

CAMPAIGN TO

REFORM MONEY BAIL

REFORMING MONEY BAIL

Costs of Money Bail to Taxpayers and Individuals

Money bail is the requirement for people in jail to pay money in order to be released while waiting for trial. Money bail is unaffordable for many people, leaving them unconvicted but incarcerated for weeks, months, or even years. The costs of money bail are substantial to taxpayers as well as to the people being detained and their families. Annual costs are estimated to be \$140 billion¹—nearly double annual state spending for California public schools.²

COST TO TAXPAYERS

Every year, American taxpayers spend \$14 billion dollars to jail people awaiting for trial.

- Taxpayers pay \$14 billion a year - \$38 million per day - to keep people in jail who have not been convicted of a crime. Most of this is spent on people who do not pose a significant risk to public safety.
- Spent otherwise, \$14 billion dollars could provide shelter and services for 50,000 homeless veterans, salaries for 300,000 firefighters, or free or reduced lunch to 31 million children.³
- In California, the average daily cost per jail bed is about \$114.⁴
- The federal government has allocated over \$2.5 billion for county jail construction and upgrades due, in large part, to overcrowding.⁵ The same amount could be used to hire 70,000 new teachers nationwide.⁶

Incarceration is significantly more expensive than supervised release.

- Assessing people individually and releasing those who pose little risk to public safety could save an estimated \$78 billion annually.⁷
- At the main jail in Santa Clara County, pretrial detention costs \$204 for each defendant daily, compared to \$15 on people released on pretrial supervision.⁸
- Nationwide, it costs approximately \$74.60 per day to keep an individual in jail. It only cost \$7.17 to release an individual under supervision.⁹

COST TO INDIVIDUALS

People incarcerated before trial often lose their housing and employment, and suffer strained family relationships.

- People may also lose their housing due to inability to pay rent because of lost wages or an inability to pay their landlords due to being incarcerated.¹⁰

- Income loss can also push individuals further into debt by missing payments. This could lead to repossession of vehicles, further damaging economic prospects.¹¹
- In one study, almost half of all women in jail awaiting trial in Massachusetts were at risk of losing their home due to an inability to pay rent.¹²
- Being in jail also prevents some individuals from paying child support and threatens custody arrangements.¹³
- In Santa Clara County, spouses, children, parents, grandparents, and friends of people in jail described how the inability to raise money for bail and lengthy detention caused numerous problems, including:
 - >> Loss of jobs due to an inability to travel to work, leaving dependent family members and children to fend for themselves.
 - >> Separation of children, as well as sick and elderly family members, from caretakers.¹⁴

People released before trial are more likely to be employed and pay taxes

- People who are released while awaiting trial are 26.9% more likely to be employed three to four years after their arrest than those incarcerated pretrial.¹⁵
- People who are released are 4.3% more likely to file tax returns three to four years after their arrest than those incarcerated pretrial.¹⁶

People released before trial are more likely to be employed and pay taxes

- Studies shows that people who were incarcerated for two or three days before trial were 40% more likely to be arrested again in the future than people held less than 24 hours.
- When held 8-14 days, people are 51% more likely to commit a crime within 2 years after completion of their cases than their counterparts held no more than 24 hours.¹⁷
- A 2016 study using a large sample from Philadelphia and Pittsburgh found that the assignment of money bail caused a 6-9% rise in recidivism.¹⁸

MEMBERS OF CAMPAIGN TO REFORM MONEY BAIL



¹ PRETRIAL JUSTICE INSTITUTE, PRETRIAL JUSTICE: HOW MUCH DOES IT COST? 2 (2017).

² CALIFORNIA DEPT OF EDUCATION, EDUCATION BUDGET (available at <http://www.cde.ca.gov/fg/fr/eb/>).

³ Natalie Ortiz, "County Jails at a Crossroads," National Association of Counties, Fig. 3, July 8, 2015, PRETRIAL JUSTICE INSTITUTE, PRETRIAL JUSTICE: HOW MUCH DOES IT COST? 2 (2017).

⁴ MAGNUS LOFSTROM & BRANDON MARTIN, PUB. POL'Y INST. CAL., JUST THE FACTS: CALIFORNIA'S COUNTY JAILS 1 (2013).

