IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KATHERINE GUILL, on behalf of herself and those similarly situated, Plaintiffs, v. BRADLEY R. ALLEN, SR., in his official capacity as Chief District Court Judge, *et al.*, Defendants.	)	Case No. 19-cv-1126 (Class Action)

EXPERT REPORT OF MICHAEL R. JONES, PH.D.

I. Background

1. I am the President of Pinnacle Justice Consulting, which I began in 2017. My associates and I (1) provide training and technical assistance to states, localities, and various national and state justice system stakeholder organizations to enable them to improve their pretrial policies and practices based on the most recent research and legal developments; (2) assist states and local jurisdictions to design and implement strategic initiatives to modernize their pretrial systems; (3) perform empirical research, data analysis, and system and program evaluation for criminal justice systems; and (4) provide expert testimony.

2. I have been working since 2004 as a technical resource provider and consultant for the U.S. Department of Justice's National Institute of Corrections, providing criminal and pretrial justice training and technical assistance to dozens of jurisdictions nationwide.

3. From 2010 to 2017, I worked at the non-profit Pretrial Justice Institute (PJI) where I served as a Senior Project Associate and then the Director of

Implementation. At PJI, I directed the Bureau of Justice Assistance's three-year Smart Pretrial Demonstration Initiative, which was a three-jurisdiction project to test the cost savings and public-safety enhancements that can be achieved by moving to a pretrial justice system that uses research-based assessment and release support strategies to improve pretrial outcomes; provided pretrial training and technical assistance to hundreds of jurisdictions; conducted numerous workshops at national and state conferences; performed empirical research; and developed several resource materials for decision-makers and practitioners.

4. Before my work at PJI, I served for nine years as a county employee working for a local criminal justice coordinating committee in Jefferson County, Colorado, where I provided information, ideas, and analyses to justice-system decision-makers for local system improvement, including for the pretrial system.

5. During my career, I have written numerous criminal justice, pretrial, and psychological articles that have appeared in peer-reviewed journals and elsewhere. I have also reviewed and become familiar with other research studies, most of them published within the past decade by reputable academic criminal justice researchers and legal scholars, so that I can provide data-guided training and technical assistance to decision-makers who work to make their pretrial justice systems more effective and fairer and less costly by implementing non-monetary pretrial release and detention practices and reducing jail use.

6. I received my Ph.D. in Clinical Psychology from the University of Missouri-Columbia.

7. A copy of my curriculum vitae summarizing my professional experience and education is attached as **Exhibit A**. It includes a list of all publications I have authored.

8. In addition to this case, I have provided expert testimony on the subjects of this report in: *Torres, et al., v. Collins, et al.,* Case No. 2:20-CV-00026 (E.D. Ten.); *Egana, et al., v. Blair's Bail Bonds, et al.,* Case No. 2:17-cv-5899 (E.D. La.); *Edwards, et al., v. Cofield, et al.,* 3:17-cv-321 (M.D. Ala.); *McNeil, et al., v. Community Probation Services,* 1:18-cv-00033 (M.D. Ten.); *Little v. Frederick*, 17-cv-724 (W.D. La.); *Mock, et al., v. Glynn County, Ga.,* 2:18-cv-0025 (S.D. Ga.); *Daves, et al. v. Dallas County, Tex.,* 3:18-cv-154 (N.D.

Tex.); *Booth, et al. v. Galveston County, Tex.,* 3:18-cv-0104 (S.D. Tex.); *Schultz, et al. v. State of Alabama, et al.*, 5:17-cv-00270-MHH (N.D. Ala.); *Knight v. Sheriff for Leon County, Fla.,* No. 4:17cv464 (N.D. Fla.); *Buffin v. Hennessy,* 4:15-cv-4959 (N.D. Cal.); *ODonnell v. Harris County,* 251 F. Supp. 3d 1052 (S.D. Tex.).

9. I am being compensated at the rate of $300 per hour for my substantive work and $150 per hour for travel related to this case.

II. Materials Reviewed and Methodology

10. For my report I reviewed the following materials:

a) Complaint and Exhibit A, filed November 12, 2019;
b) NC Gen Stat § 15A-544.3 (2020);
c) General Court of Justice, 15A Judicial District, County of Alamance, State of North Carolina, Official Policies on Pretrial Release, Revised Effective July 1, 1995;
d) Pretrial Release and Bond Policy for District 15A, effective July 1, 2020;
e) Alamance County Detention Center booking data from January 1, 2019, through April 30, 2019;
f) North Carolina Automated Criminal/Infractions System (ACIS) data for Alamance County cases initiated, disposed, or updated between October 1, 2018, and October 1, 2020;
g) A sample[1] of case files of individuals arrested in Alamance County on the following dates:
   - Tuesday, January 29, 2019
   - Friday, February 8, 2019
   - Thursday, February 14, 2019
   - Wednesday, February 20, 2019

[1] Plaintiffs' counsel reported to me that they obtained calendars from the Alamance County court clerk's office for in-custody first appearances from five days (each during a different week and a different day of the week) in January and February 2019, and then obtained three case files from each date. Counsel set certain criteria to maximize the likelihood that the files selected would be relevant to the claims raised in their lawsuit and selected from the calendar the first three individuals who met those criteria.

- Monday, February 25, 2019

11. In forming my opinions specific to Alamance County, I rely on the sources in the paragraph above.

12. In forming all other opinions expressed in this report, I rely on the findings from multiple studies authored by various researchers and scholars in the pretrial justice field, who used data from numerous local and state jurisdictions throughout the United States. The studies evaluate the effects of pretrial release and detention on multiple pretrial and case processing outcomes and the effectiveness of different pretrial release conditions on several pretrial outcomes. These studies used acceptable research methodology, were published in peer reviewed journals and other venues, and were performed in jurisdictions that have similar pretrial policies and practices to those in Alamance County. Frequently, the findings from these studies either complement or replicate one another. I also rely on the knowledge and experience I have gained since 2010 as a national expert and researcher in pretrial justice implementation and evaluation. Because of the research methods used and jurisdictions' similarities, and based on my experience working with hundreds of jurisdictions, I believe the research findings and practices described below are largely generalizable to other jurisdictions. At the end of my report, I include the list of studies and reports that I reference in my report.

III. Focus of this Report

13. Plaintiffs' counsel asked me to express my opinion on the following topics:

a) How do secured money bail, unsecured money bail, and non-monetary conditions of release affect the speedy release of arrested persons?

b) Does pretrial detention for time periods more than 24 hours have adverse consequences for detained persons and for the community?

c) Does pretrial detention for time periods more than 24 hours have an adverse effect on the likelihood that a person will make all court appearances or remain law-abiding while on pretrial release?

d) Is there any empirical evidence that secured money bail is more effective than unsecured money bail or non-monetary conditions of release at assuring appearance in court?

e) Is there any empirical evidence that secured money bail is more effective than unsecured money bail or non-monetary conditions of release at assuring public safety?

f) Based on a statistical analysis of how the bail-setting system functioned in Alamance County at the time Plaintiffs' lawsuit was initiated:

i. What percentage of individuals were assigned a secured bond condition?

ii. What was the length of pretrial detention for the individuals who did not pay their secured bail amounts within 24 hours?

iii. For what percentage of individuals with secured bond conditions was there a finding that non-monetary or unsecured release conditions would have been insufficient to assure their court appearance?

iv. Was there a finding that the individuals had the ability to pay their secured monetary condition?

IV. Findings

A. Secured Money Bail Results in Unnecessary Pretrial Detention.

14. I express the opinion that the use of secured money bail increases pretrial detention by detaining more defendants for the duration of the pretrial phase of their case and by increasing the length of their detention if they are ultimately released. This is because defendants who are unable to afford secured money bail (and thus remain detained prior to trial) would otherwise be eligible and able to obtain prompt release if the jurisdiction instead used unsecured bonds or non-monetary conditions of release.

15. Several studies have shown that secured money bail contributes to unnecessary pretrial detention. Specifically, defendants required to obtain pretrial release with secured money bail (whether in the form of cash, surety, property, or deposit to the court) have lower release rates compared to defendants who are not required to pay secured money bail prior to release. Moreover, people who are required to pay secured money bail to be released wait in jail longer than defendants who are released without being required to make a monetary payment. Not surprisingly, higher secured money bail amounts are associated with more pretrial detention (Heaton et al., 2017; M.

Jones, 2013; Reaves, 2013; Phillips, 2012; Cohen & Reaves, 2007). This is notable given that up to approximately 50% of never-released defendants who had secured money bail ordered nonetheless return to the community at the time of their case adjudication or sentencing (M. Jones, 2013). Brooker et al. (2014) found similar results.

16. To test whether secured money bail indeed is the cause of pretrial detention for many defendants, researchers asked defendants *why* they had not posted their money bail. When defendants in four counties in three states were asked, 56% reported that they could not afford the amount set, and 34% reported that their family could not afford the amount set. Only 15% of defendants reported that they had other court issues (e.g., a hold from another jurisdiction) keeping them in detention (defendants could report more than one reason) (Kimbrell & Wilson, 2016). Similarly, other researchers found that nationally in 2002 (the most recent year the U.S. Bureau of Justice Statistics conducted the survey), 128,000 persons were in jail on any given day because they could not afford the monetary amount of their bond and that pretrial detention has increased by 31% between 2000 and 2016 (Sawyer, 2018; Rabuy & Kopf, 2016). These results match the findings of a small unpublished investigation my staff and I conducted (circa 2010) at the request of the county-level decision-makers in Jefferson County, Colorado. We found that approximately 75% of defendants who had not posted the monetary amount of their bonds within 48 hours said they or their family members were not able to meet their bond's secured financial condition, and 20% had not posted bond because they had a hold from another case or were serving a sentence on another case. The remaining approximately 5% indicated "other" reasons.[2]

17. The findings of these studies are not surprising given that about 4 in 10 adults in U.S. households would not be able to pay for an unexpected expense of $400 or more unless they sold something, borrowed the money from others, or charged it to a credit card to pay off over time (Federal Reserve System, 2021). Rabuy and Kopf (2016) further found that in the American criminal justice system, over 60% of the defendants who are unable to post secured money bail fall within the poorest one-third of American society, and that 80% fall within the bottom half, indicating that secured money bail

[2] Additionally, Clipper et al. (2017), after studying pretrial release in Dallas, Texas, reported that "there are truly indigent defendants who remain in jail for no reason other than financial limitations…"

disproportionally and negatively affects persons of lower income levels.

18. Thus, secured money bail either denies release to, or delays release for, many defendants who otherwise would be releasable immediately on non-monetary conditions and whose pretrial risk could be adequately managed in the community (as discussed later). Because secured money bail is used in Alamance County for many defendants booked into the county jail, it is likely that many of these defendants unnecessarily remain in the jail until their criminal case reaches disposition or until they are released on non-monetary conditions (if they are released this way). The practice of using secured money bail in Alamance County is likely contributing to higher than necessary pretrial detention for individuals who would otherwise be releasable.

19. Defendants of color (e.g., African-American, Latinx) are more frequently ordered to pay money bail prior to release than are white defendants, while controlling for other factors, such as current charges and criminal history (Gupta et al., 2016). Also, the amounts of money they must pay for release are often higher than white arrestees are required to pay. Consequently, persons of color are more often detained (C. Jones, 2013; Schlesinger, 2005; Demuth, 2003) or detained for longer periods of time than are white arrestees (Martinez et al., 2020). Because secured money bail is used in Alamance County, it is likely that local defendants of color spend more time in pretrial detention because of money bail than do white defendants who are charged with the same crimes and have similar criminal histories.

