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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: May 30, 2024

RE: **RESOLUTION IN SUPPORT OF MICHIGAN HOUSE BILL 4655 OF 2023**

Council Member Latisha Johnson requested that the Legislative Policy Division (LPD) draft a resolution in support of Michigan House Bill 4655 of 2023.

Please contact us if we can be of any further assistance.

RESOLUTION IN SUPPORT OF MICHIGAN HOUSE BILL 4655 OF 2023

- WHEREAS,** In May of 2023, Michigan Representative Stephanie A. Young introduced HB 4655 of 2023, which provides amendments to the code of criminal procedure intended to overhaul Michigan’s cash bail system to address racial and economic disparities in the state’s criminal justice system; and
- WHEREAS,** According to the Prison Policy Initiative, a non-profit research organization that analyses the effects of mass incarceration, the United States has the largest incarcerated population in the world at around 1.9 million people, and over 400,000 of that population are being held in jails without being convicted of a crime; and
- WHEREAS,** The majority of individuals are incarcerated pre-trial because they cannot afford bail, where the median bail amount nationally is \$10,000 and the average yearly income of people who cannot afford bail is \$16,000 for men and \$11,000 for women;¹ and
- WHEREAS,** The US Commission on Civil Rights found that the share of jail population growth caused by pretrial detention has increased by 433% between 1970 and 2015,² and people of color are disproportionately overrepresented with 43% of the population being Black and about 20% of the population being Hispanic, as people of color are more likely to be held pretrial and more likely to receive higher bail when compared to White defendants;³ and
- WHEREAS,** Pretrial detention is extremely costly for defendants because of the disruption to work or education, additionally 66% of women who can’t afford bail have minor children and the total cost of pretrial incarceration nationally is \$13.6 billion per year to taxpayers;⁴ and
- WHEREAS,** HB 4655, if passed, would require courts to release people accused of criminal offenses on personal recognizance⁵ or bail that is not excessive unless the court makes a determination on the record that certain enumerated risk factors apply; and
- WHEREAS,** Except in limited circumstances, HB 4655 prohibits courts from requiring a defendant to pay money in order to secure pretrial release, and where the court does find it necessary to impose a cash bond, it must conduct an inquiry into the defendant’s ability to pay prior to imposing the bond; and
- WHEREAS,** Additionally, HB 4655 requires each district and circuit court to provide quarterly reports to that state court administrative office so that the state can track the data on every bond issuance in Michigan; and
- WHEREAS,** As the result of a legal settlement between Detroit’s 36th District Court and the American Civil Liberties Union (ACLU), Detroit implemented bail reforms in May of 2023 intended to release the majority of defendants accused of low-level misdemeanors and non-violent crimes on personal recognizance rather than requiring a cash bond; and

¹ https://www.prisonpolicy.org/research/pretrial_detention/

² <https://www.usccr.gov/files/2022-01/USCCR-Bail-Reform-Report-01-20-22.pdf>

³ https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/

⁴ https://www.prisonpolicy.org/research/pretrial_detention/

⁵ “Personal recognizance” means that defendants will only be required to pay a set amount if they fail to appear for their court date.

WHEREAS, Both the ACLU and 36th District Court judges, including Chief Judge William McConaco, have been pleased with the results of bail reform in Detroit thus far, finding that releasing the majority of defendants prior to their trial date has been far less disruptive and costly to defendants' lives and has not resulted in an increase in crime;⁶ **NOW THEREFORE BE IT**

RESOLVED, The Detroit City Council strongly urges the Michigan legislature to enact HB 4655; **THEREFORE, BE IT FINALLY**

RESOLVED, That the Detroit City Clerk is directed to send this resolution to the Detroit delegations of both the Michigan State House and Senate, in addition to Governor Gretchen Whitmer.

⁶ <https://www.detroitnews.com/story/news/local/detroit-city/2024/05/07/detroit-court-began-cash-bail-reforms-a-year-ago-heres-how-theyre-working/73525642007/>