



April 27, 2026

Members of the Minnesota House Rules and Legislative Administration Committee

Re: Letter of Support for Proposed Constitutional Amendment Addressing Pretrial Release & Prohibiting Monetary Bail (HFXXXX, Revisor #: 26-08426)

Dear Chair Long and Committee Members:

I am writing on behalf of The Advocates for Human Rights, to express our support for the proposed constitutional amendment addressing pretrial release and prohibiting monetary bail (HFXXXX, Revisor #: 26-08426). We believe this constitutional amendment is necessary to pave the way for a pre-trial system that is grounded in safety, increases voice for survivors of gender-based violence (GBV), and prevents the harms to survivors and their families that are perpetuated by reliance on monetary bail.

At The Advocates for Human Rights, we work with human rights defenders across the globe to advocate for the rights of survivors of GBV including domestic violence, sexual assault, and sex trafficking. As part of that work, we coordinate WATCH, a court monitoring program that observes court proceedings, currently focused on Hennepin County Criminal Court, and analyzes the legal system's response to GBV. Guided by court observation data and partnership with survivors, WATCH advocates for trauma-responsive pathways to healing and justice across the legal continuum. In our WATCH court observations we routinely see the need for pre-trial reform, and the shortcomings of the current monetary bail system.

The current pre-trial system focuses on monetary bail and is not rooted in holistic safety evaluation or the voices of survivors of GBV. Over the past 12 months, WATCH observers have monitored nearly 2,000 hearings, with many of those cases involving violent crimes such as domestic and sexual violence. Over 800 of the hearings have been first appearances or arraignment hearings where bail and conditions of release were discussed. Observer data gathered during those first appearance and arraignment hearings shows how the current system lacks substantive assessment and space to properly address pre-trial safety needs. For example, over 75% of the hearings observed lasted ten minutes or less, with many lasting less than five minutes, and victim input regarding bail/conditions of release was raised in less than 15% of the hearings. Hearings lack a holistic evaluation of risk and robust discussion around pre-trial detention, conditions, and supports that are tailored to specific situations. Instead, the focus remains on monetary bail- a mechanism that opens the window for defendants in cases involving highly dangerous incidents of abuse to spend their pre-trial time unmonitored by jail detention or conditions of release while defendants in cases involving non-violent incidents face lengthy pre-trial incarceration based solely on their inability to pay.



The current monetary bail system creates financial strains that negatively impact victims in intimate partner violence cases. The reality is that victims in intimate partner violence cases are often the ones who incur the negative impact of monetary bail. Many victims have no option but to cover bail costs on behalf of an abusive partner. Even when victims do not pay the bail directly, they are indirectly impacted in various ways. When an abusive partner has to put limited financial resources towards bail, that impacts their overall finances and diverts money away from supporting the family, children, or paying for supports such as counseling that help prevent future violence.

Many defendants who are subject to monetary bail are survivors of GBV themselves, which negatively impacts their financial stability and creates additional vulnerabilities to continued abuse. Over the last two years, WATCH has observed over 1,000 hearings involving women and gender diverse defendants. In several hundred of those matters, WATCH conducted court record searches related to the defendant. In approximately 53% of the cases, court records directly referenced the defendant having experienced intimate partner violence or trafficking or included high-risk indicators that the defendant had experienced these types of abuse. *This data shows a clear pattern of survivors of GBV being arrested and subject to the pre-trial system in Minnesota.* Many of the women and gender-diverse defendants whose cases WATCH observes are charged with non-violent offenses or are facing domestic related charges for using resistive violence, such as self-defense, in response to ongoing abuse. Yet, observers consistently flag instances where the defendant or their defense counsel in these cases note that the bail assigned is an insurmountable hurdle and would leave the defendant incarcerated for their whole pre-trial term. This incarceration can negatively impact advocacy in their case and their ability to seek affirmative defenses based on their abuse. It can also result in separation from children, loss of employment, and loss of housing. Even for those survivors who do find the means to pay for monetary bail, the cost can impact their financial stability and make them more vulnerable to future abuse.

The Advocates for Human Rights supports proposed constitutional amendment addressing pretrial release and prohibiting monetary bail HFXXX, Revisor #: 26-08426. We believe pre-trial reform in Minnesota is urgently needed. We must implement pre-trial procedures that are grounded in substantive and person-centered safety assessments, create space for survivor voices to be fully heard in pre-trial release determinations, and prevent the financial impacts of the monetary bail system that harm survivors and their families. This constitutional amendment is an essential first step to building that future.

Sincerely,

Anne Applebaum
Director of WATCH Advocacy & Programming
The Advocates for Human Rights