B. Pretrial Detention Often Has Strong Negative Consequences for the Community, the Justice System, and Defendants.

20. Multiple studies, as summarized below, have shown that pretrial detention, including for time periods of 24 hours or more, leads to negative outcomes for the justice system, the community, and defendants, such as:

a) Decreased rates of court appearance and law-abiding behavior during the shorter-term, pretrial period;

b) Increased rates of recidivism during the longer-term, post-pretrial period;

c) Increased likelihood of convictions, guilty pleas, sentences to incarceration, longer sentence length, and greater jail and prison crowding;

d) Increased collateral harm to defendants, including negative effects on employment, housing, and the ability to care for dependent family members; and

e) Increased costs to state and local governments.

Pretrial detention is associated with decreased rates of court appearance and law-abiding behavior during the shorter-term, pretrial period.

21. I express the opinion that pretrial detention for more than 24 hours increases the likelihood that a person will fail to appear or will engage in new criminal activity while on pretrial release.

22. Even just a few days in pretrial custody can have a negative effect on pretrial success. Lower-risk defendants who are detained for two to three days after arrest are 39% more likely to be arrested for new pretrial criminal activity than are comparable lower-risk defendants who are released immediately (within one day).[3] As the delay in release becomes longer (5-7 days), the chance of pretrial failure (new arrest) for lower-risk defendants becomes 50% more likely. This likelihood increases to 56% for lower-risk defendant when release is delayed for 8 to 14 days (Lowenkamp et al., 2013a).

23. Furthermore, the longer that lower-risk defendants are kept in pretrial detention beyond one day, the greater the likelihood that they will fail to appear in court after they are eventually released, again, when controlling for other relevant characteristics. This pattern of increased likelihood of arrest and decreased likelihood of court appearance as release is delayed also applies to moderate-risk defendants. Delays in time to release do not affect the behavior of higher-risk defendants; they tend to demonstrate pretrial failure at equal rates whether they are released immediately or after several days or weeks of pretrial detention (Lowenkamp et al., 2013a). Holsinger (2016a) found similar results three years later when studying defendants in a separate jurisdiction

[3] The two groups are comparable because they were matched (i.e., they did not statistically differ) on relevant characteristics such as age, race, gender, current charges, and pretrial risk level. Because the groups were matched on the characteristics that could potentially affect the outcome of interest (i.e., new pretrial arrest), the chances that these characteristics could have influenced the observed outcomes are greatly reduced. Thus, the characteristic they did differ on – length of time in pretrial detention – most likely affected the new-pretrial-arrest outcome and accounts for the different rates of new arrest between the two groups. This research method of matching enables researchers to make inferences about causation that would otherwise not be possible.

near Kansas City, Missouri.

24. As discussed previously, requiring defendants to post money bail delays the pretrial release of defendants who eventually are released. The practice in Alamance County of setting secured money bail for defendants and then releasing some of these defendants after more than 24 hours of pretrial incarceration likely contributes to these released defendants exhibiting increased rates of failures to appear in court and more criminal behavior for which they are arrested during pretrial release.

Pretrial detention is associated with increased longer-term rates of recidivism.

25. Detaining lower-risk defendants for longer than one day affects the likelihood of criminal activity up to two years later. Defendants who are released within 2 to 3 days are 17% more likely to engage in new criminal activity up to two years later compared to comparable defendants released within 24 hours. For those held 4 to 7 days, this longer-term recidivism worsens to 35%, and when release is delayed for 8 to 14 days, the recidivism rate further increases to 51%. This pattern of worsening recidivism as release is delayed is observed for moderate-risk defendants as well (Lowenkamp et al., 2013a). Heaton et al. (2017) and Gupta et al. (2016) similarly found that persons detained pretrial were more likely to be charged with new felonies or misdemeanors up to 18 months later than were comparable defendants who were released pretrial, indicating a criminogenic effect of pretrial detention.

26. As discussed above, requiring defendants to post money bail delays the pretrial release of defendants who eventually are released. The practice in Alamance County of setting secured money bail for defendants and then releasing some of these defendants after more than 24 hours of pretrial incarceration likely contributes to these defendants committing more crimes in the longer-term.

Pretrial detention is associated with increased convictions, pleas, sentences to incarceration, and sentence length.

27. There is strong evidence from several studies with rigorous research designs, as summarized below that defendants detained pretrial, often because they did not post their secured money bail, are more likely to plead guilty and/or be convicted than are released defendants with similar demographics, charges, and criminal history (Petersen, 2019; Heaton et al., 2017; Stevenson, 2017; Leslie & Pope, 2017; Lum et al., 2017; Dobbie et al., 2018; Gupta et al.,

2016).[4] Given the strength of this research finding, the use of secured money bail in Alamance County that leads to unnecessary pretrial detention is likely contributing to harsher outcomes for people who are detained because they do not post money bail.

28. The rigorous studies above were conducted by different researchers on different populations of defendants, yet they yielded similar findings about the strengths of the relationship between pretrial detention and harsher outcomes for defendants. I summarize a few of them in more detail here:

29. Stevenson (2017) used a natural, quasi-experimental method in Philadelphia to test the causal effects of pretrial detention associated with high money bail amounts on pretrial release and detention rates, pleading guilty, and receiving harsher sentences. Stevenson used the naturally occurring, chance assignment of misdemeanor and felony defendants to different bail magistrates who made bail decisions based on their personal preferences. That is, these magistrates saw similar defendants but made money bail decisions differently – some magistrates set higher monetary bail amounts for their defendants while some magistrates set lower amounts. Stevenson found that the likelihood of being detained depended on which bail magistrate presided over the bail hearing. When defendants were detained, that pretrial detention led to an increase in the likelihood that persons would be convicted (up to 30% more), mostly through guilty pleas among people who would have otherwise had charges dropped or been acquitted. These persons also received harsher sentences because their sentences were for longer lengths of time (up to 18 months longer). This study's design and findings provide support for the causal relationship between higher money bail amounts—and the resulting pretrial detention—and increased convictions through guilty pleas and harsher sentences resulting from pretrial detention.

30. Heaton et al. (2017) similarly measured the effects of pretrial detention on case outcomes as well as on future crime using a naturally occurring, quasi-experimental method. They analyzed court data on nearly every one of the available 380,000+ misdemeanor cases filed in Harris County, Texas, over a five-year period, and compared persons who were booked into jail on Tuesday vs. Thursday. This method simulated random assignment because persons

[4] Furthermore, Clipper et al. (2017), after studying pretrial release in Dallas, Texas, stated, "It is problematic that the inability, for whatever reason, to acquire a financially based release could lead [to] an increased likelihood of plea-bargaining."

booked into jail on these days are similar on various characteristics (i.e., demographics, current charges, criminal history, money bail amount), but differed only in the day of the week in which they had their bail hearing. The Thursday group had a higher chance of posting money bail because the bail hearing was closer to the weekend when family members could more easily post money bail. Heaton et al. found that persons who were more often detained pretrial (the Tuesday group) were 25% more likely to plead guilty and 43% more likely to be sentenced to jail. These jail sentences also were twice as long as the jail sentences for the Thursday group. Because the researchers ruled out factors that could otherwise explain these findings, these results suggest a causal link between pretrial detention and (1) pleading guilty and (2) harsher sentences.

31. Gupta et al. (2016) also used a quasi-experimental approach that took advantage of the equivalent-to-random-way all cases were assigned to different judicial officers in Pittsburgh and Philadelphia during a five-year period. They compared (1) defendants who saw bail-setting judicial officers who were more likely to use secured money bail to (2) defendants who saw judicial officers who less often used money bail. Gupta et al. found that defendants required to pay money bail had a 6% greater chance of conviction and a 4% higher likelihood of committing future crime.

32. Pretrial detention results in a greater likelihood that a defendant will be sentenced to jail and that the sentence will be longer. A study (Lowenkamp et al., 2013b) compared similar defendants who were detained pretrial to those who were released, finding that detained defendants were four times as likely to be sentenced to jail and three times as likely to be sentenced to prison than those who were released. Furthermore, the jail sentences for the detained group, as compared to the released group, were three times longer and the prison sentences were two times longer.

33. The above finding of harsher sentencing for those who are not able to obtain pretrial release is consistent with the findings of many other studies (e.g., Campbell & Labrecque, 2019; Oleson et al., 2014; Sacks & Ackerman, 2014; Phillips, 2012; Williams, 2003). Because these studies used methods to ensure the groups did not differ on factors (e.g., demographics, current charge, criminal history) that could have influenced the observed outcomes (i.e., harsher sentences), it is much more likely that the harsher sentences given are related to defendants' remaining in detention pretrial rather than the other factors.

34. Given the number and rigorousness of the studies showing the link between pretrial detention and increased convictions, pleas, sentences to incarceration, and sentence length, the pretrial detention that defendants in Alamance County experience is likely associated with more guilty pleas and harsher sentences than would otherwise occur if these defendants were not detained pretrial or were release more quickly.

Pretrial detention is associated with increased collateral harm to defendants.

35. Pretrial detention for even three days or less has been shown to negatively influence defendants' employment, financial situation, and residential stability, as well as the well-being of dependent children. This negative impact worsened for defendants who were detained pretrial for more than three days (Holsinger, 2016b). Similarly, another recent study found that many defendants who could not afford money bail lost their jobs and/or housing, even when they were detained for three days or less (Kimbrell & Wilson, 2016).

36. Given the link between pretrial detention and defendants' experiencing hardship with employment, finances, and caring for their dependents, defendants in Alamance County who are detained pretrial also likely experience these collateral consequences, which may in turn destabilize them, and as the previously mentioned studies have shown, increase their likelihood of criminal activity during pretrial release and for the longer-term.

Pretrial detention is associated with increased costs to local communities and state and local governments.

37. Current pretrial practices, especially ones that frequently use secured money bail, contribute heavily to the nation's prison and jail crowding. Wagner and Sawyer (2020) found that (a) the United States has the world's highest incarceration rate; and (b) nearly all of the increase in the nation's jail population from 1997 to 2017 was caused by an increase in the number of unconvicted persons; the number of convicted/sentenced persons remained virtually flat.

38. Dobbie and Yang (2021), studying national data, found that pretrial detention was associated with an increase in county poverty rates and a decrease in county employment rates. The authors discussed how pretrial detention likely destabilizes and stigmatizes individuals, which has an aggregate effect on poverty and employment in local communities.

39. Government officials from the state of Washington (McCarthy, 2019), New York City (Stringer, 2018), San Francisco (Cisneros, 2017), and Philadelphia (Butkovitz, 2017), and analysts from an independent research and educational institution in Ohio (Buckeye Institute, 2018) have recently produced reports that demonstrate the high financial cost of a pretrial system that relies on secured money bail compared to a system that uses unsecured or non-monetary pretrial release practices. The City and County of Denver has also recently realized a net savings of $2 million per year because of a significant reduction in the use of secured money bail and its increased use of risk-informed pretrial monitoring (Pretrial Justice Institute, 2017). These authors reached their conclusions after quantifying the substantial financial cost to taxpayers of pretrial jail use (e.g., ranging from over $54 to over $100 per day). In contrast, the cost of community-based pretrial monitoring is often 1/10 of the cost of daily pretrial incarceration (Pretrial Justice Institute & National Center for State Courts, 2018).[5] Baughman (2017) estimated cost savings in the tens of billions annually for the United States if current (money-bail-based) pretrial policies were to be similarly changed.

