

Alternatives to Money Bail

Issue

Over 450,000 U.S. residents are currently behind bars not because they have been *convicted* of a crime, but because they have been *arrested* and *charged* with a crime. Over 300,000 of these are charged with non-violent crimes, and have been granted bail. They remain in jail, sometimes for many months, solely because they are too poor to pay the required bail or bond amount.

Recommendations

- Eliminate money bail
- Use validated, individualized risk assessment measures to maximize public safety, encourage required court appearance, and ensure protection of individual rights.
- Expand community education to assist people in navigating the pretrial process.

Why?

- People unable to pay money bail often lose jobs and homes. Their families are further impoverished, and they are unable to prepare effectively for their defense.
- We make a mockery of our system of “equal” justice when a defendant’s release from jail before trial is conditioned on their financial resources.
- The current bail system has disproportionate effects based on race and ethnicity.
- We sustain enormous and unnecessary public costs for jailing people charged with non-violent crimes who pose little threat to public safety.
- Evidence from multiple jurisdictions demonstrates that individualized risk assessment tools are highly effective in addressing public safety, insuring higher rates of appearance for trial, and reducing negative personal pretrial effects on defendants.

How?

Advocate for System Reform

1. Meet with public officials and share this information.
2. Join in a court watch or participatory defense group.
3. Support the 3daysCount Campaign (Pretrial Justice Institute).
4. Demand accountability and reform at the city, county, state, and national levels.



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Resources used in preparing this issue brief:

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Image from ACLU. www.aclu.org/issues/smart-justice/bail-reform