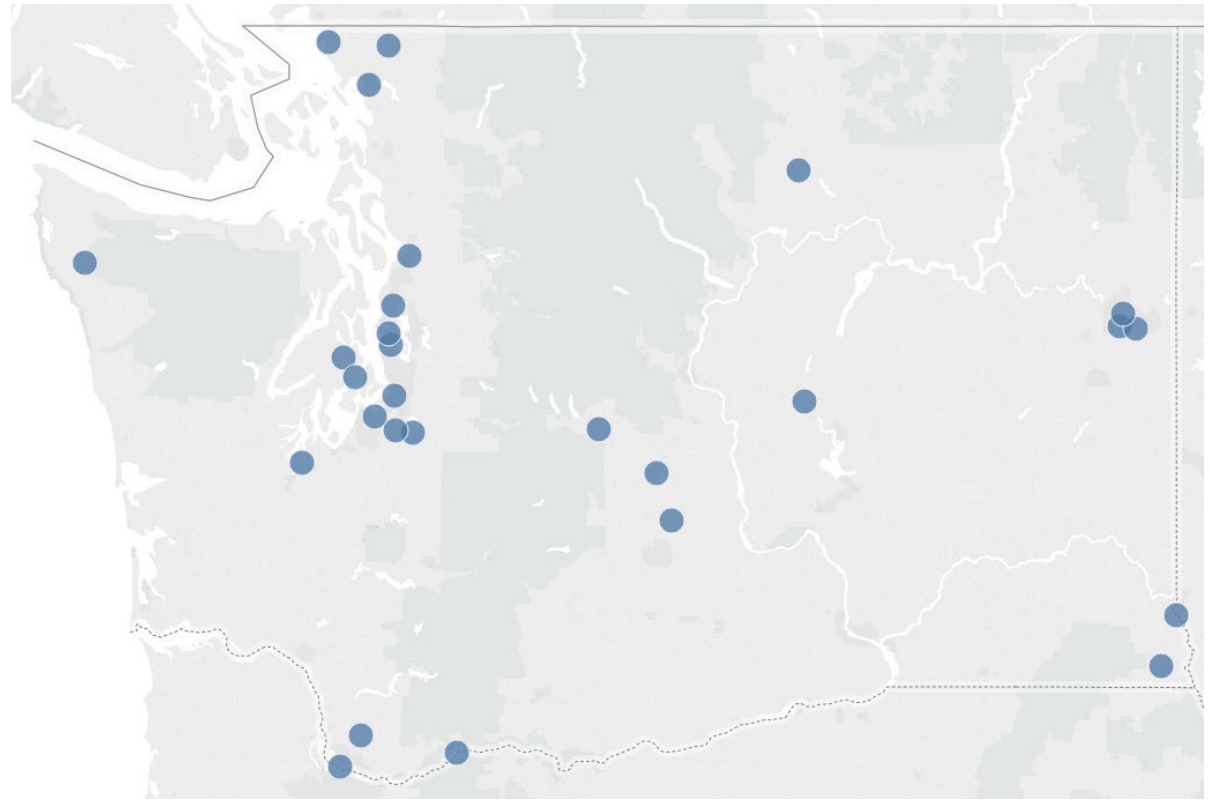
- The Washington Constitution and court rules presume most defendants should be released before their trials
- Judges can impose bail to create a financial incentive for defendants to return to court after release

Defendants will remain in jail if they cannot afford bail



Pretrial services can be used as an alternative to bail

- Pretrial services programs offer judges and defendants alternatives to bail.
- Some jurisdictions use risk assessments to measure the likelihood a defendant will appear in court or reoffend.