40. Therefore, the practice in Alamance County of using secured money bail very likely contributes to unnecessary pretrial detention that costs local taxpayers a substantial amount of money. These monies, if needed, could be redirected to non-jail resources that research has shown are effective at improving defendants' court appearance and law-abiding behavior. Such practices are discussed later in this report.

C. Studies That Have Analyzed the Effectiveness of Secured Money Bail and Financially Unsecured Risk Management Conditions Demonstrate That Unsecured Conditions of Pretrial Release Are More Effective at Meeting the Government's Three Interests Than Is Secured Money Bail.

41. All pretrial release conditions can be divided into two types: (1) non-financial (e.g., promise to appear in court and remain law-abiding, court date reminders,

[5] This statement is consistent with the daily, community-based pretrial monitoring cost estimates or calculations that I have encountered when working with pretrial services program directors across the country during my career. Their estimates or calculations also typically include not only the cost of the monitoring services their agency provides, but pretrial assessment services as well. Because the cost of the assessment function is not typically included in average daily jail incarceration cost calculations, some daily cost calculations for pretrial services may be over-estimated.

pretrial monitoring, no contact orders, substance testing, electronic monitoring, car breathalyzers, curfew, etc.); and (2) money bail. Money bail can be further divided into either (a) secured (cash, surety, property, or deposit to the court provided prior to the defendant's release from pretrial custody), or (b) unsecured (no payment required prior to release from jail pretrial).

42. In 2012, I co-authored with three other researchers and pretrial experts a literature review of the effectiveness of money bail as a tool for managing the risk of new pretrial arrest and failure to appear (Bechtel et al., 2012). We reviewed the studies that had been published to date and that were, at the time, the most relevant, most inquired about, or most cited in the national discussion about using money bail to manage pretrial risk.

43. We found that although a few published studies considered whether a connection existed between money bail and pretrial outcomes, all of them had at least one of the following three serious limitations that impede their usefulness for informing pretrial policy-making and practice. Our report (Bechtel et al., 2012) provides a study-by-study analysis of these studies' shortcomings, which are briefly summarized here:

a) First, some studies (e.g., Cohen, 2009; Cohen & Reaves, 2007; Block, 2005; Helland & Tabarrok, 2004) relied exclusively on data from the Bureau of Justice Statistics' State Court Processing Statistics data series, even though the Bureau itself later cautioned in a Data Advisory that its data should not be used for evaluating the effectiveness of various pretrial release methods (see Bureau of Justice Statistics, 2010). Thus, these studies should not be relied upon for evaluating the effectiveness of secured money bail.

b) Second, some studies (e.g., Cohen, 2009; Block, 2005; Helland & Tabarrok, 2004) investigated the link between secured money bail and only one (court appearance) or occasionally two (court appearance and public safety) pretrial outcomes. Yet, no study looked at the link between money bail and the third goal of any pretrial justice system: pretrial release. Thus, we concluded that these studies were insufficient for guiding pretrial policy-making and practice because they failed to show that money bail could simultaneously and effectively address a jurisdiction's three legally

required goals: (1) maximize court appearance, (2) maximize public safety, and (3) maximize release from custody.[6]

c) Third, the methodological design of some other studies (e.g., Krahl & New Direction Strategies, 2011; Krahl, 2009) did not meet minimal social science standards needed to evaluate the effectiveness of pretrial release conditions.[7]

44. Less than one year after our literature review in 2012, one additional study that purported to investigate the link between money bail and pretrial outcomes was published (see Morris, 2013).[8] Morris' 2013 study—including the data update in 2014 (see Morris, 2014) and the 2017 publication of the 2013 study (i.e., Clipper, Morris, & Russell-Kaplan, 2017)—had some of the same shortcomings as the studies in our 2012 literature review.

a) First, the Clipper et al. study only investigated the effects of different pretrial release mechanisms—secured money bail versus non-monetary conditions—on one pretrial goal: maximizing court appearance. However, it did not simultaneously investigate the impact of these release mechanisms on pretrial *release itself*, which is a second legally necessary goal of pretrial justice. The authors did acknowledge the importance of pretrial release: They state on page 6 while summarizing the findings of

[6] See the American Bar Association's (2007) discussion, citing to U.S. Supreme Court case law and other federal resources, for why release, court appearance, and public safety are all important goals of the pretrial justice system.

[7] Krahl (2019) issued another study, indicating that, "This study was originally undertaken to determine if there was any truth to the contention that defendants were languishing away in jail because they could not afford the cost of a surety bond in order to get released on a secured pretrial release status" (pg. 40). Krahl (2019) used data from 29 of 67 possible Florida counties that made their jail data publicly available. Although the Krahl (2019) study purports to show that secured money bail is not associated with increased amounts of pretrial detention and that it helps to contain financial costs to taxpayers, this study has numerous serious limitations that render it methodologically suspect and not useful for informing pretrial policy and practice. These reasons include, but are not limited to: (a) not analyzing court appearance and new arrest rates; (b) drawing conclusions not supported by the reported data; (c) ignoring important implications of the reported data (e.g., data show that many defendants remained in pretrial detention because they could not post the amount of their secured money bail); and (d) misrepresenting the work of another research group.

[8] This report condenses Morris' study in 2013, the study's data update in 2014 (Morris, 2014), and later publication of the 2013 study (Clipper et al., 2017) into a single discussion, because the studies relied on the same or very similar data from the same jurisdiction (Dallas, Texas) in adjacent years, used the same statistical methods, and yielded near-identical findings.

the Austin et al. (1985) study that provides empirical evidence for the effectiveness of pretrial services in assuring court appearance, "Also worthy of note, all defendants included in the [Austin et al. (1985)] study were previously unable to be released before their trial. As a result, this [Austin et al. (1985)] study provides evidence of the possibility for an effective non-financially based program to achieve the goals of pretrial release (e.g., improving release rates), while additionally preserving community safety and compelling the defendant to return to court." Thus, although the authors of the Clipper et al. study claim to have evaluated the effectiveness of different pretrial release mechanisms, they could not have done so because they limited their inquiry to just studying the impact on court appearance while omitting any analysis of the release mechanisms' impact on release itself.

b) Second, the Clipper et al. study purported to analyze which mechanism of release was the most cost-effective. However, as described above, because the study did not investigate the effect of secured money bail or any other release mechanism on *release rates*, the costs of detention were not included in the cost-analyses. Indeed, because of the extremely high costs to local government of pretrial detention, pretrial incarceration costs would need to be included to determine which form of release is the most cost-effective. Details on how to properly compute a pretrial cost-benefit analysis can be found in the Crime and Justice Institute's (2015) publication, "A Cost-Benefit Model for Pretrial Justice."

c) Third, the Clipper et al. study did not use the same failure-to-appear outcome measures for each release mechanism because the jurisdiction (Dallas, Texas) uses a form of bail forfeiture for monetary-related release mechanisms and a finding of "insufficiency" for non-monetary pretrial services bonds. Thus, instead of comparing the different release mechanisms on the same outcome, the study employed the unusual methodology of comparing the effect of different release mechanisms on different outcome measures. Therefore, the study's claims about the link between the different release mechanisms and failure to appear could be caused by measuring different outcomes rather than the use of different release mechanisms.

d) Fourth, the Clipper et al. (2017) study did not report on the link between the different release mechanisms and releasees' criminal activity, even though the Morris (2013) study did. The Morris study found that secured

money bail and the other monetary and non-monetary release mechanisms did not differ on their effects on defendants' criminal activity (and a difference would not be expected given that in Texas, like in North Carolina,[9] a monetary bond amount cannot be forfeited when a releasee is arrested for a new crime, rendering any potential incentivizing value of the monetary bond non-existent).

e) Fifth, the online journal that published the Clipper article, PLOS ONE, issued an expression of concern because (1) the authors and the university reported the dataset used for the study is not available to those who request it because it no longer exists, and (2) one of the study's authors, Robert Morris, did not indicate in his competing interests statement that he "has previously been contracted by the American Bail Coalition for expert testimony" (PLOS ONE Editors, 2020).

45. To answer important research questions about the effectiveness of secured money bail and non-secured or non-financial release, studies that address the important shortcomings of the previously discussed studies have been conducted in seven different jurisdictions: (1) ten counties in Colorado; (2) Jefferson County, Colorado; (3) Yakima County, Washington; (4) Philadelphia, Pennsylvania; (5) New York City, New York; (6) the state of New Jersey; and (7) Mecklenburg County, North Carolina.

Ten Counties in Colorado

46. In 2013, I conducted the first study (M. Jones, 2013) that simultaneously looked at all three outcomes (court appearance, public safety, and release/detention rates) for two groups of defendants: those who were released on secured money bail and those who were released on unsecured recognizance. To ensure the two groups of defendants were otherwise the same, I did what no other study had done to date: I matched defendants in the different release-type groups (secured money bail vs. unsecured recognizance) on their pretrial risk levels as measured by an actuarial pretrial assessment tool—the Colorado Pretrial Assessment Tool. I found that for defendants of all pretrial risk levels (lower, moderate, or higher):

[9] See NC Gen Stat § 15A-544.3 (2020), which states that money bail can be forfeited for failure to appear. North Carolina statute does not permit the forfeiture of money bail for alleged criminal activity during pretrial release.

a) Releasing a defendant on an unsecured bond (the court may require the defendant to pay money if he/she fails to appear, but no pre-release payment is required) is as effective at achieving public safety as is secured money bail.

b) An unsecured bond condition is as effective as secured money bail at achieving court appearance.

c) An unsecured bond condition frees up more jail beds than does secured money bail because: (a) more defendants with unsecured bond conditions are released; and (b) defendants with unsecured bond conditions have faster release-from-jail times, when compared to secured money bail.

d) The higher the secured money bail amount, the greater the pretrial jail bed use.

e) Among defendants who were given secured money bail amounts, higher money bail amounts did not result in higher court-appearance rates.

f) Among the small percentage (approximately 10%) of people in the study who were at-large on a failure to appear warrant up to 19 months after release from jail, people who had been released on an unsecured bond condition and on secured money bail were at-large at equal rates. This finding indicates that the use of secured money bail did not increase the likelihood that a person who missed court would be more quickly located and returned to custody. This finding matched another finding I observed a few years prior to this study, following a brief unpublished investigation my staff and I conducted (circa 2010) at the request of the county-level decision-makers we worked for in Jefferson County, Colorado. We found that commercial bail bondsmen rarely, if ever, brought defendants who had failed to appear back to jail or court, as evidenced by jail data that showed approximately 99% of arrests for people with outstanding FTA warrants were completed by local law enforcement, with the remaining 1% completed by commercial bail bondsmen.

g) Finally, as the M. Jones (2013) study showed, approximately half of the defendants who were incarcerated for the pretrial duration of their case were released to the community almost immediately after their case was resolved, either because the case was dismissed or not filed or they were sentenced to a community-based option. This finding indicates that approximately 50% of people who never posted their secured money bond

were legally presumed innocent for the entire duration of their incarceration.

47. Based on these results, I concluded that judges could make data-guided changes to local pretrial case processing that would achieve public-safety and court-appearance goals without unnecessary detention in local jails. I reached this conclusion because the data show that *if* financial release conditions of any kind were to enhance defendants' court appearance, an unsecured bond condition would achieve the same benefit as a secured bond condition, but it would accomplish that appearance rate while increasing defendants' pretrial release rates, reducing delays in release times, and using far fewer jail beds, all of which avoid economic and social costs to the local justice system and local community (M. Jones, 2013).

