

## Pretrial Improv Bibliography

### PRETRIAL RESOURCES

#### Organizations

<a href="https://www.aclu-nj.org">ACLU of New Jersey</a>	aclu-nj.org
<a href="https://arnoldventures.org/work/pretrial-justice">Arnold Ventures</a>	arnoldventures.org/work/pretrial-justice
<a href="https://civilrightscorps.org">Civil Rights Corps</a>	civilrightscorps.org
<a href="https://nacdl.org">NACDL</a>	nacdl.org
<a href="https://pretrial.org">Pretrial Justice Institute</a>	pretrial.org
<a href="https://prisonpolicy.org">Prison Policy Institute</a>	Prisonpolicy.org
<a href="https://www.safetyandjusticechallenge.org">Safety + Justice Challenge</a>	John D. and Catherine T. MacArthur Foundation
<a href="https://siliconvalleydebug.org">Silicon Valley De-Bug</a>	siliconvalleydebug.org
<a href="https://vera.org">Vera Institute of Justice</a>	vera.org

#### General information

- [How Bail Works](#), Video, Vera Institute for Justice
- [8 Basic Principles for Money Bail Reform](#), Katal Center, 2017
- [A New Vision for Pretrial Justice](#), ACLU, 2019
- [Bail, Last Week Tonight with John Oliver](#), Video
- [Do Attorneys Really Matter: The Empirical and Legal Case for the Right of Counsel at Bail](#), Colbert, Pasternostor, Bushway, 23 Cardozo L.R. 101 (2002)
- [Evaluating the Impact of Eliminating Prosecutorial Requests for Cash Bail](#), Ouss and Stevenson (2019)
- [Incarceration Trends](#), a state and county-level interactive map detailing pretrial and sentencing rates across the United States, Vera Institute for Justice
- [Justice Denied: The Harmful and Lasting Effects of Pretrial Detention](#), Vera (2019)
- [Moving Beyond Money: A Primer on Bail Reform](#), Criminal Justice Policy Program, (2016)
- [Q&A Pretrial Incarceration, Bail](#), Human Rights Watch (2018)

[The Future Of Pretrial Justice Is Not Money Bail Or System Supervision - It's Freedom And Community](#), Raj Jayadev - SV De-Bug - April 4, 2019

[The Hidden Costs of Pretrial Detention](#), Lowenkamp, VanNostrand, Holsinger (2013)

[Towards an Optimal Bail System](#), Crystal S. Yang, 92 N.Y.U. L. Rev. 1450 (2017)

[Undoing the Bail Myth: Pretrial Reforms to End Mass Incarceration](#), Insha Rahman, 46 Fordham Urban L.J. 845 (2019)

[Where Pretrial Improvements are Happening](#), Pretrial Justice Institute (2019)

## Litigation

***Philadelphia Community Bail Fund v. Arraignment Court Magistrates***, (2019) Suit challenging cash bail system in Philadelphia. In July 2019 the Court, [appointed a special master](#) to examine allegations regarding systemic failures of the First Judicial District to properly conduct cash-bail matters pursuant to current law, as well as any suggestions for action by this Court in response to those alleged systemic failures.

***In Re: Kenneth Humphrey***, [417 P.3d 769 \(Cal. 2018\)](#), case is currently pending before California Supreme Court.

Court of Appeals held it was error for a trial court to set bail without considering Humphrey's ability to pay and other alternatives to money bail.

***ODonnell v. Harris County***, [892 F.3d 147](#) (5<sup>th</sup> Cir. 2018), see also, *Odonnell v. Harris County*, [251 F. Supp. 3d 1052](#) (S.D. Tex. 2017)(includes comprehensive overview of district court factual findings), *aff'd as modified*, 882 F.3d 528 (5<sup>th</sup> Cir. 2018). Further appeal of case by Harris County abandoned in 2019. See all pleadings at [University of Michigan Civil Rights Litigation Clearinghouse](#).

***Walker v. City of Calhoun, GA***, [901 F.3d 1245](#) (11<sup>th</sup> Cir. 2018), *cert. denied*, 139 S.Ct. 1446 (2019)

In 2015 Walker filed a civil rights action in the N.D. of Georgia alleging the City of Calhoun's use of a bail schedule violated due process and equal protection by setting initial bail amounts without regard to the financial resources of the arrestee. The City held court only once a week, leaving many in jail for a week or more on even minor offenses. While the case was pending the City amended its policies to ensure individuals were brought before a judge within 48 hours of arrest to have their bail reviewed by the court. See all pleadings at [University of Michigan Law School Civil Rights Litigation Clearinghouse](#).