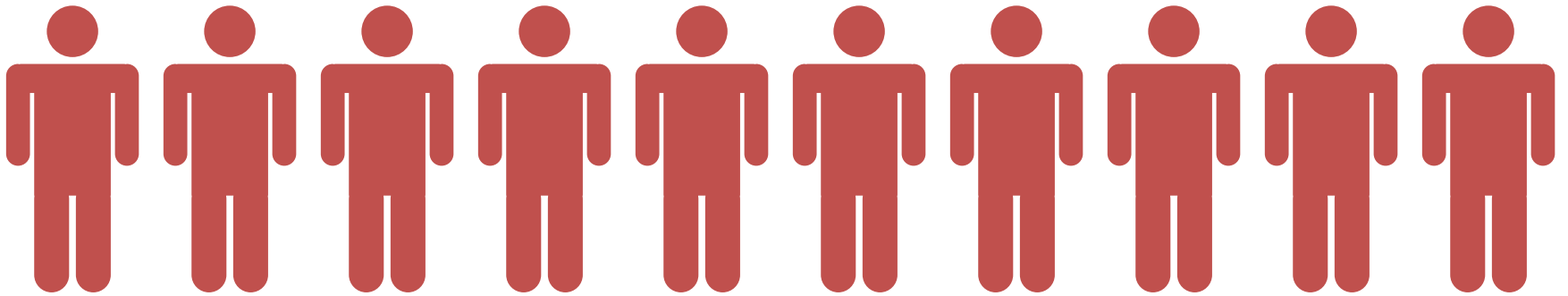


Audit question

Can Washington use pretrial services, as an alternative to bail, to better serve qualified defendants while maintaining public safety and controlling costs to taxpayers?

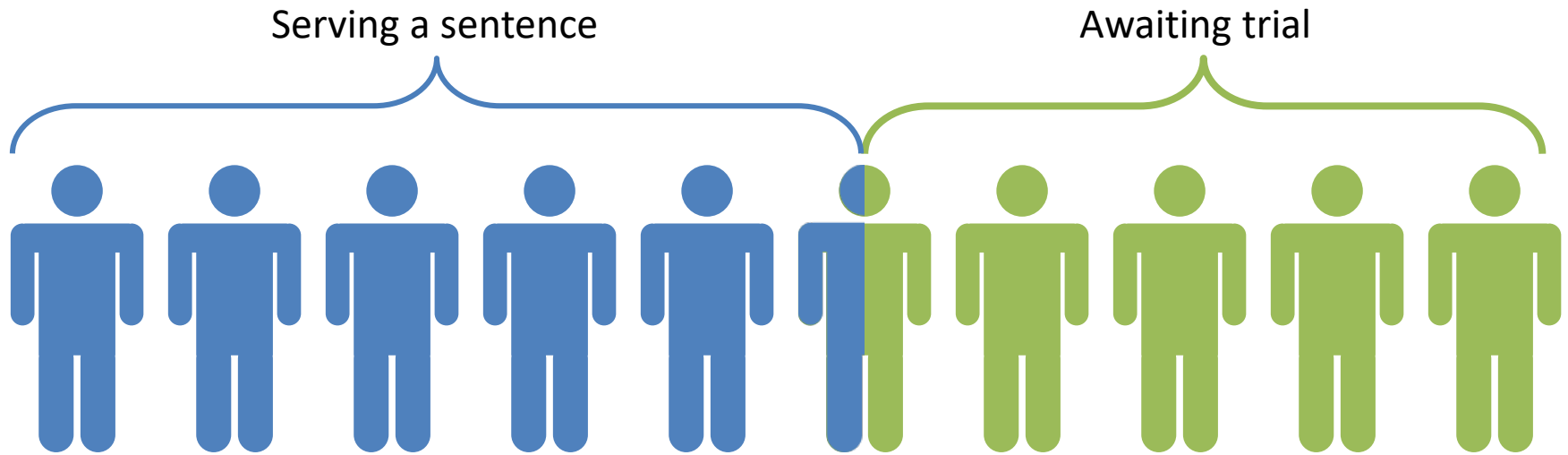
Washington's jail population

There are **14,500** people in jail statewide on a typical day.



