

Wisconsin NAACP: Rejects constitutional amendments on bail

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Madison, WI, March 31, 2023— The April 4, 2023, ballot has two amendments to the Wisconsin Constitution, one on conditions of release before conviction, and one on cash bail before conviction. Both amendments pose great harm to the civil liberties of residents and their civil rights. The Wisconsin NAACP rejects these amendments and calls for the electorate to vote NO!

In 2017, the NAACP National Convention passed a resolution calling for the elimination of cash bail. Our reasoning is “people of color are more likely to be victimized by a monetary bail requirement because the poverty rate is much higher for minority populations, particularly Blacks and Latinos. Many pretrial detainees are likely to either plead guilty or accept a harsher penalty because pretrial detention hinders a defendant’s ability to meet with their lawyer, gather evidence and formulate a defense.”

In 2019, the NAACP reaffirmed its 2017 resolution opposing money bail and supported efforts to implement risk assessment systems to replace money bail. Our reasoning is “the presumption of guilt and dangerousness assigned to African Americans has made minority communities particularly vulnerable to the unfair administration of criminal justice.”

The money bail system provides a false sense of security that masks the dangers it poses to public safety while also perpetuating racial and wealth bias,” said Dr. Kesha Moore, Senior Researcher with the Legal Defense Fund’s (LDF) Thurgood Marshall Institute.

The LDF report reviews and explains the need to abolish money bail and risk assessments and what should be done to protect the presumption of innocence, provide due process, decrease the mass of people incarcerated unnecessarily while awaiting trial, while protecting public safety and the integrity of the legal process.

The Wisconsin Constitution amendments ignore studies that have shown the rate at which those released on their own recognizance return for future hearings is the same as for those who pay to be released, proving the bail system is not effective. Setting monetary bail as a condition of release for the purpose of securing future appearances and protecting the public is an egregious miscarriage of justice and an affront to civil rights.

The NAACP Wisconsin recommends the citizens of Wisconsin oppose both amendments to the Constitution. In addition, we call for the creation of oversight boards tasked with collecting quarterly data at the county level regarding pretrial release and detention rates, electronic monitoring release, demographics for pretrial detention and electronic monitoring groups, failures to appear, and re-arrest rates for those granted pretrial release.