

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: March 10, 2022

AMENDMENT NO. 1 to Item # 2

Resolution File No. 22-390

Ordinance File No.

COMMITTEE: Intergovernmental Relations

OFFERED BY SUPERVISOR(S): Clancy & Taylor

ADD AND/OR DELETE AS FOLLOWS:

Add the following WHEREAS clauses beginning at or near line 33:

WHEREAS, The Supreme Court affirmed in United States V. Salerno that “liberty is the norm, and detention prior to trial or without trial is the carefully limited exception”; and

WHEREAS, under Wis. Stat. § 969.035 a Circuit Court can deny the release of a person from custody if they are accused of committing or attempting to commit a violent crime and the person has a previous conviction for committing or attempting to commit a violent crime; and

WHEREAS, a pretrial detention hearing is required where the District Attorney must show by clear and convincing evidence that the defendant committed the crime and the defendant has the right of confrontation, access to police reports, rules of evidence apply meaning no hearsay, and their cases are expedited; and

Add a WHEREAS clause at or near line 45 as follows:

WHEREAS, the National District Attorneys Association Standards on Pretrial Release 45.2.1 explicitly states that “Whenever possible, release before trial should be on the recognizance of the accused”.

; and

Add the following WHEREAS clauses at or near line 68:

WHEREAS, pretrial detention is unnecessary as very few people released pretrial commit new crimes, and even less commit violent crimes; in Milwaukee County in 2017

98 percent of people released to pretrial supervision whose cases were resolved did not commit new crimes; and

WHEREAS, pretrial detention exacerbates poverty, defendants risk losing employment, or custody and placement of their children even if they are innocent and additional research concludes that defendants detained for pretrial even briefly are less likely to show up for court than defendants not detained; and

WHEREAS, the State of Illinois passed the Pretrial Fairness Act that eliminated money bonds in Illinois ensuring that access to wealth plays no role in a person being released and a person is only detained when it is determined that the person poses a specific, real and present threat to a person, or has a high likelihood of willful flight; and

Amend the BE IT FURTHER RESOLVED clause at or near line 114 as follows:

BE IT FURTHER RESOLVED, Milwaukee County hereby calls upon the State of Wisconsin to pass into law legislation appropriate to Wisconsin aligning to the bipartisan criminal justice bail reform model developed by former Republican Governor Chris Christie and the New Jersey Legislature in 2014, which denies pre-trial release to people who have been found by a validated risk-assessment tool-poses a significant danger to the community or has a high likelihood of willful flight, while releasing defendants charged with less serious and non-violent offenses; and