



Lehigh County Government Center
Board of Commissioner's Office
17 S 7th Street, Allentown PA 18101

November 25, 2020

Dear Lehigh County Commissioners,

I recently had the renewal for Pre-Trial Services come across my desk. If there is one thing that we learned from Trumpism, it is that most people do not trust the government systems that are in place. The criminal justice system is one of the systems where there is a lack of trust in its ability to make us safer in the long run. DA Jim Martin likes to talk about his success rate of convicting people, but he never mentions the number of prisoners that get released and ultimately end up in prison again. Around 50% of those that are convicted end up in jail again. That is an "F". We can do better.

We must continue the process of evaluating and reimagining our system of criminal justice, we must evaluate and examine every facet of county policy. This should include the contracts that govern our system of detention and release.

I recommend that the Board of Commissioners either further clarifies language in the Pre-Trial Services contract to address the problems stipulated in this letter or initiates a contract with a new entity should those changes not be amendable to both parties.

Lehigh County currently contracts these services to an entity called Pre-Trial Services, for which the county is the sole and only client. The entity exists at the discretion and authority of the county and is financed through county funds – taxpayer money.

Therefore, it is not only imperative that we look at this through the lens of justice and mercy, but also contractual equity amongst both the county and Pre-Trial Services. We should ask ourselves as a county the following questions:

- Are we utilizing Pre-Trial Services to minimize the financial burden of those interacting with the criminal justice system?
- Is our present system working to remove bias or structural racism from the equation?
- Is Pre-Trial Services being open and transparent with data regarding the population they serve, whom many are also our constituents?

As County Controller and chief fiscal watchdog tasked with ensuring our tax dollars are spent wisely and for the benefit of our citizens, my answers to those questions would be no.

On the matter of transparency, Pre-Trial Services has routinely demonstrated a refusal to provide us with basic data concerning the demographic and socio-economic background of the clients they serve. My office's efforts to obtain data eventually drew interest from the Lehigh County District Attorney, who has no direct authority over Pre-Trial Services, to become





involved. He directed Pre-Trial Services not to comply with my legal request. Furthermore, efforts to obtain data from the Administrative Office of the Courts was denied due to local interference.

As the Controller of Lehigh County, there should have been no efforts made to obstruct me from obtaining this data. Furthermore, as a county, we should be transparent about our inmate population, as well as the size and amount of bail awarded to those not detained. Our record should speak for itself, and I would urge you as Commissioners to ensure this data is easily accessible.

Second, Lehigh County and Pre-Trial Services should actively look for alternatives to our present system of money bail and pre-trial detention. Pre-Trial Services currently utilizes a local and proprietary risk assessment tool (RAT) to determine how much bail should be required. Lehigh County should ensure that it's statistically validated or the county should switch to a different one.

There are also other models of release that Lehigh County should explore, including release with community support that is currently being utilized by the Bail Project. This model eliminates cash bail and utilizes pre-trial detention in only the most extreme instances while utilizing existing community organizations to support individuals until their hearing and trial. We have seen from the release of Kyle Rittenhouse, that bail is not about the type of crime committed but rather it is about making sure that a person shows up for their court date. There are alternatives to bail to make sure this goal is achieved.

It is my recommendation to the Board of Commissioners that before renewing the contract with Pre-Trial Services, the following requirements be placed in the contract:

1. Pre-Trial Services shall provide all requested data to the Controller's Office so long as it does not violate any preemptory statues at the state or federal level.
2. A requirement to validate their risk assessment tool.
3. A requirement to explore alternatives to cash bail and pre-trial detention.

Also, Pre-Trial Services should be required to maintain a website that contains weekly updates detailing the following:

1. The number of people stuck in jail due to nonpayment of bail.
2. The number of people currently in the prison.
3. The number of people that currently have tracking bracelets.
4. A breakdown of the race and ethnicity of current pretrial inmates, and a requirement to continually track this breakdown.
5. Tracking the percentage of people that return for their court date who have paid bail vs those who have been released through some other method.
6. A breakdown of bails that are issued that shows race and ethnicity.





Lehigh County
Pennsylvania

OFFICE OF THE CONTROLLER

Mark Pinsley, MBA

Thomas Grogan, CPA

COUNTY CONTROLLER

DEPUTY CONTROLLER

If these provisions are considered unworkable by Pre-Trial Services, Lehigh County should immediately consider a contract with a new entity or a reorganization of Pre-Trial Services.

We must remain committed to reimagining public safety and eradicating racial injustice within our system of criminal justice. This task requires data so that we can have an honest fact-based conversation about the challenges we face. It is only fair that Lehigh County's contracts help us achieve that goal.

Sincerely,

A handwritten signature in black ink that reads "Mark Pinsley".

Mark Pinsley, MBA
Lehigh County Controller