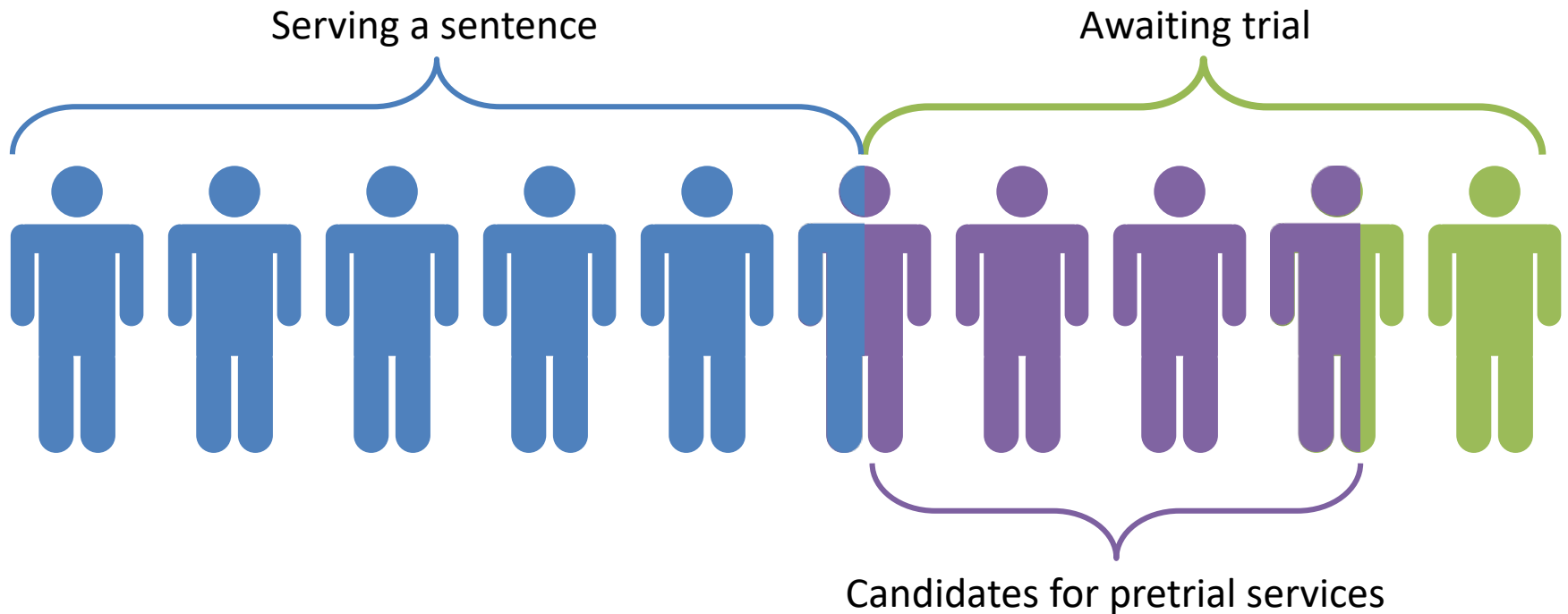
Washington's jail population

8,000 are serving a sentence, while 6,500 have not been convicted of a crime and are awaiting trial.



Washington's jail population

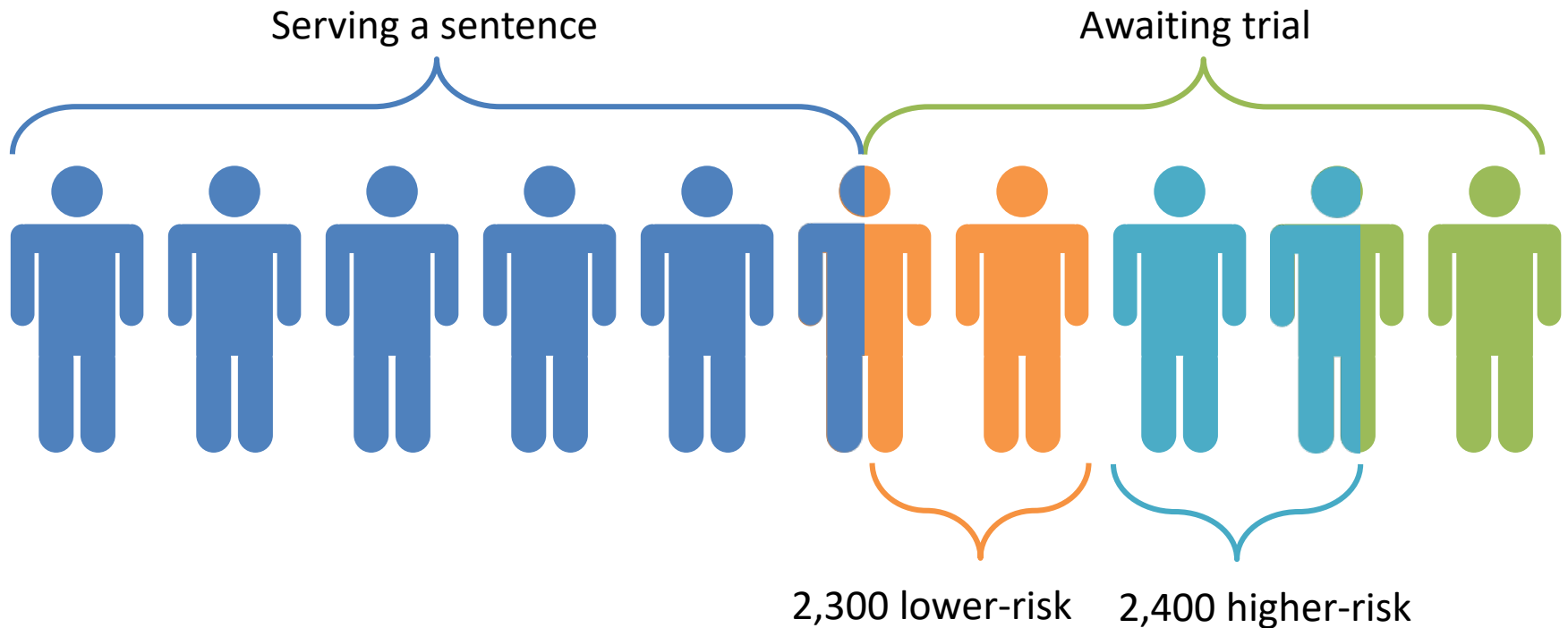
Of the 6,500 awaiting trial, 4,700 could be released through pretrial services.