Jefferson County, Colorado

48. Brooker et al. (2014) conducted a separate study to answer the same research questions as the M. Jones (2013) study did. Brooker was the primary researcher and author of this study, and I served as a contributor. This study used a dataset and methodology different from the M. Jones (2013) study but found similar results regarding the comparative link between secured or unsecured money bail and court appearance, public safety, and release from custody, after studying all three simultaneously in one study.

49. Brooker and I found that for defendants who did not differ in their charge level (i.e., the research groups did not differ in the number of arrestees who had felony or misdemeanor charges) and who were ordered to pretrial monitoring:

a) Judges who more frequently authorized release on unsecured bond conditions achieved the same public-safety rates (defendants with no new arrest or filing while on pretrial release) as did judges who more frequently required secured money bail as a condition of release.

b) Judges who more frequently authorized release on unsecured bond conditions achieved the same court-appearance rates as did judges who more frequently required secured money bail as a condition of release.

c) Judges who more frequently authorized release on unsecured bond conditions had a higher release-from-jail-custody rate than did judges who more frequently required secured money bail as a condition of release, thus using fewer jail beds and avoiding the associated cost to the justice system.

d) Judges who more frequently authorized release on unsecured bond conditions had faster release-from-jail-custody times than did judges who more frequently required secured money bail as a condition of release, thus using fewer jail beds and avoiding costs.

50. These latter two studies (Brooker et al., 2014; M. Jones, 2013) show that secured money bail detains more defendants in jail and delays their release, if they are released, than does unsecured bail, and does so without improving either public safety or court appearance. Five additional studies compared secured money bail releases to releases with non-financial or unsecured release conditions.

Yakima County, Washington

51. Brooker (2017) found a similar pattern of results in Yakima County, a rural jurisdiction in Washington. For a large number of defendants, judges in Yakima County replaced secured money bail with several practices informed by empirical research (e.g., authorizing release on recognizance[10] instead of secured money bail and/or requiring pretrial monitoring for some released defendants). After these changes were made, the observed pretrial-release rate increased 20 percentage points with no decrease in public safety or court appearance. Furthermore, racial/ethnic equity in release was improved, with the release rates for persons of color increasing significantly to become equivalent to the release rates of white people.

Philadelphia, Pennsylvania

52. Ouss and Stevenson (2020) studied the effects of pretrial policy changes on more than 47,000 cases in Philadelphia. Using a natural experiment that simulated random assignment, they compared the outcomes of magistrates who set bail before and after a policy change in February 2018 that involved less use of secured money bail.[11] They observed a 22% increase in the

[10] The recognizance releases in Yakima County did not involve any financial release conditions, including unsecured.

[11] The local policy change involved prosecutors no longer requesting secured money bail or not opposing defense counsel's requests for non-financial recognizance releases for defendants who were charged with one or more of 25 misdemeanor or felony offenses. Although the bail-setting magistrates had full and sole authority to set the type of release condition (secured money bail or non-financial recognizance) both before and after the locally elected prosecutor's policy change, those same magistrates chose to order more non-financial releases in response to the change in prosecutors' requests.

likelihood of defendants being released on non-monetary conditions, no overall change in pretrial detention rates for people who were already quickly released from jail, and no change in the overall failure to appear or new arrest rates. The authors noted, "We find no evidence that a reduction in the use of monetary bail and supervisory conditions leads to increased failure-to-appear in court or crime." Moreover, the authors noted that the results provide empirical evidence that contradicts the sometimes-held assumption that money bail (secured or unsecured) is needed to provide a financial incentive and the accountability for persons to appear in court. Gur et al. (2019) separately analyzed the impact of the changes in Philadelphia prosecutors' requests for monetary bail conditions. The findings of this report corroborated those found by Ouss & Stevenson (2020).

New York City, New York

53. Fox and Koppel (2019, 2021) analyzed data for over 5 million pretrial decisions made by judges at initial appearance hearings in New York City between 1987 to 2020.[12] They found that:

a) The rate of using non-monetary release conditions increased by 32 percentage points, from a low of 52% in 1990 to a high of 84% in 2020, and that increase occurred for misdemeanors, non-violent felonies, and violent felonies in all five boroughs (Fox and Koppel, 2021).

b) The rate of pretrial release without any monetary release conditions increased by 27 percentage points from 56% in 1987 to 83% in 2020, and that increase occurred for misdemeanors, non-violent felonies, and violent felonies in all five boroughs (Fox and Koppel, 2021).

c) Between 1991 to early 2019, the city's jail population declined from 22,000 to 7,900 persons, yielding a decrease of 64%. This finding, combined with the findings in (a) and (b) above, is consistent with my expert opinion that secured money bail increases pretrial detention,

[12] Although the authors did not discuss the reasons for or the nature of the specific changes to pretrial policy and practice that occurred over the three decades, based on my knowledge of New York City's criminal justice system I estimate that jail crowding and the high financial costs associated with it, as well as the nearly two-dozen high-quality empirical studies generated by the New York City Criminal Justice Agency on the impacts of pretrial practices involving secured money bail and recognizance releases, contributed to the awareness and motivation underlying justice system decision-makers' gradual changes to policy and practice.

whereas unsecured money bail or non-monetary conditions of release do not (Fox and Koppel, 2019).

d) The court appearance rate for defendants released on their own recognizance (non-financial) has remained high, with a rate of 84% in 2007 and a rate of 86% in 2017. This finding supports my expert opinion #4 that secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring appearance in court (Fox and Koppel, 2019).[13]

The State of New Jersey

54. Grant (2019), in his report from the New Jersey Judiciary to the Governor and Legislature, analyzed the impact of statewide changes to pretrial law, policy, and practice before and after January 1, 2017, when the changes went into effect.[14] The changes involved "principles of fairness in our American justice system that entitle all defendants to a presumption of innocence and a speedy trial. The new system in place balances an individual's right to liberty with the State's responsibility of assuring community safety." Specifically, the changes included using more citations and fewer custodial arrests when charging persons with criminal offenses; "mov[ing] away from a system that relied heavily on monetary bail" (pg. 3); holding detention hearings for eligible defendants during which a judicial officer could deny a defendant pretrial release without using money bail; and using knowledge about defendants' pretrial risk to guide the setting of non-financial release conditions.

55. Grant (2019) reported that:

a) Law enforcement officers increased their use of complaint-summonses (i.e., non-custodial arrests, or citations) from 54% in 2014 to 71% in 2017 for all defendants, resulting in approximately 30,000 fewer bookings into jail for these persons.

[13] Because New York state law does not allow judicial officers to consider public safety when making pretrial release decisions, the impact on public safety of pretrial decision-making involving secured money bail and non-financial release was not evaluated.

[14] The report indicates that the study was performed by a research collaborative involving social science researchers and data scientists from the Judicial Branch and two independent organizations: the University of Chicago – Crime Lab New York, and Luminosity, Inc.

b) A pretrial release decision was made within 24 hours of booking 82% of the time and within 48 hours over 99% of the time when the prosecutor did not request a detention hearing.

c) During the year 2018, only 102 of 44,400 (less than 0.25%) persons statewide were ordered by the court to post money bail.

d) Of all persons criminally charged via citation or custodial arrest, 94% were released pretrial, and 6% were denied pretrial release without the use of money bail.

e) From 2012 to 2018, the statewide jail population of pretrial defendants decreased by 44%, with the length of time between booking and pretrial release decreasing by approximately 40%.[15] These decreases occurred for Black, White, and Hispanic defendants. This finding, combined with the findings in (c) and (d) above, supports my expert opinion that secured money bail increases pretrial detention, whereas unsecured money bail or non-monetary conditions of release do not.

f) The court appearance rate was more than 89% before and after the changes, with a slight decrease from 93% before the changes to 89% after. The authors noted that despite this slight decrease, because cases were still being completed in roughly the same amount of time, defendants were returning for trial after missing a court appearance rather than fleeing. This finding therefore is still consistent with my expert opinion that secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring appearance in court.

g) The no-new-arrest rate (as a measure of public safety) also remained stable and relatively high (approx. 75%) before and after the implementation of the changes. In addition, the arrest rate for a new violent offense remained stable and very low at less than 1% before and after the changes. These findings support my expert opinion that secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring public safety. Notably, Grant (2021) has reported that in subsequent years the high rates of released individuals appearing in court

[15] In a separate study of New Jersey's pretrial improvements, Anderson et al. (2019) found that the reduced jail population was caused by a significant reduction in the length of time defendants spent in jail in the month following their arrest.

and remaining law-abiding has persisted, while the use of secured monetary conditions has nearly been eliminated.

Mecklenburg County, North Carolina

56. Redcross et al. (2019a; 2019b) analyzed the impact of changes beginning in June 2014 to pretrial policy and practice in Mecklenburg County, North Carolina. The changes included assessing defendant's pretrial risk differently, assigning pretrial release conditions based on defendants' risk, and decreasing the use of secured money bail and increasing use of unsecured money bail or non-financial recognizance.

57. Redcross et al. (2019a; 2019b) analyzed 94,000 cases involving 60,000 persons, finding that:

a) Shortly after the new pretrial policies were implemented, there was a sharp decline from prior trends in the proportion of cases for which money bail was set, decreasing by 21%. A corresponding sharp increase in the proportion of cases for which defendants were released without secured money bail also occurred, increasing by 26%. These patterns of findings occurred for both Black and White defendants.

b) Prior to the changes, magistrates (who initially set pretrial release conditions for defendants) detained 75% of defendants. After the changes in 2014, they detained 63% of defendants. This trend in declining pretrial detention continued after the pretrial policy and practice changes were initiated in June 2014. This and the prior finding are consistent with my expert opinion that secured money bail increases pretrial detention, whereas unsecured money bail or non-monetary conditions of release do not.

c) The percentage of released defendants who made all their court appearances remained stable at approximately 82%, even though secured money bail was used less often and fewer defendants were detained. This finding is consistent with my expert opinion that secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring appearance in court.

d) The percentage of defendants who remained arrest-free during pretrial release showed no detectable change at approximately 74%. This finding supports my expert opinion that secured money bail is no more effective

than unsecured money bail or non-monetary conditions of release at assuring public safety.

58. Thus, these studies that evaluated the effects of policy and practice changes in seven jurisdictions (ten counties in Colorado; Jefferson County, Colorado; Yakima County, Washington; Philadelphia, Pennsylvania; New York City, New York; the state of New Jersey; and Mecklenburg County, North Carolina) provide robust empirical support for my expert opinion that non-financial or unsecured pretrial release conditions are more effective at meeting the government's three interests of maximizing pretrial release, maximizing public safety and law-abiding behavior, and maximizing court appearance than is secured money bail.

D. Secured Money Bail Is No More Effective at Managing Pretrial Risk of Nonappearance and/or New Criminal Activity Than Is Unsecured Money Bail.

