

Pew Public Poll on Pretrial Release (2018): Specific Takeaways

Arrest:

- 83% of Americans think people should be cited rather than arrested for nonviolent crimes. (This would be a major departure from current practices, in which the vast majority of arrests are for nonviolent crimes.)
- Additionally, 2 in 3 Americans want police to divert people to treatment for minor crimes driven by addiction and mental illness, rather than arresting them and drawing them into the criminal justice system.

Pretrial release--low level charges:

- 80% of Americans think some crimes--like trespassing and public drunkenness--are so minor that people facing these charges should *never* be held in jail pretrial.
- 80% of Americans favor releasing people pretrial if they're facing misdemeanor charges. And 1/4 of Americans would go even further, saying that people should *never* be held in jail pretrial merely on misdemeanor charges.

Pretrial release--nonviolent charges:

- 87% favor releasing people pretrial if they're facing nonviolent charges. And 30% would go even further, saying that people should *never* be held in jail pretrial for nonviolent charges.
- When asked about what sort of pretrial release conditions should be imposed for those charged with nonviolent crimes, more than 90% of Americans supported simply releasing them with an order to appear in court.

Pretrial release--violent charges:

- While only a tiny fraction of Americans believe people arrested for violent crimes should usually or always stay in the community pending trial, support for release increases to 58% if the person doesn't have serious criminal history and pretrial supervision is ordered, and to 85% if it's a low-level violent crime like a bar fight and conditions are ordered to protect the victim.

Pretrial release--moderate to high-risk:

- Most Americans support releasing defendants who are often categorized as moderate or high risk. For example:
 - If a risk assessment tool showed that a certain category of people has 70% odds of completing the pretrial period without a new arrest, 2 in 3 Americans think they should be released while their cases are pending, because they are presumed innocent and are likely to obey the law.
 - If a risk tool suggested 90% odds of completing the pretrial period without a new arrest for a *violent* crime, 7 in 10 Americans think they should be released.

- People in these categories are often labeled as having an elevated risk of pretrial failure. But when given the actual odds of success, these appear to be risks that the public can tolerate.

Types of pretrial risk considered serious:

- While a risk assessment tool may predict the odds of arrest for *any crime*, Americans are not equally concerned about all types of pretrial crime. 75% of Americans say they would be very concerned about a person assaulting someone while on pretrial release. But that number drops to 30% for shoplifting and only 14% for using marijuana.
- Similarly, while a risk assessment tool may predict failure to appear for court hearings, Americans are not equally concerned about all types of failure to appear. 59% say they would be very concerned about a person fleeing from prosecution. But only 26% would be very concerned about accidentally missing a court date.

Speedy trial time limits:

- National standards suggest that speedy trial time limits should be 90 days for those held in pretrial detention. The public, however, supports much shorter timelines.
 - 86% of Americans say people who are detained shouldn't have to wait more than 30 days in a jail cell for their trial to start.
 - 81% say they shouldn't have to wait more than *a week*.
- (Meanwhile, many states have much longer timelines or no timelines in their laws and court rules, and journalists regularly uncover stories of people held in jail for years without trial.)