

Pretrial Working Group Meeting Minutes (10-9-2025)

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Topic: Pretrial System Reform and Working Group Strategy

Attendees: Daniel Karpowitz, Kevin Neary, Rich Sparaco, Sachin Pandya, Matthew Hono

1. Logistics (Karpowitz's thoughts)

- Organize materials generated from the working group into a folder with a table of contents
 - Organize knowledge and figures
 - Logbook of actions
 - Methodological questions collected
 - Non-qualitative, qualitative, and quantitative questions
- Increasing tempo of meetings (aim to have November look different than October)

2. Pretrial Working Group Formation

- Discussed the formation of a pretrial working group with a clear charge.
- Group should be inclusive and transparent but maintain a manageable core size.
 - Questions of how to include non-Commission members, such as Rep. Renee LaMark Muir, whose expertise would be greatly valued
- Deliverables will include the group's charge, public-facing documents, policy proposals, and operational guidance to CSSD and prosecutors.
 - Hope to support action in the pretrial system through informing stakeholders, even if legislation does not directly come from the group
- The group should try to outline goals of the pretrial system, metrics related to operational effectiveness, and consensus around policy actions
- Sentencing Commission seen as a venue for consensus-building and the appropriate home of such a group
 - There is a sense of an unrealized consensus that requires discussion to uncover—seen as our duty to help uncover such consensus

3. Methodology and Measures

- Emphasis on translating fairness, safety, court appearance, and liberty into empirical measures.
- Key metrics discussed:
 - Failure to Appear (FTA) rate
 - Re-arrest rate
 - Detention vs. release
 - Use of release mechanisms, such as 10 and 7 percent cash bail
- Need to operationalize these metrics in an agreed upon way
 - And to understand and create benchmarks to assess when an FTA or re-arrest rate is too high

4. Legislative Concerns and Risk Management

- Desire to avoid poorly informed legislation
 - Highlighted the need for proactive capacity to respond to pieces of legislation that may unintentionally undermine stated goals pretrial justice
 - Concerns surrounding reforms not supported by data/ evidence
- Creating a knowledge base to create an offensive capacity

5. Goals of the Pretrial System Brainstorm

- U.S. pretrial:
 - Release vs. detain
 - Of those released how can we work to ensure court appearance and public safety (avoid re-arrest)
- Goals could include (outlined by Sachin Pandya):
 - Safety
 - Liberty
 - Equality
 - Court appearance
- Need to define proxies and measures to evaluate system performance against these goals.
- Raised idea that there are some individuals who may prefer pretrial detention than time sentenced due to proximity or other factors

- Not all those who are detained could be detained because they cannot pay bond
 - Have no good way of answering this question, however

6. Strategic Ideas

- Idea that there are ~4,000 people in pretrial imprisonment
 - Can we lower this number?
- Exploring policy intervention that address some of the key arguments against a cash bail system
 - Targeting the population where there is general consensus that they should be detained?
- Emphasis on empowering stakeholders with tools rather than imposing restrictions on behavior
 - Giving prosecutors tools like ESI and other interventions to help reduce the pretrial population without mandating a change of behavior
 - Can do analysis to validate these programs
- Exploring operational/cultural change that may result in the use of detaining bonds
 - Problem may be immune to legislation

7. Next Steps and First Deliverable

- Voting to create a working group at the next steering committee meeting
- Clarify membership of the working group.
- Begin drafting the first deliverable: a working group charge document that mirrors the statutory goals of the pretrial system
 - Present this document to the working group
- Explore the need for a durable, standing body to oversee pretrial system metrics