PRETRIAL POPULATIONS: WHO IS IN JAIL, WHO IS OUT, AND WHO IS DECIDING?

THE NATIONAL PERSPECTIVE

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THE JAIL POPULATION

- More than 3000 jails in the U.S.
- In 2013, jails were holding more than 730,000 people per day
- In a typical year, there are 11.7 million jail admissions
- 75% accused or convicted of nonviolent traffic, property, drug, or public order offenses
- 60% of the jail population is pretrial detainees
THE JAIL POPULATION

- 68% of jail inmates have a history of drug or alcohol abuse
- 14.5% of men and 31% of women in jail suffer from serious mental illness
- 60% of inmates have had mental health symptoms in the past 12 months

THE JAIL POPULATION

- Jails have “frequent flyers”: in a five-year study in NYC, 500 people accounted for 10,000 jail admissions and 300,000 bed-days
- African Americans and Latinos make up 30% of the general population and 51% of the jail population
RATES OF DETENTION BY RACE, 2012

JAIL POPULATION TRENDS

CRIME AND JAIL RATES PER 100,000

The pretrial population in jail

1983

2009

ARREST AND BOOKING RATES PER 100,000

BAIL TRENDS 1990-2009

FINANCIAL BOND AND PRETRIAL RELEASE, 1990-2006

AVERAGE MONEY BAIL FOR FELONY DEFENDANTS

- 1992 = $25,400
- 2009 = $55,400
- After adjusting for inflation, this represents a 43% increase over 17 years
SO, IN THE 21ST CENTURY…

- If you are arrested, you are more likely to get booked
- If you are booked, you are more likely to have a financial bond amount set
- Your financial bond amount is likely to be higher than in the past

…but are outcomes any better?

COLORADO BOND STUDY: PUBLIC SAFETY OUTCOMES

Across different defendants’ risk levels, secured (surety/cash) bonds did not achieve better outcomes than did unsecured (recognizance) bonds for the first desired outcome of bail: Maximizing public safety.*

<table>
<thead>
<tr>
<th>Pretrial Risk Category</th>
<th>Public Safety Rate</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unsecured Recognizance Bond</td>
<td>Secured Surety or Cash Bond</td>
</tr>
<tr>
<td>1 (lower)*</td>
<td>93%</td>
<td>90%</td>
</tr>
<tr>
<td>2*</td>
<td>84%</td>
<td>79%</td>
</tr>
<tr>
<td>3*</td>
<td>69%</td>
<td>70%</td>
</tr>
<tr>
<td>4 (higher)*</td>
<td>64%</td>
<td>58%</td>
</tr>
</tbody>
</table>

+ All statistical comparisons were not statistically significantly different.

Similarly, across different defendants’ risk levels, secured (surety/cash) bonds did not achieve better outcomes than did unsecured (recognizance) bonds for the second desired outcome of bail: Maximizing court appearance.

<table>
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</tr>
<tr>
<td>3*</td>
<td>80%</td>
<td>78%</td>
</tr>
<tr>
<td>4 (higher)*</td>
<td>43%</td>
<td>53%</td>
</tr>
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</table>

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Secured bonds contributed to substantially more pretrial detention because: fewer defendants were released.

COLORADO BOND STUDY: JAIL BED USE

Additionally, secured bonds contributed to substantially more pretrial detention because of longer times to post bond.

80% 80%
70%
75%
80%
85%
90%
95%
100%

Days to Pretrial Release

Percent of Defendants Released

Unsecured
Secured

All statistical comparisons were statistically significantly different on days 1 through 9.


OTHER FINDINGS

- Higher dollar amounts of cash and surety bonds were associated with increased pretrial detention but not increased court appearance rates, for all four risk groups.
- No effect of bond type on returning “fugitives”

Slide courtesy of Michael Jones, Pretrial Justice Institute
REFERENCES