The remaining defendants awaiting trial were assessed as likely to commit a violent crime, were held for less than three days, or could be denied bail as allowed by the state constitution.

Washington's jail population

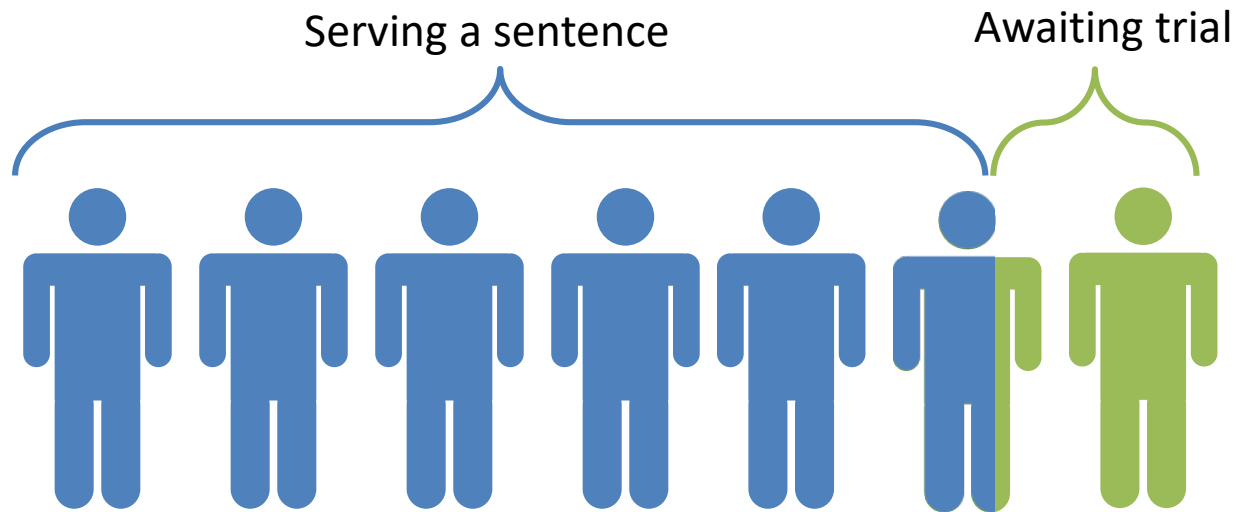
We used the Public Safety Assessment to evaluate each person's likelihood to reoffend or fail to appear in court.



We categorized the candidates as lower-risk or higher-risk based on their assessment scores.