59. Some judges use secured money bail in an attempt to manage defendants' pretrial risk of nonappearance and/or new criminal activity. Nationally, judicial officers set money bail amounts in one of two ways: (1) They use (and/or authorize the local jail to use) a printed secured money bail schedule that assigns a bail amount to the defendant usually based on the defendant's charge(s);[16] or (2) they assign a secured monetary amount in court or on a warrant based on their own judgment, and not solely from a printed schedule, after considering the defendant's charge(s) and/or sometimes other factors, such as criminal history, when they are known. Any money bail amounts used in Alamance County cannot effectively manage pretrial risk for several reasons:

a) First, monetary conditions of release can only potentially incentivize court appearance if the monetary amount is posted and the person is released. If the secured financial condition of release operates instead to detain because the amount is not posted, then whatever incentive the secured financial condition theoretically might provide never gets activated. In contrast, when non-financial conditions (e.g., court date reminders or community-based monitoring, as discussed below) are imposed, they are

[16] Alamance County has an offense-class-based money bail schedule printed on Appendix B of the "Pretrial Release and Bond Policy for District 15A" effective July 1, 2020. The bond policy that was in effect from 1995 to 2020 ("Official Policies on Pretrial Release" issued in 1995) also contained a charge-based money bail schedule.

always operative because they do not impede release. Thus, secured money bail is an irrational way to try to incentivize court appearance when it instead results in a person's detention. In addition, secured money bail results in haphazard releases because, at the time the judicial officer sets the amount, whether and when the person will post the monetary amount is unpredictable and outside the control of the judicial officer. Indeed, the posting often depends on whether the person (or person's family) has enough financial resources to pay the monetary amount. In contrast, when judicial officers order persons released on recognizance with any individualized, non-financial release conditions, or order persons detained pursuant to federal and state law, the judicial officer is in full control of who is released and when and who is detained.

b) However, as discussed previously, research does not support that secured money bail incentivizes appearance even when it is posted and the person is released (Ouss and Stevenson, 2020; Gupta et al., 2016). Moreover, research does not support that secured money bail as a condition of release incentivizes law-abiding behavior or is otherwise relevant to public safety. This is readily apparent in jurisdictions like Alamance County and all other North Carolina jurisdictions where money bail is not forfeited as a result of new criminal activity. Therefore, there is no legal or scientific basis to require a secured payment as a condition of release if the person's pretrial risk is to a victim, witness, or other person(s) in the community. In contrast, community-based/pretrial monitoring is designed to reduce both failures to appear and new pretrial arrest, and it does not contribute to unnecessary pretrial detention like secured money bail does.

c) Second, conditions of release, whether monetary or non-monetary, that are based primarily on the person's charge (and sometimes additionally criminal history) are not tailored to address an individual's pretrial risk of nonappearance or new criminal activity. Research has shown that a person's current charge(s) is a weak indicator of that person's pretrial risk for non-appearance or engaging in new criminal activity (Laura and John Arnold Foundation, 2016). Because current charge(s) is a weak indicator, then it is insufficient for informing a judicial officer about which pretrial release conditions (whether monetary or non-financial) would most likely help an individual defendant return to court or remain law-abiding. Therefore, using the current charge(s) as a main basis for assigning money bail amounts is an ineffective practice.

d) Third, higher secured money bail amounts for more serious charges assume that those defendants pose a greater pretrial risk of nonappearance or new criminal activity, and that higher money bail amounts are needed to manage this risk. As discussed above and in the section below, this assumption is flawed and/or is unsupported by empirical research (see also Gouldin, 2018, for a review of existing research and a discussion of the legal issues of using secured money bail). Specifically, there is no evidence from any study from Alamance County or elsewhere that particular money bail amounts, compared to other specific amounts (e.g., $2,500 vs. $10,000; $40,000 vs. $100,000), are effective for reducing pretrial misconduct. To my knowledge, the various money bail amounts used in Alamance County are not derived from statistical analyses to determine whether those particular amounts actually are associated with managing pretrial risk for persons who have certain levels (misdemeanor or felony) of charges. In contrast, as discussed below, there is empirical support from multiple studies showing that non-financial release conditions are effective at mitigating the risk of both types of pretrial misconduct – failures to appear and new criminal activity.

E. Nonfinancial Conditions of Release Effectively Manage Pretrial Risk Without the Significant Costs Associated with Secured Money Bail.

60. Many research studies have collectively shown that court date reminders are the single most effective pretrial risk management intervention for reducing (including preventing) failures to appear. These reminders, which can be delivered through in-person meetings, letters, postcards, live callers, robocalls, text messages, email, web site logins, and/or smart phone apps, have improved court appearance by approximately 30 to 50% (VanNostrand et al, 2011; Cooke et al., 2018; National Center for State Courts, 2017; Bornstein et al., 2012; Rosenbaum et al., 2012; Schnacke et al., 2012).

a) Specifically, Bornstein et al. (2012) and Rosenbaum et al. (2012) tested the effectiveness of different written reminders to improve misdemeanor defendants' court appearance rates in Nebraska. Using bilingual postcards, they found that all reminder messages improved court appearance rates, with messages about the potential negative consequences of failing to appear being the most effective. They also found that the reminders also improved appearance rates for defendants who had low trust in the justice system, indicating that the reminder worked well for persons who typically have more failures to appear.

b) Cooke et al. (2018) studied the benefit of two interventions to improve court appearance in New York City: (1) redesign of the summons form so that more relevant information (court date and location; negative consequences of failing to act) is included and more noticeable; and (2) delivery of text reminders for upcoming court dates. They found that the redesigned summons reduced failures to appear by 13%. They also found using a randomized control trial that the text notifications reduced failures to appear by 26%. The notifications included information about the consequences of failing to appear, as well as prompts on how to plan to appear (e.g., by marking one's calendar, looking up directions, and allowing for sufficient travel time). Lastly, they found that many warrants were avoided when people who had failed to appear were notified to come in to court immediately after the failed appearance but before the warrant was issued.

c) I have worked with practitioners in multiple jurisdictions who have implemented such reminder systems. They have reported to me that they prefer reminder systems to secured money bail because, as compared to secured money bail, court reminders are: relatively low-cost to provide; do not result in unnecessary and expensive pretrial detention by preventing or delaying defendants' release; are not associated with bias on the basis of race/ethnicity or income; and greatly improve the desired outcome of court appearance.

61. Recent research has also indicated that defendants receiving pretrial monitoring have fewer failures to appear, with higher-risk defendants and then moderate-risk defendants, respectively, benefitting the most. Pretrial monitoring may also mitigate the risk of new arrests (Advancing Pretrial Policy and Research, 2021; Barno et al., 2019; Bechtel et al., 2016; Danner et al., 2015; Lowenkamp & VanNostrand, 2013; Goldkamp & White, 2006; Austin et al., 1985). Risk-informed and research-based pretrial monitoring can be more effective than secured money bail at mitigating the risk of new arrest among higher-risk defendants because secured money bail has not been shown to improve public safety and because pretrial monitoring, unlike secured money bail, does not result in unnecessary pretrial detention by preventing or delaying defendants' release. Although Phillips (2012) reported that New York City experienced fewer failures to appear when higher-risk defendants posted money bail (for all other defendants, there was no link between money bail and court appearance rates), she concluded after her review of the research literature published at the time, and after a decade of

empirical research on New York City's pretrial practices, that any benefit in court appearance demonstrated by these select defendants could also be achieved through their receiving pretrial monitoring, which New York City did not regularly use during the study period.

62. Finally, I have served as a consultant providing pretrial training and technical assistance to implement non-financial pretrial release policies and practices in small, rural jurisdictions (population 30,000) to large, urban ones (population 2.7 million) and in jurisdictions in between (160,000; 700,000). I have learned that the size of a jurisdiction is automatically neither an asset nor hindrance to implementing new pretrial practices. Both smaller and larger jurisdictions have different strengths and weaknesses that can be leveraged or addressed, respectively. Rather, other factors such as local officials' (e.g., judges, prosecutors, sheriffs, defense attorneys) knowledge of pretrial law and research (such as that summarized in this report), ability to collaborate with one another, and desire to set aside political or personal considerations to provide effective government services are very relevant. Thus, I believe that Alamance County's population of over 171,000 residents is not a barrier to, and could be an advantage for, implementing research-guided, non-monetary pretrial release practices that maximize pretrial liberty, maximize court appearance, and maximize public safety.

F. The Data Produced by the Defendants are Inadequate to Answer the Questions Posed by Plaintiffs' Counsel.

63. I express the opinion that the jail booking data and ACIS data are unreliable for most data analyses relevant to this Case because the data are either missing or are overwritten as time passes. Indeed, the ACIS data file expresses the disclaimer that for "many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts." For these reasons, information from case files was requested.

G. The Case Files Produced by Defendants Are Sufficient to Identify Bail-Setting Practices Relevant to Some of the Questions Posed by Plaintiffs' Counsel.

64. I express the opinion that the information from the 15 case files, with some data in the jail booking dataset used as corroborating information, helps identify bail-setting practices relevant to some of the questions posed by

plaintiffs' counsel.[17]

a) What percentage of individuals were assigned a secured bond condition?

Answer: Although the sample size of case files was insufficient to provide a fully generalizable analysis for this question, the case files consistently showed judicial officers setting a secured bond amount as a condition of release. Of the 15 case files I reviewed, 14 had bond setting information.[18] 10 of the 14 indicated a secured bond amount was set. The amounts ranged from $2,500 to $500,000, with a median amount of $6,250. The remaining cases either involved a promise to appear or an unsecured bond amount. The proportion of case files in which judicial officers imposed secured bond amounts were consistent with the proportion I have observed in many other court systems where judicial officers unnecessarily require secured bond amounts for the vast majority of defendants.

b) What was the length of pretrial detention for the individuals who did not pay their secured bail amounts within 24 hours?

Answer: Because of the limited jail data maintained by Alamance County, I cannot answer this question. However, even during my review of the case files, which I cross-referenced with the limited jail data, I noted examples of individuals who spent significant time in jail because they did not pay the secured bond amount that was set as a condition of their release. Of the 10 individuals with a secured bond condition, jail data existed for 5 of them. Two of those five individuals remained in jail for more than 24 hours without paying their secured bond condition. The first of those individuals had a $40,000 secured bond amount imposed and appeared to remain in jail for 6 months, at which time a judicial officer changed the bond condition to a $40,000 unsecured amount. The second of those five individuals appeared to remain in jail for 28 days, at which time he pled guilty and was given credit for time served for the 28 days. The remaining

[17] I requested 15 case files because, in my experience, that number of files is sufficient to identify patterns of court practices relevant to this Case. Based on my experience, these files are sufficient to show that pre-filing bond setting practices in Alamance County were largely inconsistent with the research literature on effectiveness. This includes setting secured bond amounts in the absence of findings of ability to pay, relying on payments to commercial bail bondsmen to get out of jail, and detaining individuals who cannot pay without a prompt, meaningful review.

[18] One case involved a probation violation and did not include information on pretrial decision-making.

three of those five individuals left jail in less than 1 day (by posting amounts of $2,500, $5,000, and $10,000, respectively, via a commercial surety).

c) For what percentage of individuals with secured bond conditions was there a finding that non-monetary or unsecured release conditions would have been insufficient to assure their court appearance?

Answer: For the 10 individuals given a secured bond condition, there was no indication in the Conditions of Release and Release Order or any other document that the judicial officer found that unsecured or non-financial release conditions were insufficient for assuring the individuals' appearance in court. The absence of such findings in the case file is consistent with what I have observed in comparable court systems where judicial officers do not make such findings before imposing secured bond conditions.

d) Was there a finding that the individuals had the ability to pay their secured monetary condition?

Answer: For all 10 individuals given a secured bond amount, there was no indication that the judicial officer made an inquiry into the individual's ability to pay a secured bond amount. The absence of such findings in the case files is consistent with what I have observed in comparable court systems where judicial officers do not make such findings before imposing secured bond amounts.

H. Alamance County's Judicial Officers' Use of Secured Bond Amounts Is Not Consistent with the Empirical Research on Setting Effective Release Conditions.