### ***Pierce v. City of Velda***

Class action suit challenging Missouri municipal court practice of requiring set secured bond amounts for offenses without regard to individual needs and circumstances. Settlement reached in 2015 which provided that the process implicates the Equal Protection Clause and sets forth a process to eliminate the use of secured bonds for municipal court offenses and creating a new process for dealing with those who miss a court date. [Pleadings and Settlement](#)

***Stack v. Boyle***, [342 U.S. 1 \(1951\)](#): “Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning.”

Supreme Court held the right to release pending trial is conditioned on an accused giving adequate assurances they will stand trial and submit to any sentence imposed. Bail set an amount higher than reasonably necessary to achieve this goal is excessive and violates the 8<sup>th</sup> Amendment.

***United States v. Salerno***, [481 U.S. 739](#) (1987)

Supreme Court upholds constitutionality of Federal Bail Reform Act of 1984 (which permitted an individual to be held without bail on a federal offense) finding that while the 8<sup>th</sup> Amendment prohibits excessive bail; it does not require bail be set.

## Community Bail Funds

[Bail Reformers Aren't Waiting for Bail Reform](#), The Marshall Project (2016)

The Bail Project: [bailproject.org](#)

National Bail Out [nationalbailout.org](#)

[What if we ended the injustice of bail](#), TEDTalk by Robin Steinberg, The Bail Project

[Why New York Created its Own Bail Fund](#), City Lab (2017)

## Judiciary's Role

[Views from the Bench](#): Judicial Views on Pretrial (peer-to-peer video), NACDL (2018)

[Judicial Responsibility for Justice in Courts](#), NACDL Report (2018)

## Legislation and State Challenges:

### Alabama

[Formal Agreement](#) entered between US Department of Justice and Administrative Office of the Courts for Jefferson County, AL (2018)

### California

[Not In It For Justice: How California's Pretrial Detention and Bail System Unfairly Punishes Poor People](#), Human Rights Watch, 2017

[SB10](#): Bill eliminated cash bail, providing for release (with or without conditions), provided for holding individuals without bond, and mandated the use of risk assessment instruments as selected by the judiciary. Bill was passed over [objection by numerous community organizations](#) and signed by the Governor. A subsequent effort led by the bail bond industry resulted in a stay on the legislation, placing it on the November 2020 ballot for a popular vote.

Connecticut

[HB 7044](#) ends the practice of "cash only" bail, where defendants are prohibited from using a surety to post bail; prohibits judges from setting money bail for misdemeanor charges unless they make a finding that the defendant is charged with a family violence crime, is likely to fail to appear in court, is likely to obstruct justice, or otherwise presents a danger to the community; reduces the time between 1<sup>st</sup> and 2nd court appearance for misdemeanor charges from 30 to 14 days for those being held in jail pretrial; and establishes a study of the feasibility of establishing a state bail fund for indigent defendants with a report due on January 1, 2018.

Delaware

[HB 204](#) makes several changes to the Delaware Code, with the goal of modernizing the pretrial process, reducing reliance on monetary conditions, improving the efficiency and outcomes for the criminal justice system, and ensuring the safety of the community. The Courts, the Department of Correction, the Office of Defense Services, the Attorney General's Offices, members of law enforcement and the private defense bar, and the Delaware Center for Justice have worked collaboratively to propose the changes embodied in this bill. (2018)

Georgia

[SB 407](#) reforms misdemeanor bail practices. It provides judges with more opportunities to utilize community service and educational advancement as alternatives to fines or as a condition of probation. This legislation was based on recommendations from the Georgia Council on Criminal Justice Reform. (2018)

Hawaii

[HCR2017 134](#) requests judiciary convene a task force to examine and make recommendations regarding pretrial practices and procedures to maximize public safety, maximize court appearances, and maximize pretrial release of the accused and presumed innocent. (2017)

Idaho

[H118](#) provides requirements and restrictions relating to pretrial risk assessment instruments. (2019)

### Illinois

[SB 2034](#), the Bail Reform Act, seeks to move away from requiring people charged with relatively minor crimes to post cash bail as a condition of their release. Unfortunately, the law does not place hard limitations on the use of monetary bond. The new law also allows (but does not require) the Illinois Supreme Court to establish a statewide pretrial risk assessment tool. (2017)

### Louisiana

[Paid in Full: A Plan to End Money Injustice in New Orleans](#), Vera Institute for Justice (2019)

### New Hampshire

[SB 556](#) requires judges to consider someone's financial means when setting bail and prohibits the detention of people pre-trial simply because they cannot afford bail. (2018)

### New Jersey

[Criminal Justice Reform Information Center](#), includes data regarding the impact and effectiveness of NJ bail reforms.