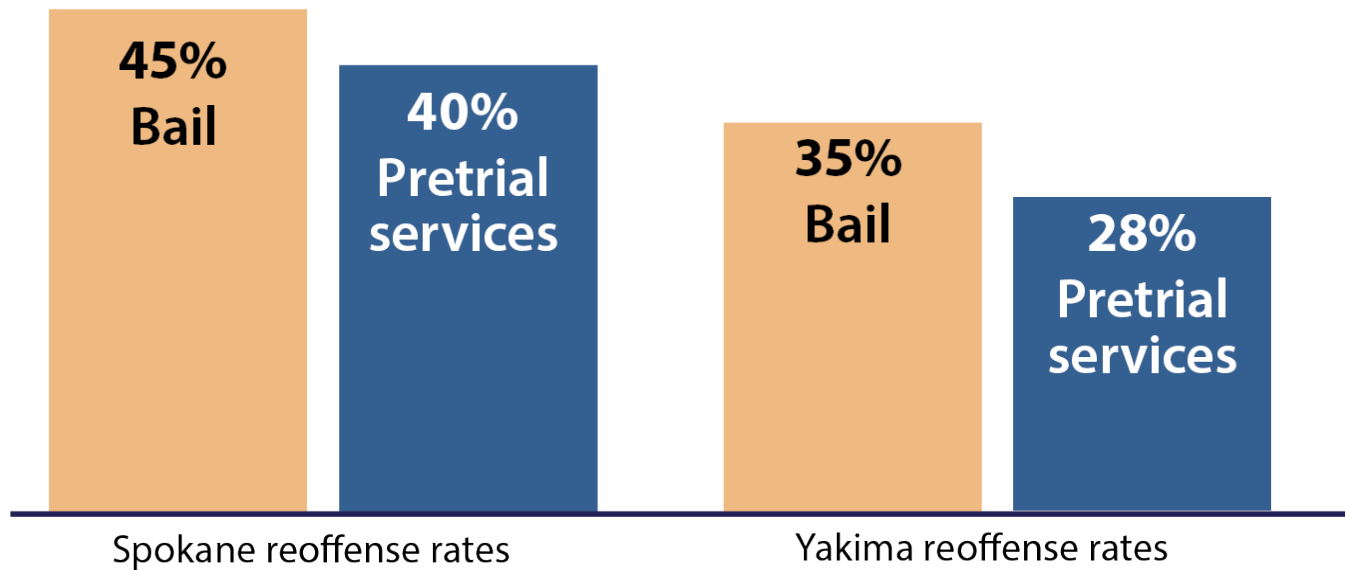
Pretrial services could save the state money

Releasing all **2,300** lower-risk defendants through pretrial services could save over **\$6.1 million** annually.

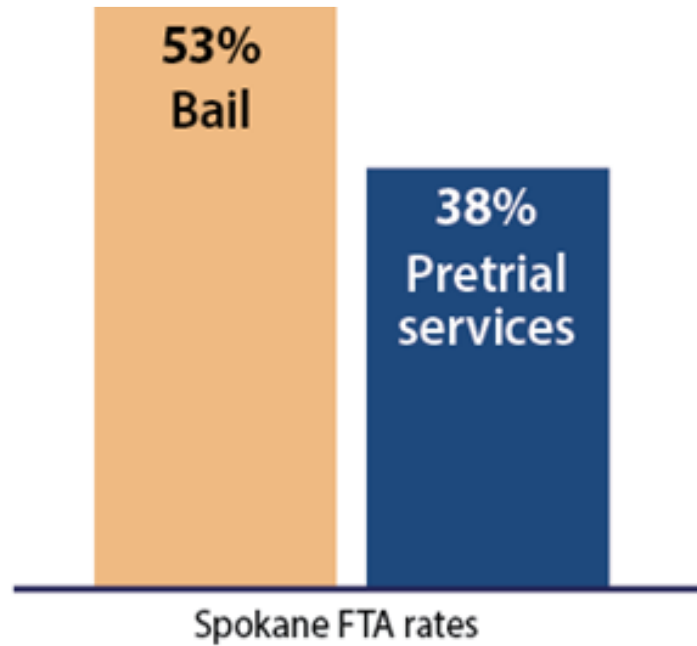


If all **2,400** higher-risk defendants were released, taxpayers would save an additional **\$6.4 million** annually.

Reoffense rates were lower



Failure-to-appear rates were lower



Auditor's conclusion

- Pretrial services offer an effective alternative to bail
- Pretrial services are less costly than jail
- Pretrial release or detention is a judicial matter; we did not make any specific recommendations

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