



July 30, 2019

The landmark settlement of the constitutional challenge to Harris County's misdemeanor cash bail system is a watershed moment. Although there is still a long way to go in Harris County and across the country, these overdue changes will make the Harris County bail system fairer, safer, and more effective.

Every night, hundreds of thousands of human beings in the U.S. are confined to a jail cell solely because they cannot pay the money bail required for their pretrial release. These individuals lose their jobs, their homes, and their children, are at risk for sexual and physical assault, and are deprived of the basic necessities of life like medication, adequate mental health care, sunlight, exercise, and contact with their families and friends. Local jails have become overcrowded with presumptively innocent people being detained prior to trial.

Those families able to gather enough money to pay for the release of their loved one before trial transfer about \$2 billion every year in non-refundable premiums to the for-profit bail bond industry.

All of these harms disproportionately affect poor people and people of color.

In 2016, the constitutional challenge to Harris County's system was a major step forward in the growing national movement to reform our broken cash bail system.

The money bail system in Harris County was flagrantly unconstitutional. About 20,000 people charged with misdemeanors were detained for the entire duration of their cases solely because they could not afford a few hundred dollars for their release. Thousands were coerced into pleading guilty just to get out of jail. Tens of thousands more people had to pay the bail industry millions of dollars every year for their release. And some people never made it out.

In the six years prior to this lawsuit, 55 people died in the Harris County jail after they could not afford to pay the money bail required for their release. All of this led Harris County to become the national leader in exonerations of wrongfully convicted people and caused what experts estimate to be thousands of new crimes each year by people whose lives were destabilized by illegal pretrial detention.

The case put the United States' cash bail system on trial for the first time in federal court. Chief Judge Lee Rosenthal heard eight days of evidence, including experts from around the country, judges, prosecutors, defense lawyers, the Sheriff, hundreds of thousands of court records, and thousands of hours of video of bail hearings. The Chief Judge's 193-page ruling struck down the cash bail system, and explained in detail that the overwhelming historical and contemporary



evidence showed that cash bail is less effective than alternatives. In fact, the court found, it makes communities less safe.

Now, the County, the Sheriff, and the local judges have come to an important agreement to end the litigation and to put in place a constitutional, fair, effective, and accountable pretrial system that does not make decisions about who is freed and who is jailed based on money.

The new system will ensure that Harris County releases tens of thousands of people each year who would have been jailed under the previous rules; it will collectively save poor families millions of dollars every year; it will keep families together, jobs safe, and homes occupied; and it will save tens of millions of dollars in ancillary costs from health care and crime reduction.

The consent decree and settlement will require rigorous accountability, data reporting, system-wide training, and monitoring by a court-appointed monitor. It will also require the introduction of state of the art technological improvements, major investments in indigent defense, social work services, and investigation services for indigent arrestees. The settlement will be enforced by the federal court to ensure that it is followed.

As national organizations create bold visions for how to fix our broken cash bail systems and [detailed model legislation](#) for states to pass, this settlement and consent decree provide vital momentum in one of the most important civil rights battles of our time.

Signed,

Civil Rights Corps – Attorneys for the Plaintiffs

[American Civil Liberties Union](#)

[Color of Change](#)

[Fines and Fees Justice Center](#)

[Georgetown Law Institute for Constitutional Advocacy and Protection](#)

[Southern Poverty Law Center](#)