65. I express the opinion, given the research literature summarized above, that the secured bond amounts set by judicial officers in Alamance County were not necessary to assure the appearance of individuals in court. Unsecured bond amounts or promises to appear would likely have been as effective in assuring individuals' court appearance than were secured bond amounts, but without detaining individuals for an extended time or until their case reached disposition.

66. I also express the opinion that the amounts set were unaffordable to the accused individuals (and their families). Although the individuals were found

indigent for purposes of appointing counsel, their secured bond amounts were too high for any of them (or their families) to post the bond with the court. Instead, the only way they were able to post their bonds was to pay a non-refundable fee in a smaller dollar amount (ranging from 0% to 15% of the full bond amount)[19] to a commercial bail bondsman.

V. Conclusions

67. Empirical studies show that secured money bail is associated with increased pretrial detention, including for lower-risk defendants, because defendants are either never released pretrial or their release is delayed for days or weeks. This increased pretrial detention is further associated with decreased court appearance and increased rates of arrest; increased longer-term recidivism up to two years later; increased rates of conviction, guilty pleas, and jail and prison crowding; and increased collateral harm to defendants.

68. Empirical studies also show that unsecured and/or non-financial conditions are at least as effective as secured money bail at achieving court appearance, and more effective than secured money bail at achieving public safety, while doing so with much less pretrial jail bed use and, thus, fewer costs to the legal system. Furthermore, interventions such as court date reminders and pretrial monitoring for select defendants have been shown to improve court appearance and/or public safety, and they do so without the unnecessary pretrial jail bed use that accompanies the use of secured money bail. Because of this robust research, many local jurisdictions and states are amending their practices and laws or court rules to reduce or eliminate secured money bail and replace it with cost-effective, research-informed practices that effectively support defendants during pretrial release.

[19] Several files indicated that the commercial bail bondsmen usually received non-refundable premiums in the amount of 5%, 10%, or 15% of the bond amount. Not all files indicated the amount of the charged premium that was received. One file, however, did indicate that the bondsman posted the secured bond after receiving 0% of the $500 premium on a $5,000 bond amount. This example highlights another flaw with secured bond conditions: when defendants do not put any money down for a secured bond condition, the secured bond amount functionally becomes an unsecured bond amount at the time the bond is posted and the person is released from jail. Situations like these further demonstrate that defendants making a down payment for their release from jail is not necessary for assuring their appearance in court. Furthermore, when defendants do not have to make such non-refundable down payments to a private business, they could instead use their money for other purposes, such as living expenses, possibly paying for a defense attorney, paying for treatment, or paying restitution if convicted.

69. Because secured money bail is often relied upon, and to my knowledge research-based risk management practices, including court date notifications or risk-informed pretrial monitoring, are not relied upon in Alamance County, judicial officers are missing the opportunity to reduce unnecessary pretrial incarceration, its financial costs and harm to defendants and the community, while also increasing or maintaining court appearance and decreasing pretrial criminal activity.

70. Overall, I conclude that pretrial justice practices that include (a) non-monetary, research-informed release and detention policies, and (b) research-informed pretrial release strategies, often when used in combination with other practices,[20] are more effective at simultaneously achieving court appearance, protecting public safety, and maximizing the release of individuals from pretrial custody when compared to pretrial practices based largely on the use of secured money bail. Additionally, I conclude that the robustness of the research summarized in this report demonstrates that any local and state justice system in the United States, including the pretrial system in Alamance County, North Carolina, can cost-effectively replace its pretrial policies and practices reliant on secured money bail with ones that are non-monetary.

71. Based on the research and reports reviewed above, I express the following opinions:

    a) Opinion 1: Secured money bail increases pretrial detention, whereas unsecured money bail or non-monetary conditions of release do not.

[20] Other supporting practices typically include: law enforcement's use of citations instead of custodial arrests to the maximum extent possible; an experienced prosecutor reviewing law enforcement's arrest documents and making a charging decision prior to the first bond setting; defense counsel's representing defendants at all proceedings to determine conditions of release or detention; judicial officers making an intentional, purposeful release-or-detention decision pursuant to federal and state law; and measurement and evaluation of important process-and-outcome measures to inform potential improvements to future practices. All or many of these practices are recommended by the U.S. Department of Justice's National Institute of Corrections (National Institute of Corrections, 2017) and Bureau of Justice Assistance (Bureau of Justice Assistance, 2014), and by the American Bar Association (American Bar Association, 2007). Furthermore, when a jurisdiction implements several non-monetary pretrial practices but leaves secured money bail operational, desired pretrial outcomes such as court appearance and reduced jail use can diminish over time (Stevenson, 2018) and result in arbitrary pretrial decision-making (Spalding, 2019).

b) Opinion 2: Pretrial detention for time periods more than 24 hours has adverse consequences for detained persons and for the community.

c) Opinion 3: Pretrial detention for time periods more than 24 hours has an adverse effect on the likelihood that a person will make all court appearances or remain law-abiding while on pretrial release.

d) Opinion 4: Secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring appearance in court.

e) Opinion 5: Secured money bail is no more effective than unsecured money bail or non-monetary conditions of release at assuring public safety.

f) Opinion 6: The data produced by the defendants are inadequate to answer all of the questions posed by plaintiffs' counsel.

g) Opinion 7: The 15 case files produced by defendants are sufficient to identify bail-setting practices relevant to some of the questions posed by plaintiffs' counsel.

h) Opinion 8: Alamance County's judicial officers' use of secured bond amounts is not consistent with the empirical research on setting effective release conditions.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed on February 23, 2022

Michael R. Jones

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[21] My name is bolded in the citations of studies and reports I have authored.

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VITA

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MAJOR INTERESTS

- Legal and research-based pretrial justice policies and practices.
- Strategic planning, coordination, and data-guided analysis and decision-making for criminal justice systems and agencies.

EDUCATION

Ph.D. Clinical Psychology 2003.
University of Missouri-Columbia (APA-Accredited), Columbia, Missouri.
Internship: Colorado Mental Health Institute at Ft. Logan (APA-Accredited), Denver, Colorado.
Dissertation: "The varying threshold of juvenile competence to proceed in juvenile court: Opinions of judges, attorneys, and forensic examiners."
Major papers: "Juvenile sexual offending: Psychosocial correlates and implications for Treatment;" and "Juvenile adjudicative competence: Theory, research, and practice."

M.A. Child Clinical Psychology 1999.
University of Missouri-Columbia (APA-Accredited), Columbia, Missouri.
Thesis: "The ecology of toddler maltreatment: A multilevel examination of toddler physical abuse and neglect."

B.A. Psychology 1993.
St. Mary's College of Maryland, St. Mary's City, Maryland.
Graduated Magna Cum Laude and "With Distinction" from the Honors Program.

PROFESSIONAL EXPERIENCE

Pretrial Justice

President 2017-present
Pinnacle Justice Consulting.
Responsibilities include: providing training and technical assistance for states, localities, and various stakeholder organizations to understand and implement more legal and research-based criminal justice policies and practices; assisting states and local jurisdictions in designing and implementing strategic, system-improvement initiatives; performing empirical research, data analysis, and system and program evaluation; providing expert testimony; managing all strategic and operational facets of a corporation.

Director of Implementation 2014–2017

Pretrial Justice Institute.

Responsibilities included: directing the Bureau of Justice Assistance's three-year Smart Pretrial Demonstration Initiative; providing pretrial training and technical assistance to hundreds of jurisdictions; conducting numerous workshops at national and state conferences; performing empirical research; and developing a variety of resource materials for stakeholders and practitioners.

Senior Project Associate 2010–2014

Pretrial Justice Institute.

Responsibilities included: assisting jurisdictions in understanding and implementing more legal and research-based pretrial policies and practices; providing technical assistance; performing analyses and writing reports; managing multi-site data collection; and presenting at conferences and trainings.

Criminal Justice Strategic Planning and Systems Coordination

Justice System Consultant 2004–present

National Institute of Corrections (NIC); Other local government, non-profit, or national criminal justice agencies.

Responsibilities include: providing technical assistance to executives from city, county, and state criminal justice agencies to assist them in (a) understanding the dynamics placing demands on justice system resources, (b) developing cost-effective solutions to identified problems, and (c) developing or improving long-term planning and problem-solving capacity through the local criminal justice coordinating committee, a data-guided, collaborative policy planning process, and planning/analytic staff support; presenting at national conferences and trainings.

Criminal Justice Planning Manager 2004–2012

Jefferson County, Colorado.

Responsibilities included: managing the Criminal Justice Planning Unit (self plus seven staff) that provided support to a local criminal justice coordinating committee; hiring, training, and supervising planning staff; facilitating, with elected officials and executives from municipal, county, and state government, systemic initiatives that led to improved effectiveness, efficiencies, and coordination among justice system agencies; conducting scientific research; analyzing and presenting data; facilitating groups and committees; identifying, writing, and managing grants; consulting to multiple committees and projects; promoting the implementation of research-based practices and programs.

Criminal Justice Planner/Analyst 2003–2004

Jefferson County, Colorado.
Responsibilities included: providing planning and analytic services to a local criminal justice coordinating committee; providing principle decision-makers with information and ideas for improving systemwide policy planning efforts.

Research and Project Management Experience

Director 2014-2017

Smart Pretrial Demonstration Initiative.
Responsibilities included: overseeing all technical, operational, and financial aspects of the Bureau of Justice Assistance's three-year, three-million-dollar national Smart Pretrial Demonstration Initiative; coaching and coordinating technical assistance providers; training local on-site coordinators; writing, reviewing and approving initiative documentation; ensuring all deliverables are on-time, within budget, and of accepted quality.

Project Coordinator 2008 to 2012

Jefferson County Bail Project, Jefferson County, Colorado.
Responsibilities included: serving as lead staff for the committee of local justice system officials working on the project; overseeing pilot projects, data collection and analyses, presentation of analyses and other information to officials and other stakeholders; writing summary reports; completing and submitting required grant reports; supervising other project staff.

Project Director 2006 to 2012

Colorado Improving Supervised Pretrial Release (CISPR) Project.
Responsibilities include: coordinating and overseeing data collection, analyses, and interpretation; presenting findings and newly developed products to stakeholders; writing summary reports; completing and submitting required grant reports; supervising other project staff.

Project Coordinator 2004-2005

Failure to Appear Reduction Project. Jefferson County, Colorado.
Responsibilities included: coordinating and overseeing data collection, analyses, and interpretation; presenting findings to and facilitating discussions among local justice system officials; supervising other project staff.

Primary Investigator 2000-2003

Juvenile Competency Study (Dissertation), University of Missouri-Columbia.
Responsibilities included: conducting a comprehensive literature review; selecting and locating participants; developing a survey; writing computer programs for statistical analyses; writing a complete manuscript.
Supervisor: Joseph LoPiccolo, Ph.D.

Graduate Research Assistant 1995-2000

Family Assessment Laboratory, University of Missouri-Columbia.
Responsibilities included: training, supervising, and writing letters of recommendation for undergraduate research assistants; writing training manuals; managing large data sets; reviewing manuscripts submitted for publication; presenting posters at conferences; writing a manuscript and book chapter for publication.
Supervisor: Charles Borduin, Ph.D.

Primary Researcher 1999-2000

Ph.D. Qualifying Examinations, University of Missouri-Columbia.
Responsibilities included: conducting comprehensive literature reviews and writing two major area papers.
Supervisor: Charles Borduin, Ph.D.

