

Support MONEY BAIL REFORM in California



Nationally, **1 in 3** people are in jail because they can't afford bail¹

It costs over \$100 per day to keep someone in jail.²
California spends more than \$4.5 million per day to incarcerate people waiting for their cases to be resolved.



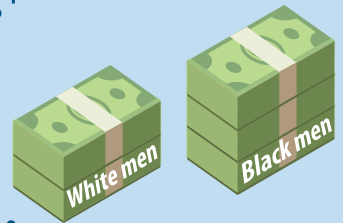
\$4.5 million a day

Waiting to go to court

Research has shown that compared to defendants released at some point prior to trial, defendants held for the entire pretrial detention period had a greater likelihood of being sentenced to jail.³

In California, roughly 80% of all jail deaths occur among people in pretrial detention. Suicides account for 1/4 of these deaths.⁴

Nationally, bond amounts for African American men are **35% higher** than bond amounts for white men. Latino men's bond amounts are 19% higher than the amounts for white men.⁵



MONEY BAIL IN CALIFORNIA: A Pretrial Detention System in Crisis

Support Money Bail Reform

California's current money bail system undermines our American values of fairness, justice, and equality, with staggeringly disparate impacts on low-income people and people of color.

The Current Money Bail System Values Wealth, Not Justice

California's current money bail system lets individual wealth determine whether someone remains in jail while they await trial. In 2009, 1 in 3 people were in jail because they couldn't afford to post bail, according to a national report by the Prison Policy Initiative. The same report found that most people who are unable to meet bail fall within the poorest third of society.

In far too many cases, low-income people who are likely to show up to court and can be safely released are left to languish in jail simply because they cannot afford to pay for their freedom, while wealthy defendants are able to write a check to bail out.

An Ineffective System

Money bail was intended to encourage people to return to court. For defendants, paying non-refundable fees to a for-profit bail bond company does not improve court appearance rates. On the contrary, money bail has proven to be more damaging to the integrity of our criminal justice system. ***The US is one of only two countries in the world that allow the for-profit bail industry to be part of the pretrial release process.*** (The other is the Philippines.)

Money Bail's Devastating Human Toll

The consequences of being jailed while awaiting trial can be devastating. Pretrial detention increases the likelihood of innocent people pleading guilty to a crime, longer sentences if convicted, loss of employment, income, and housing, and traumatic family disruption. In the cases of people like Sandra Bland, it can sometimes end in death. Roughly 80% of all jail deaths in California occur among people in pretrial incarceration. Suicides account for a quarter of these deaths.⁶

People of color are already overpoliced, and arrested and detained more often than white people. This racially disparate treatment exacerbates the impacts pretrial detention has on people of color. For example, research has shown that African American and Latino men are more likely to face higher bail amounts than their white counterparts.



Momentum for Reform is Building

Nationwide, concerns that the money bail system treats low-income defendants unfairly have led many—including the U.S. Department of Justice, the American Bar Association, the Conference of State Court Administrators, the Conference of Chief Justices, and California Chief Justice, Tani Cantil-Sakauye—to call for reforms. California should follow the lead of the federal government and localities throughout the country and shift to a system that evaluates whether someone can be safely returned to the community (or, in rare cases, where release is inappropriate) and under what conditions.

Produced by the American Civil Liberties Union of California

1. Prison Policy Institute: Detaining the Poor. www.prisonpolicy.org/reports/incomejails.html

2. American Civil Liberties Union of California: *Public Safety Realignment: California at a Crossroads*. www.aclunc.org/sites/default/files/public_safety_realignment_california_at_a_crossroads.pdf

3. Laura and John Arnold Foundation: *Pretrial Criminal Justice Research Summary*.

www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-Pretrial-CJ-Research-brief_FNL.pdf

4. Cal. Dep't of Justice, *OpenJustice: Death in Custody, Side-By-Side Interactive Charts*. <https://openjustice.doj.ca.gov/death-in-custody/custody-stages>

5. Pretrial Justice Institute: *Race & Bail in America*. www.ma4jr.org/wp-content/uploads/2015/10/Race-Bail.pdf

6. Cal. Dep't of Justice, *OpenJustice: Death in Custody, Side-By-Side Interactive Charts*. <https://openjustice.doj.ca.gov/death-in-custody/custody-stages>