



Expand Public Defender Services with the True Justice Act

Representative Summer Lee (PA-12)

The Problem: Roughly half of U.S. counties do not provide defense counsel at bail hearings. Although the Sixth Amendment guarantees legal representation to criminal defendants at critical stages of a prosecution, the U.S. Supreme Court has not yet recognized the bail hearing as a critical stage. As a result, states and counties have been left to themselves to decide whether defense counsel will be provided at bail hearings.

Bail hearings, where judges decide such issues as bail and pretrial detention, can carry high stakes and often the person hasn't even been formally charged with a crime, only arrested. Studies have shown that pretrial detention leads to worse outcomes for defendants and society — including longer jail stays and higher chances of conviction in the short term, as well as lower employment and higher rates of rearrest over the long term.

The Solution: Our state and local public defender offices need the support to expand their representation during these critical hearings. A recent study of Pittsburgh's pilot program by RAND found that providing counsel (a public defender) at the bail hearing decreased the use of monetary bail and pretrial detention without increasing the rate at which defendants failed to appear at preliminary court hearings.

Key Provisions of the True Justice Act:

- Establishes grants for state and local public defender offices and programs to expand their services to include representation at bail hearings.
- These grants will also include funds for training attorneys to best represent people at these hearings.
- Expresses a sense of Congress that these hearings are a critical stage of a person's case.

The **True Justice Act** is endorsed by Southern Poverty Law Center, National Association of Criminal Defense Lawyers, Justice Policy Institute, and Project on Government Oversight.

For any questions please contact Tori DeLeonardo (tori.deleonardo@mail.house.gov) with Congresswoman Summer Lee's office.