Graduate Research Assistant 1997-1999

Mid-Missouri Mental Health Center, Columbia, Missouri.
Responsibilities included: conducting structured assessments of inpatient children and adolescents; managing large data sets; writing manuscripts for publication; reviewing manuscripts submitted for publication by other researchers.
Supervisor: Javad Kashani, M.D.

Primary Investigator 1996-1999

Toddler Maltreatment Study (Master's Thesis), University of Missouri-Columbia.
Responsibilities included: conducting an extensive literature review; conducting in-home interview- and observational-based assessments of toddlers and their families; writing computer programs for statistical analyses; supervising an undergraduate honors student; writing a manuscript for publication.
Supervisor: Charles Borduin, Ph.D.

Clinical and Forensic Psychology Experience

Psychology Intern 2001-2002

Colorado Mental Health Institute at Ft. Logan (APA-Accredited), Denver, Colorado.
Responsibilities included: conducting psychological evaluations and providing group, individual, and family therapy for children, adolescents, and adults with chronic mental illness; conducting certifications and 72-hour mental health hold evaluations; conducting dangerousness assessments; revising social skills programming; attending twice weekly seminars.
Supervisors: Aaron Townsend, Ph.D.; Dale Schellenger, Ph.D.; Neil Sorokin, Ph.D.

Psychology Clerk 1999-2000

Biggs Maximum Security Forensic Center, Fulton State Hospital, Fulton, Missouri.
Responsibilities included: conducting competence to proceed evaluations of male and female patients; conducting competence to proceed screenings of male and female clients at admission and 60-day follow-up; designing the Competency Education class; providing Competency Education classes to male and female clients; conducting staff development training; observing expert testimony.
Supervisor: Michael Stacy, Ph.D.

Psychology Clerk 1998

Guhleman Forensic Center, Fulton State Hospital, Fulton, Missouri.
Responsibilities included: delivering group (sex offenders, basic cognitive therapy) and individual therapy to male clients with personality disorders and who were found Not Guilty by Reason of Insanity; providing case management; serving on an interdisciplinary treatment team; conducting staff development training.
Supervisor: Marc Maddox, Ph.D.

Staff Clinician 1996-1998

Psychological Services Clinic, University of Missouri-Columbia.
Responsibilities included: delivering outpatient psychotherapy to couples, adults, and families with a broad range of psychopathology; screening for National Depression Screening Day.
Supervisors: Debora Bell-Dolan, Ph.D.; David DuBois, Ph.D.; Charles Borduin, Ph.D.; Joseph LoPiccolo, Ph.D.

Multisystemic (Family) Therapist 1995-1997

13th Circuit Judicial Court, Boone County, Missouri.
Responsibilities included: conducting individual, family, couples, peer, and school interventions with juvenile offenders and their families; writing progress notes for the family court; testifying in family court.
Supervisor: Charles Borduin, Ph.D.

Mental Health Worker 1994-1995

Cleo Wallace Center, Colorado Springs, Colorado.
Responsibilities included: providing a safe and therapeutic day treatment, residential, and inpatient milieu for emotionally and behaviorally disordered children and adolescents.
Supervisor: Martha Holmes.

Teaching and Advising Experience

Adjunct Faculty Member 2001

Department of Psychology, Westminster College, Fulton, Missouri.
Responsibilities included: teaching a senior-level, writing-intensive undergraduate psychology course entitled "Forensic Psychology." Enrollment = 19.
Supervisor: Ted Jaeger, Ph.D.

Assistant Academic Advisor 2000-2001
Department of Psychological Sciences, University of Missouri- Columbia.
Responsibilities included: advising undergraduate psychology students about academic and career options; presenting information on graduate school programs and career options in psychology to undergraduate psychology students.
Supervisors: Andrew Beckett, M.A.; Dennis Wright, Ph.D.

Guest Lecturer 1999-2001
Department of Psychological Sciences, University of Missouri-Columbia;
Westminster College, Fulton, Missouri.
"Introduction to Clinical Psychology" (4x).
"Abnormal Psychology" (2x);
"Tests and Measures" (1x).
Supervisor: Nan Presser, Ph.D.

Teaching Assistant 1998
Department of Psychological Sciences, University of Missouri-Columbia.
Undergraduate course: "Abnormal Psychology." Enrollment = 275.
Responsibilities included: guest lecturing; tutoring students; preparing and proctoring exams.
Supervisor: Charles Borduin, Ph.D.

Statistics Tutor 1991-1992
Department of Psychology, St. Mary's College of Maryland.
Responsibilities included: providing individual and group tutoring sessions to undergraduate psychology students; grading exams and weekly homework assignments.
Supervisors: Donna Eisenstadt, Ph.D.; Wesley Jordan, Ph.D.

PUBLICATIONS AND REPORTS

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Bechtel, K., Clark, J., Jones, M. R., & Levin, D. J. (2012). Dispelling the myths: What policy makers need to know about pretrial research. Washington, DC: Pretrial Justice Institute.

A Joint Partnership among Ten Colorado Counties, the Pretrial Justice Institute, and the JFA Institute (M. Jones as lead author). (2012). The Colorado Pretrial Assessment Tool (CPAT). Washington, DC: Pretrial Justice Institute.

Austin, J., Bhati, A., Jones, M., & Ocker, R. (2012). Florida Pretrial Risk Assessment Instrument. Washington, DC: JFA Institute.

Schnacke, T. R., Jones, M. R., Brooker, C. M. B., & Enquist, M. (2011). The Jefferson County Bail Project: Project Summary Presented to the Attorney General's National Symposium on Pretrial Justice. Washington, DC: National Symposium on Pretrial Justice.

Schnacke, T. R., Jones, M. R., & Brooker, C. M. B. (2011). The Third Generation of Bail Reform. DULR Online, the Online Supplement to the Denver University Law Review.

Denver, CO: University of Denver Sturm College of Law.

Schnacke, T. R., Jones, M. R., & Brooker, C. M. B. (2011). Glossary of Terms and Phrases Relating to Bail and the Pretrial Release and Detention Decision. Washington, DC: Pretrial Justice Institute. [An updated (2015) version of this document published by the Pretrial Justice Institute is available online at https://university.pretrial.org/viewdocument/glossary-of-terms-an. The 2011 document may no longer be available.]

Schnacke, T. R., Jones, M. R., & Brooker, C. M. B. (2010). The History of Bail and Pretrial Release. Washington, D.C.: Pretrial Justice Institute.

Pretrial Justice Institute (M. Jones as one of three authors). (2010). Responses to Claims About Money Bail for Criminal Justice Decision-Makers. Washington, DC: Pretrial Justice Institute.

Jones, M. R., Brooker, C. M. B., & Schnacke, T. R. (2009). A Proposal to Improve the Administration of Bail and the Pretrial Process in Colorado's First Judicial District. Golden, CO: Jefferson County Criminal Justice Planning Unit.

Jones, M. R., & Ferrere, S. (2008). Improving pretrial assessment and supervision in Colorado. In *Topics in community corrections: Applying evidence-based practices in pretrial services* (pp. 13-17). Washington, DC: U.S. Department of Justice.

Borduin, C. M., Heiblum, N., Jones, M. R., & Grabe, S. A. (2000). Community-based treatment of serious antisocial behavior in adolescents. In W. E. Martin Jr. & J. L. Swartz-Kulstad (Eds.), *Person-environment psychology and mental health: Assessment and intervention* (pp. 113-141). Mahwah, NJ: Erlbaum.

Kashani, J. H., Jones, M. R., Borduin, C. M., Thomas, L., & Reid, J. C. (2000). Individual characteristics and peer relations of psychiatrically hospitalized aggressive youth: Implications for treatment. *Child Psychiatry and Human Development, 30,* 145-159.

Kashani, J. H., Jones, M. R., Bumby, K. M., & Thomas, L. A. (1999). Youth violence: Psychosocial risk factors, treatment, prevention, and recommendations. *Journal of Emotional and Behavioral Disorders, 7,* 200-210.

[The above article was republished in (2001). In H. M. Walker & M. H. Epstein (Eds.), *Making schools safer and violence free: Critical issues, solutions, and recommended practices.* Austin, TX: PRO-ED.]

Kashani, J. H., Suarez, L., Jones, M. R., & Reid, J. C. (1999). Perceived family characteristic differences between depressed and anxious children and adolescents. *Journal of Affective Disorders, 52,* 269-274.

EXPERT TESTIMONY

Activities include written reports, depositions, and/or in-court testimony.

Torres, et al., v. Collins, et al., Case No. 2:20-CV-00026 (E.D. Ten.).

Egana, et al., v. Blair's Bail Bonds, et al., Case No. 2:17-cv-5899 (E.D. La.).

Edwards, et al., v. Cofield, et al., 3:17-cv-321 (M.D. Ala.).

McNeil, et al., v. Community Probation Services, 1:18-cv-00033 (M.D. Ten.).

Little v. Frederick, 17-cv-724 (W.D. La.).

Mock, et al., v. Glynn County, Ga., 2:18-cv-0025 (S.D. Ga.).

Daves, et al. v. Dallas County, Tex., 3:18-cv-154 (N.D. Tex.).

Booth, et al. v. Galveston County, Tex., 3:18-cv-0104 (S.D. Tex.).

Schultz, et al. v. State of Alabama, et al., 5:17-cv-00270-MHH (N.D. Ala.).

Knight v. Sheriff for Leon County, Fla., No. 4:17cv464 (N.D. Fla.).

Buffin v. Hennessy, 4:15-cv-4959 (N.D. Cal.).

ODonnell v. Harris County, 251 F. Supp. 3d 1052 (S.D. Tex.).

PRESENTATIONS, WORKSHOPS, AND PANELS

* Since 2013, numerous training workshops on a variety of criminal justice and pretrial justice topics delivered as part of technical assistance, training, and state and national conferences.

Jones, M. R. (2013). *Mystery No More: The Latest on Pretrial Risk Assessments*. Webinar provided to the National Legal Aid and Defender Association, December.

Jones, M. R. (2013). Summary of Research -- *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option*. Panel presentation at the International Drug Policy Reform Conference, Denver, Colorado.

Schnacke, T. S., & Jones, M. R. (2013). *Colorado's New Pretrial Bail Statute -- Law and Supporting Research*. Presentations at multiple meetings of state and local stakeholder groups in Colorado.

Jones, M. R. (2012). *Using Research to Improve Pretrial Policy: Lessons Learned from a Ten-County Colorado Project.* Presentation at the annual meeting of the American Society of Criminology,

Chicago, Illinois.

Jones, M. R. (2012). *Pretrial Risk Assessment: Status, Issues, and Opportunities for Improvement.* Session discussant at the annual meeting of the American Society of Criminology, Chicago, Illinois.

Jones, M. R. (2012). *Empirically-Based Pretrial Risk Assessment in Santa Clara County, CA*. Presentation at the annual training of the County of Santa Clara Office of Pretrial Services, San Jose, CA.

Jones, M. R. (2012). *Overview of the Colorado Pretrial Assessment Tool (CPAT)*. Presentations at multiple meetings of state and local stakeholder groups in Colorado.

Jones, M. R. (2012). *Pretrial Justice and Bail in Colorado*. Presentation to Criminal Courts Class, Johnson and Wales University, Denver, Colorado.

Jones, M. R. (2012-2010). *Criminal justice coordinating committees: Your role*. Presentation at the Orientation for New Pretrial Executives training, National Institute of Corrections, Aurora, Colorado.

