

Race & Bail in America

At every stage in the criminal justice system people of color fare worse than their White counterparts—the pretrial stage is no exception. Money bail is especially unfair to people of color, not to mention defendants, victims, and the general public.



African Americans are more than **2.5 times** more likely to be arrested than White Americans.

African Americans are **2 times** more likely to be detained than Whites.



Hispanics are **2.5 times** more likely to be detained than Whites.

1 in 15 African American males are incarcerated.

1 in 36 Hispanic males are incarcerated.

1 in 106 White males are incarcerated.

Race and **bail** amounts are significantly **correlated**

19% higher bail than White men

Hispanic Men

35% higher bail than White men

African American Men



The **U.S. Supreme Court** has affirmed the **pretrial** process as “**perhaps the most critical period**” of criminal legal proceedings, yet, to date, racial disparities at this stage of the justice process have not gotten the same scrutiny as other stages like arrest and sentencing.

Reliance on a **money-based pretrial system** automatically **disadvantages people of color**, who are more likely to be living in poverty.

drivers of racial discrimination

Monetary bail system

Lack of adequate information to help make informed decisions

No oversight of discretionary decision-making

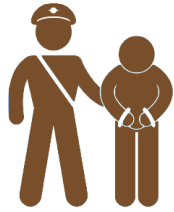
Jurisdictions that allow non-lawyers to make bail decisions

Implicit biases of system actors

Even **short periods of pretrial detention** have a **destabilizing effect** that increases the likelihood of:



failure to appear in court



post-disposition recidivism



new criminal activity while awaiting trial

Of those detained pretrial, **most will receive dismissals, no jail time, or a jail sentence less than time served in pretrial detention.**

Compared to defendants released at some point prior to trial, **defendants held for the entire pretrial period** had:

4X greater likelihood of being sentenced to jail

3X longer jail sentences

3X greater likelihood of being sentenced to prison

2X longer prison sentence

Pretrial risk assessment

can help to level these disparities.

Risk Assessment is just **one part** of

the solution

Racial disparities in pretrial systems can be **mitigated** through practitioner education and the adoption of **objective risk assessment tools.**

Move from monetary-to risk-based system

Review of bail determinations

Require articulation of bail decisions

Multiple stages of release

Oversight and accountability

Education of implicit biases

addressing discrimination

Find out more and get involved at:

www.pretrial.org

