AMERICAN BAIL COALITION

STATEMENT
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WISCONSIN CHRISTMAS PARADE MASSACRE
THE RESULT OF A DECADE OF REFORM POLICIES

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The nation continues to reel from the shocking news out of Waukesha, Wisconsin of a man who drove his car into a crowd attending a Christmas parade, killing six and injuring more than 60 people. Now it has been revealed that Darrell E. Brooks, Jr. had been released on a mere $1,000 bond after being arrested earlier this month and charged with running over a woman in a gas station. In addition, Brooks had been charged with more than 10 crimes since 1999 and was a registered sex offender in Nevada, with an active arrest warrant in that state.

To anyone who has followed the saga of bail reform in recent years, the fact that Brooks was free to commit mayhem should not be a surprise. The practice of judges assigning zero or low bail to criminal defendants with lengthy and violent criminal histories has become commonplace throughout the country. They have bent to the will of reformers who have argued that defendants should enjoy the presumption of innocence. This flies in the face of a 1979 Supreme Court ruling that determined that this presumption did not apply to pretrial detainees before their trials had even begun. Courts across the country, including Wisconsin, have routinely ignored the edict, thus emboldening repeat criminals who have taken advantage of a bail system that has been weakened by a decade of soft-on-crime policies.

The failure of these reforms in Wisconsin manifested itself in horrific fashion by the release and subsequent actions of Brooks. Both a prosecutor and judge viewed his record and concluded that a miniscule $1,000 bail was justified despite his previous charges of resisting or obstructing an officer, reckless endangering safety, disorderly conduct, bail jumping and battery. They determined that a $1,000 bond was reasonably calculated to ensure the appearance of Brooks and to protect public safety. It is inconceivable that they actually believed that, but indeed, they acted on the concept that he was "innocent until proven guilty" and should be immune from pretrial detention.

The general public may be under the belief that the Brooks case is an exception, but they would be sorely mistaken. We are in the midst of a national crime wave driven by recidivist criminals with records a mile long. They have been freed through the results of the last decade or so of bail reform, which has patently ignored victims and public safety. Reform advocates have claimed that 70 percent of all defendants awaiting trial are innocent. But as a 2013 Cornell University study encompassing more than 700,000 defendants found, these “innocent” individuals average six prior felony arrests and four prior failures to appear.

The Brooks case is just one of many more ghastly crimes we can continue to expect if repeat criminals continue to be conferred the immunity that comes with the "presumption of innocence" that the Supreme Court has already declared has nothing to do with pretrial custodial decisions.