Jones, M. R., & Clark, J. (2011). *Decreasing jail crowding while maintaining public safety: Pretrial solutions for sheriffs and jail administrators*. Webinar hosted by the Pretrial Justice Institute, November 29, 2011.

Jones, M. R. (2011). *Florida pretrial risk assessment: A six-county project*. Presentation at the Annual Training Institute of the Florida Association of Community Corrections, Palm Beach Gardens, Florida.

Jones, M. R. (2011). *Increasing public safety while reducing jail populations: The benefit of cost-effective bail setting and pretrial services programs*. Presentation at the annual meeting of the National Sheriff's Association, St. Louis, Missouri.

Jones, M. R. (2011). *Effectively using data with policy makers*. Presentation at the Large Jail Network meeting, National Institute of Corrections, Aurora, Colorado.

Jones, M. R. (2010). *Innovative pretrial practices: The Jefferson County, Colorado, Court Date Notification Program.* Roundtable presentation at the annual meeting of the American Society of Criminology, San Francisco, California.

Clark, J., & Jones, M. R. (2010). *Accountability and performance measurement in pretrial programming and decision making*. Workshop presented at the 38th Annual Conference and Training Institute of the National Association of Pretrial Services Agencies, San Diego, California.

Jones, M. R. (2010). *The Jefferson County, Colorado, Pretrial Pilot Project and the use of data-driven policies and strategies.* Panel presentation at the National Forum on Criminal Justice and Public Safety of the National Criminal Justice Association, Ft. Meyers, Florida.

Jones, M. R. (2010). *Information about the Jefferson County, Colorado, Pretrial Pilot Project*. Workshop presented at the Evidence Based Policy and Practice in Action Western Regional Meeting of the National Criminal Justice Association, Phoenix, Arizona.

Allen, K. M., & Jones, M. R. (2010). *The benefits and necessity of local criminal justice planning and coordination*. Presented to the Justice and Public Safety Steering Committee of the National Association of Counties, San Antonio, Texas.

Schnacke, T. R., Jones, M. R., & Brooker, C. M. B. (2009). *Jefferson County Pretrial Pilot Project*. Continuing Legal Education delivered to the Colorado Criminal Defense Bar, Jefferson County Chapter, Lakewood, Colorado.

Schnacke, T. R., & Jones, M. R. (2009). *Colorado bail law and practices: Current and future*. Continuing Legal Education delivered to the Boulder County Bar Criminal Law Section, Boulder, Colorado.

Brooker, C. M. B., Schnacke, T. R., & Jones, M. R. (2009). *A brief update on the Jefferson County Bail Project*. Presented to General Assembly Members and County Commissioners from Jefferson County, Colorado, Golden, Colorado.

Jones, M. R., Schnacke, T. R., & Brooker, C. M. B. (2009). *An update on the Jefferson County Bail Project and Pretrial Pilot Project*. Presented to the System Performance Committee of the Denver Crime Prevention and Control Commission, Denver, Colorado.

Jones, M. R., Schnacke, T. R., & Brooker, C. M. B. (2009). *A proposal to improve the administration of bail and the pretrial process in Colorado's First Judicial District - An overview*. Presented at the quarterly meeting of Colorado Chief Judges, Denver, Colorado.

Jones, M. R., & Brooker, C. M. B. (2009). *Upcoming improvements to the administration of bail and pretrial release in Colorado - An overview*. Presented at the Annual Joint Meeting of the County Sheriffs of Colorado and the Colorado Association of Chiefs of Police, Denver, Colorado.

Jones, M. R. (2008). *Brief overview of the Colorado Improving Supervised Pretrial Release (CISPR) Project*. Panel presentation at the 36th Annual Conference and Training Institute of the National Association of Pretrial Services Agencies, Milwaukee, Wisconsin.

Jones, M. R. (2007). *Why Jefferson County does criminal justice strategic planning and coordination*. Presented to a class at McLain Community High School, Lakewood, Colorado.

Jones, M. R. (2007). *The value and necessity of local criminal justice planning and coordination*. Presented to county commissioners at the Front Range District Meeting of the Colorado Counties Inc. Annual Summer Conference, Keystone, Colorado.

Jones, M. R., & Schnacke, T. R. (2006). *Jefferson County criminal justice strategic planning trends and projects*. Presented at a meeting of the Colorado First Judicial District Bar Association, Golden, Colorado.

Jones, M. R. (2006). *How to develop and staff a successful local criminal justice coordinating committee*. Presented at the Annual Conference of the Pennsylvania Commission on Crime and Delinquency, University Park, Pennsylvania.

Martin, J. A., Mattson, B. A., Lynn, J., & Jones, M. R. (2003). *The Youth Service Improvement Initiative.* Paper presentation at the 55th Annual Meeting of the American Society of Criminology (ASC), Denver, Colorado.

Jones, M. R., Martin, J. A., & Erler, D. E. (2003). *A strategic approach to assessing and improving your pretrial services program.* Quarter-day workshop presented at the 31st Annual Conference and Training Institute of the National Association of Pretrial Services Agencies (NAPSA), Broomfield, Colorado.

Jones, M. R. (2002). *Competence to proceed.* Presentation to psychology interns, Colorado Mental Health Institute at Ft. Logan, Denver, Colorado.

Jones, M. R. (2001). *What do I do with my B.A.? Graduate training and career options in psychology.* Presentation to undergraduate psychology students, University of Missouri-Columbia.

Jones, M. R. (2000). *Methods and materials for providing competency education class.* Presentation to competency education instructors at Fulton State Hospital, Fulton, Missouri.

Jones, M. R. (1999). *Graduate training and career opportunities in forensic psychology.* Presentation to Psi Chi Honor Society, University of Missouri-Columbia.

Borduin, C. M., Schaeffer, C. M., & Jones, M. R. (1997). *Multisystemic treatment and prevention of criminal activity in serious juvenile offenders.* One-day workshop presented to the Family Court of St. Louis County, Clayton, Missouri.

POSTERS

Allan, W. D., Jones, M. R., & Kashani, J. H. (1999). *Implications of comorbid conduct disorder for psychiatrically hospitalized children with ADHD.* Poster presented at the annual meeting of the Association for the Advancement of Behavior Therapy,

Toronto, Canada.

Kashani, J. H., Allan, W. D., & Jones, M. R. (1999). *The internal phenomenology of youth violence.* Poster presented at the annual meeting of the Association for the Advancement of Behavior Therapy, Toronto, Canada.

Jones, M. R., & Borduin, C. M. (1999). *Psychosocial correlates of toddler physical abuse and neglect.* Poster presented at the annual meeting of the American Psychological Society, Denver, Colorado.

Borduin, C. M., Schaeffer, C. M., Heiblum, N., & Jones, M. R. (1998). *A measure of adolescent peer relations: The Missouri Peer Relations Inventory.* Poster presented at the annual meeting of the American Psychological Society, Washington, D.C.

Borduin, C. M., Jones, M. R., Sprengelmeyer, P. G., & Williamson, J. M. (1996). *The ecology of toddler physical abuse and neglect.* Poster presented at the annual meeting of the American Psychological Association, Toronto, Canada.

Lewis, J. E., & Jones, M. R. (1992). *Sexually traumatized children? False positives from use of anatomical dolls.* Poster presented at the annual meeting of the American Psychological Association, Washington, D.C.

GRANTS/AWARDS

Edward Byrne Memorial Justice Assistance Recovery Act (ARRA) Grant for the Jefferson County Bail Project. (2009). $473,958.

Edward Byrne Memorial Justice Assistance Grant (JAG) for the continuation of the Colorado Improving Supervised Pretrial Release (CISPR) Project. (2008). $23,790.

Edward Byrne Memorial Justice Assistance Grant (JAG) for the Colorado Improving Supervised Pretrial Release (CISPR) Project. (2006). $20,000.

National Institute of Corrections (NIC)/Council of State Governments (CSG) Technical Assistance Award to Jefferson County, Colorado. (2003).

American Academy of Forensic Psychology (AAFP) Dissertation grant. (2001). $595.

American Psychological Association Division 41 (American Psychology-Law Society) Dissertation grant. (2000). $500.

American Psychological Association (APA) Travel Scholarship. (1996). $300.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

American Society of Criminology (ASC)	2004-2017
National Association of Pretrial Services Agencies (NAPSA)	2004-2017
National Criminal Justice Association (NCJA)	2005-2012
Justice Research and Statistics Association (JRSA)	2005-2012
American Psychological Association (APA)	1992-2004
APA Division 12 (Clinical)	1996-2003
APA Division 41 (Psychology and Law)	1999-2004
APA Division 53 (Clinical Child)	2000-2003
Colorado Psychological Association (CPA)	2001-2003
American Psychological Society (APS)	1999

MEMBERSHIP/PARTICIPATION IN COMMITTEES

- Pretrial Innovators Network (PI-Net) 2017-2019
- Jefferson County Child and Youth Leadership Commission 2009-2012
- Jefferson County Criminal Justice Strategic Planning Committee 2003-2012
    - Including various subcommittees 2003-2012
- Jefferson County Corrections Board (Colorado) 2003-2012
- Court Services Advisory Board (Jefferson County, Colorado) 2003-2012
- Justice Oversight Committee (Jefferson County, Colorado) 2007-2008
- Jefferson County Juvenile Services Planning Committee 2005-2006
- Response to Violations Subcommittee (Colorado 1st Judicial District Probation Department) 2003-2009
- Criminal Justice Executives Committee (Jefferson County, Colorado) 2003-2008
- Competency Working Group (Colorado Department of Criminal Justice) 2003-2005
- SAFE Jeffco (Jefferson County, Colorado) 2003-2004
    - Continuum of Care Subcommittee 2003-2005
- Restorative Justice Working Group (Jefferson County, Colorado) 2003-2004
- Multi-agency Information Sharing/Remote Booking Committee (Jefferson County, Colorado) 2003-2005
- Psychological Clinic Library Committee, Department of Psychological Sciences, University of Missouri- Columbia 2000-2001
- Psychological Clinic Liaison Committee, Department of Psychological Sciences, University of Missouri-Columbia 1996

CONTINUING EDUCATION/SPECIALIZED TRAINING

Jefferson County, Colorado. (2003-2011). *Multiple full-day and half-day leadership, management, staff development, and computer application training.*

SPSS. (2004-2005). *Basic, intermediate, and advanced training in the use of SPSS (database and statistical analysis software).*

National Association of Pretrial Services Agencies. (2003). *Pretrial 101 & 202.* Two, half-day workshops, Broomfield, Colorado.

Bureau of Justice Assistance. (2003). *Project Development and Implementation Training.* Two-day workshop, Colorado Springs, Colorado.

Missouri Department of Mental Health. (1999). *Assessment of juvenile and adult competency to stand trial and criminal responsibility.* One-day workshop, Lake Ozark, Missouri.

Reinicke, M. (1997). *Cognitive therapy of emotional disorders.* One-day workshop, Columbia, Missouri.

Craske, M. G. (1997). *Cognitive-behavioral conceptualization and treatment of panic disorder and agoraphobia.* One-day workshop, Columbia, Missouri.

Kendall, P. C. (1996). *Short-term therapy for children and adolescents.* Two-day workshop, St. Louis, Missouri.

Haley, J. (1996). *Contemporary applications of directive therapy with adolescents and young adults.* One-day workshop, Lenexa, Kansas.

Borduin, C. M. (1995). *Multisystemic treatment of violent juvenile offenders.* Three-day workshop, Columbia, Missouri.