



May 8, 2018

Vote “No” on the “Citizens’ Right to Know Act of 2017” (H.R. 2152)

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights, the American Civil Liberties Union (ACLU), the NAACP, Human Rights Watch, and Color of Change, we urge you to vote “No” on H.R. 2152, the “Citizens’ Right to Know Act of 2017,” as the House considers this bill. This legislation raises serious privacy concerns for the civil and human rights community given the personally identifiable data that is to be collected and publicly reported by the federal government. The bill also undermines efforts to eliminate or reduce jurisdictions’ reliance on money bail systems. We urge the members to instead consider H.R. 1437, the “No Money Bail Act of 2017,” and other bipartisan efforts to encourage the elimination of money bail systems.

The Citizens’ Right to Know Act Raises Privacy Concerns

The Citizens’ Right to Know Act requires jurisdictions receiving funds from the Department of Justice (DOJ) to report to the Attorney General the names, arrest records, and appearance failures for those participating in DOJ funded pretrial services programs. The legislation allows the Attorney General to make public the names, arrest records, and failure appearances that jurisdictions report. Except for a clause that subjects the data “to any applicable confidentiality requirements,” the bill does not provide any explicit privacy protections for those whose personally identifiable information has been collected by the federal government and is subject to public release. The bill requires that the Attorney General penalize noncompliant jurisdictions by denying them 100 percent of the DOJ grant program funds that are used to support pretrial services programs.

While we appreciate the need for the federal government to collect and report data, personal privacy interests must be balanced with public interests. When personally identifiable information is being collected and publicly reported, we believe that such information should be obtained and disseminated only with individuals’ informed consent. We also believe that the potential to harm individual reputations should be considered when arrest records are publicly shared. We are troubled that the Citizens’ Right to Know Act would collect and publicly report personally identifiable information of individuals participating in pretrial services programs – individuals who have not been convicted of a crime given their pretrial status.

The Citizens’ Right to Know Act Undermines Bail Reform Efforts

The Citizens’ Right to Know Act is inconsistent with efforts to reform money bail systems, like the No Money Bail Act, which many of our organizations support. By collecting and reporting only certain data about pretrial services programs and those participating in them, the Citizens’ Right to Know Act will depict a one-sided picture of pretrial services programs and participants. For example, the legislation’s focus on when an individual has failed to appear promises a negative narrative around the pretrial stage. If this bill were serious about measuring the true impact of pretrial services programs, it would collect a more robust data set and not that which is of interest only to the bail bonds industry.



We support bail reform that corrects the injustice of basing a defendant's release on how much money the person has. Instead of considering the Citizens' Right to Know Act, Congress should take up the No Money Bail Act of 2017. This legislation would incentive jurisdictions to reform their money bail systems using federal resources. The No Money Bail Act would build safer communities, stronger families, and a fairer criminal justice system by ensuring that people who are innocent in the eyes of the law are not deprived of their freedom because they cannot afford money bail.

For the above described reasons, we urge members of the House to vote "No" on the Citizens' Right to Know Act. Instead, we encourage the House of Representatives to give serious consideration to bail reform bills through legislative and oversight hearings on the issue. If you have any questions, please contact Sakira Cook, Senior Counsel with The Leadership Conference, at cook@civilrights.org or (202) 263-2894 or Kanya Bennett, Legislative Counsel with the ACLU, at kbennett@aclu.org or (202) 715-0808.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Civil Liberties Union
NAACP
Human Rights Watch
Color of Change