⁵ MAGNUS LOFSTROM & BRANDON MARTIN, PUB. POL'Y INST. CAL., JUST THE FACTS: CALIFORNIA'S COUNTY JAILS 1 (2016). It is important to note that just decreasing jail population does not necessarily equate to reduced costs. In fact, even with the large population decreases post-Prop 47, costs have not dropped. ROBIN RESPAUT, CALIFORNIA PRISON REFORMS HAVE REDUCED INMATE NUMBERS, NOT COSTS, REUTERS (JAN. 6, 2016), [HTTP://WWW.REUTERS.COM/ARTICLE/US-CALIFORNIA-PRISON-BUDGET-INSIGHT-IDUSKBN0UK0J520160106](http://www.reuters.com/article/US-CALIFORNIA-PRISON-BUDGET-INSIGHT-IDUSKBN0UK0J520160106). This is partially due to the reality of fixed costs for operating a jail, particularly staffing. Id. Real cost reductions may only come when the jail population decreases enough to allow for closing of jails.

⁶ National Education Association, 2012-2013 Average Starting Teacher Salaries by State (available at <http://www.nea.org/home/2012-2013-average-starting-teacher-salary.html>)

⁷ PRETRIAL JUSTICE INSTITUTE, PRETRIAL JUSTICE: HOW MUCH DOES IT COST? 5 (2017).

⁸ County of Santa Clara Bail and Release Work Group, Consensus Report on Optimal Pretrial Justice. February 2017. Available at: <http://sccgov.iqm2.com/citizens/FileOpen.aspx?Type=4&ID=146485&MeetingID=7440>

⁹ Pretrial Justice Initiative, Bail in America: Unsafe, Unfair, Ineffective (2016).

¹⁰ JUSTICE POL'Y INST., SYSTEM OVERLOAD: THE COSTS OF UNDER-RESOURCING PUBLIC DEFENSE 19 (2011).

¹¹ JUSTICE POL'Y INST., SYSTEM OVERLOAD: THE COSTS OF UNDER-RESOURCING PUBLIC DEFENSE 19 (2011).

¹² ERIKA KATES, WELLESLEY CENTERS FOR WOMEN, MOVING BEYOND INCARCERATION FOR WOMEN IN MASSACHUSETTS: THE NECESSITY OF BAIL/PRETRIAL REFORM 4 (2015); SEE ALSO COL. CRIM. DEFENSE INST., THE REALITY OF PRE-TRIAL DETENTION: COLORADO JAIL STORIES 6-7 (2015).

¹³ AM. BAR ASS'N, CRIM. JUSTICE SECTION, STATE POLICY IMPLEMENTATION PROJECT, PRETRIAL RELEASE REFORM 2 (2011).

¹⁴ Santa Clara County Human Relations Commission, Justice Review Committee, Report on the Public Forum for Family and Friends of Inmates, p. 38

¹⁵ WILL DOBBIE, JACOB GOLDIN, & CRYSTAL YANG, THE EFFECTS OF PRE-TRIAL DETENTION ON CONVICTION, FUTURE CRIME, AND EMPLOYMENT: EVIDENCE FROM RANDOMLY ASSIGNED JUDGES, WORKING PAPER 4 (AUG. 2016).

¹⁶ WILL DOBBIE, JACOB GOLDIN, & CRYSTAL YANG, THE EFFECTS OF PRE-TRIAL DETENTION ON CONVICTION, FUTURE CRIME, AND EMPLOYMENT: EVIDENCE FROM RANDOMLY ASSIGNED JUDGES, WORKING PAPER 4 (AUG. 2016).

¹⁷ CHRISTOPHER T. LOWENKAMP, MARIE VANNOSTRAND, PH.D., ALEXANDER HOLSINGER, PH.D., THE HIDDEN COSTS OF PRETRIAL DETENTION, LAURA AND JOHN ARNOLD FOUNDATION, NOVEMBER 2013, AT 3. [HTTP://WWW.PRETRIAL.ORG/DOWNLOAD/RESEARCH/THE%20HIDDEN%20COSTS%20OF%20PRETRIAL%20DETENTION%20-%20LJAF%202013.PDF](http://www.pretrial.org/download/research/the%20hidden%20costs%20of%20pretrial%20detention%20-%20LJAF%202013.pdf)

¹⁸ ARPIT GUPTA, CHRISTOPHER HANSMAN, & ETHAN FRENCHMAN, THE HEAVY COSTS OF HIGH BAIL: EVIDENCE FROM JUDGE RANDOMIZATION 3 (AUG. 5, 2016).