

County of Santa Clara

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County of Santa Clara Launches Campaign to Inform Detainees of Free Alternatives to Paying Bail

Santa Clara County's "No Cost Release" campaign is part of the MacArthur Foundation's Safety and Justice Challenge

SANTA CLARA COUNTY, CALIF.— The County of Santa Clara will launch its multi-lingual "No Cost Release" media campaign, informing individuals detained in jail and awaiting trial of their free alternatives to paying for bail. The "No Cost Release" message will be spread via video, public-access television, a web page, posters, and brochures inside jails and in the community. This media will inform detainees of their free pretrial release options, rights to free criminal defense attorneys, and access to free reentry services. This is a collaborative effort between the County of Santa Clara Offices of Pretrial Services, the Public Defender, the Sheriff and Reentry Services.

The County of Santa Clara is one of 20 jurisdictions across the country to be awarded an Innovation Fund grant by the John D. and Catherine T. MacArthur Foundation to design and test innovative local justice reforms for safely reducing jail usage, as well as racial and ethnic disparities in their local justice systems. Until now, only information regarding commercial bail bonds and private criminal defense attorneys has been available inside the County jails. Detainees and their families were largely unaware of the free services that exist.

"Many defendants who are low risk to public safety remain in jail solely because they can't afford to pay bail," said Dave Cortese, President of the County of Santa Clara Board of Supervisors. "Detaining a significant number of people who could otherwise be safely supervised in the community, is not only detrimental to defendants, it's costly for the County."

In California, approximately 62 percent of the jail population is in custody pretrial. The Office of Pretrial Services estimates the cost of pretrial supervision at about \$15 per day, compared to \$159 for jail confinement. The County's independent Audit Management Division estimates that, from July 1 to December 31, 2011, releasing those who qualified for own recognizance release saved the County \$31.3 million in detention costs.

Pretrial officers are available in jail after booking to interview detainees about their eligibility for release on their own recognizance (O.R.), or for the Supervised Own Recognizance Program (S.O.R.P.). But often detainees or their relatives, unfamiliar with these options, pay bail to get out of jail. And because bail is set without regard to a defendant's ability to pay, that represents a greater burden for poor defendants than wealthier ones. Defendants or their families who use a bail

agent are typically charged a 10% fee, which is a percentage of the actual bail amount. This money is non-refundable, even if they are found not guilty or the charges are not filed.

"As S.O.R.P. releases have increased substantially over the last 15 years, statistics show that pretrial misconduct rates and failures to appear in court have remained steady or improved," said Aaron Johnson, Director of the Office of Pretrial Services. "Unnecessarily incarcerating individuals who are low risk to public safety, puts those individuals at higher risk of needing public support going forward."

"Serving time in jail negatively impacts people in a variety of ways," said Molly O'Neal, Chief Public Defender for the County of Santa Clara. "It jeopardizes their employment, which can result in them losing their housing, it impacts their children and other dependent family members, and it hinders their ability to work effectively with an attorney to develop their defense. Further, being in jail imposes an artificial incentive to plead guilty in order to get out, regardless of guilt or innocence," O'Neal said.

Research shows that people being detained in jail also have higher rates of being convicted, are less likely to have their charges reduced, and are more likely to be sentenced to jail or prison with longer sentences than released defendants – even when the seriousness of the charge and the defendants' criminal histories are equal.

"With our 'No Cost Release' campaign, we intend to increase equity for low income and homeless individuals in a criminal justice system currently weighted in favor of those who can afford commercial bail and private legal defense," said Javier Aguirre, Director of the County's Office of Reentry Services. "And once released from custody, we want to ensure that residents are aware of the multitude of supportive services available at the County's Reentry Resource Center."

The County of Santa Clara is one of 20 jurisdictions selected to be part of the MacArthur Foundation's [Safety and Justice Challenge](#), a national \$100 million initiative that seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

Through its participation in the Safety and Justice Challenge, Santa Clara County has access to the resources, peer learning opportunities, and expertise of the [Safety and Justice Challenge Network](#). The Urban Institute, which is managing the Innovation Fund in partnership with the Foundation, provides expert technical assistance to jurisdictions as they implement their plans.

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About the MacArthur Foundation

The John D. and Catherine T. MacArthur Foundation supports creative people, effective institutions, and influential networks building a more just, verdant, and peaceful world. MacArthur is placing a few big bets that truly significant progress is possible on some of the world's most pressing social challenges, including over-incarceration, global climate change, nuclear risk, and significantly increasing financial capital for the social sector. More information about the Foundation's criminal justice reform work can be found at www.macfound.org/criminaljustice.

About the Urban Institute

The nonprofit Urban Institute is dedicated to elevating the debate on social and economic policy. For nearly five decades, Urban scholars have conducted research and offered evidence-based solutions that improve lives and strengthen communities across a rapidly urbanizing world. Their objective research helps expand opportunities for all, reduce hardship among the most vulnerable, and strengthen the effectiveness of the public sector.

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ABOUT THE COUNTY OF SANTA CLARA

The County of Santa Clara government serves a diverse, multi-cultural population of 1.9 million residents in Santa Clara County, the fifth largest county in California. With a \$6.5 billion budget and more than 70 agencies/departments and more than 18,000 employees, the County of Santa Clara plans for the needs of a dynamic community, provides quality services, and promotes a healthy, safe and prosperous community for all. The County provides essential services including public health protection, environmental protection, medical services through Santa Clara Valley Medical Center (SCVMC), child and adult protection services, homelessness prevention and solutions, roads, park services, libraries, emergency response to disasters, protection of minority communities and those under threat, access to a fair criminal justice system, and scores of other services, particularly for those members of our community in the greatest need.

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