### New York

[Summary](#) of 2019 Bail Legislation, Center for Court Innovation (Apr. 2019)

### Texas

[SB 1849](#), the Sandra Bland Act, mandates that county jails divert people with mental health and substance abuse issues toward treatment, making it easier for defendants with a mental illness or intellectual disability to receive a personal bond. As you may recall, Sandra Bland was found dead in a jail cell in 2015 after being arrested for a traffic stop. She was unable to post bail. (2017)

### Vermont

[H. 728](#) caps bail for low-level, nonviolent crimes at \$200. Also, instead of allowing bail for the possibility of non-appearance, it now states that the person must be a flight risk. (2018)

## Missed Court Appearances

[Redesign of Summons Increases Court Appearance Rates](#), Ideas 42, New York (2018)

[The Failure to Appear Fallacy](#), The Appeal (2019)

Uptrust: Organization that uses technology and the connection to community services to reduce missed court dates. [Uptrust.co](#)

[Use of Court Date Reminder Notices to Improve Court Appearance Rates](#), Pretrial Justice Center for Courts (2017)

#### NACDL Bail Manuals and Training Materials

[Colorado Bail Manual](#) and related videos

[New Jersey Bail Manual](#) and related videos

[Harris County Bail Manual](#)

[Wisconsin Bail Manual](#)

#### Public Opinion and Messaging:

[American's Back Limiting Pretrial Detention, Expanding Release](#), Pew Charitable Trust (2018)

[Analysis of Findings from Survey of 2,23 2016 General Election Likely Voters](#), Lake Associates/PJI (2014)

[Media Toolkit for Pretrial Justice Partners](#), PJI (2017)

[Public Opinion Poll on Jails and Local Criminal Justice System](#), RTI International and Zogby Analytics on behalf of MacArthur Safety + Justice Challenge (2018)

[Survey on American Money Bail System, American's Recognize Inequities in Pretrial Justice System and Support Reforms](#), Charles Koch Institute (2018)

[Communicating the Need for Pretrial Justice Reforms](#), NCSC (2012)

#### Racial Disparity in Pretrial Practices

[Give Us Free: Addressing Racial Disparities in Bail Determinations](#), C. Jones, WCL (2013)

[NACDL Race Matters Seminar](#) (Video Content)

[Racial Bias in Bail Decisions](#), Arnold, Dobbie, and Yang (2018)

[Unequal Treatment: Racial and Ethnic Disparities in Miami-Dade Criminal Justice](#), ACLU of Florida, Greater Miami (2018)

#### Risk Assessment Instruments (RAI)

[A Primer on Risk Assessment Instruments for Judges, Prosecutors and Defense Attorneys](#), Safety + Justice Challenge, MacArthur Foundation (2019)

[Q&A Profile Based Risk Assessment for US Pretrial Incarceration](#), Human Rights Watch (2018)

[Risk Assessment Articles](#), The Marshall Project

[Risk Assessments Explained](#), The Appeal

Statements regarding use of RAIs

[Joint Statement](#) of ACCD, Gideon's Promise, NACDL, NAPD, NLADA (2019)

[The Use of Pretrial "Risk Assessment Instruments" A Shared Statement of Civil Rights Concerns](#), The Leadership Conference

### Rural Communities

[Open Roads and Overflowing Jails: Addressing high rates of rural pretrial incarceration](#), Right on Crime (2018)

[Out of Sight: The Growth of Jails in Rural America](#), Vera Institute for Justice

### **Brain Functions and Creativity:**

Improv Process: <https://www.youtube.com/watch?v=MUO-pWJ0riQ>

Art in an Instant, [https://www.washingtonpost.com/graphics/2018/lifestyle/science-behind-improv-performance/?utm\\_term=.b031747965b4](https://www.washingtonpost.com/graphics/2018/lifestyle/science-behind-improv-performance/?utm_term=.b031747965b4)

Being Creative: there is a strong correlation between being creative and being innovative. Improving your creativity allows you to re-examine problems with new perspectives and, as a result, produce new solutions.

Improv Games to Boost Creativity: <http://blog.mindantix.com/2016/01/3-improvisational-games-to-boost-creativity/>

Disengaging the Dorsolateral Prefrontal Cortex:  
<https://www.theguardian.com/science/2017/jun/07/thinking-caps-on-electrical-currents-boost-creative-problem-solving-study-finds>

Charles Limb, Ted Talk, Your Brain on Impro:  
[https://www.ted.com/talks/charles\\_limb\\_your\\_brain\\_on\\_improv?language=en](https://www.ted.com/talks/charles_limb_your_brain_on_improv?language=en)

NPR Interview with Charles Limb, Jazz Improve Cranks Up Brain's Creativity:  
<https://www.npr.org/templates/story/story.php?storyId=88827029>