

Keep DC Safe by Keeping Our Pretrial System and Not Re-instituting Cash Bail.

THE PROBLEM: A Cash Bail System Creates Harm

- **Cash bail** requires a person to provide the courts with a cash bond to be released from custody before trial. It is a poverty test. Under a cash bail system, people are held in jail because they are poor when they could be safely released to the community. Requiring cash bail often means that people spend time in jail until their families can gather enough money to post bond or, more likely, pay a bail bondsman.
- Cash bail is no more effective than alternatives, such as a risk-based release system, **pretrial supervision**, or a system of supports, such as court reminders and transportation assistance, in ensuring that people come to court.
- Increasing the number of people in jails:
 - **Decreases safety**: **Jailing** someone pre-trial for any length of time *increases* the likelihood that they will be re-arrested and sentenced to prison in the future.
 - **Creates financial instability**: When people are locked up pretrial, their likelihood of employment goes down significantly, even years after arrest. Households with a loved one who is locked up pretrial are more likely to suffer foreclosure, bankruptcy, and insolvency.
 - **Exacerbates dangerous conditions within jails**: Increasing the number of people jailed pretrial creates overcrowding, deteriorates facilities, and adds a burden to staff who do not possess the appropriate expertise to meet all the needs of those in detention.
 - **Increases taxpayer costs**: Incarcerating someone at the DC jail can cost as much as **\$241** a day. Funds could be better utilized to resource proven **community-based interventions** and develop further alternative solutions.
 - **Disproportionally impacts Black residents**: Any changes to the pretrial justice system by using cash bail would disproportionately impact Black residents. **Eight out of ten** people released through the pretrial services system in DC, and **nine out of ten** people in the DC jail are Black.
 - **Harms children**: Cash bail puts enormous financial strains on households, often making families choose between freeing a loved one and paying for food and rent. Having an incarcerated parent is an Adverse Childhood Experience (ACE), a traumatic event that puts children at risk for long-term harm to their health and well-being.
 - **Threatens the integrity of the justice system**: Under a cash bail system, people are more likely to plead guilty, even if they have a legal defense to their case or could have received an acquittal, because the pressure to get out of jail is so great. People locked up before trial are more likely to receive a sentence of incarceration than those released pretrial.

DC HAS CHOSEN A BETTER WAY

- In 1992, DC largely **ended** the use of cash bail and replaced it with a pretrial services system that assesses an individual's risk of failing to return to court or committing an offense, the goals of the pretrial system.
- The Pretrial Services Agency of the District of Columbia successfully accomplishes the goals of the pretrial system:
 - Of individuals who are **released** pretrial in DC:
 - **92 percent** are arrest-free before trial;
 - **87 percent** appear for their court date; and
 - **86 percent** complete the pretrial release without an issue of compliance or a revocation.
- Under DC's system, courts can hold someone pretrial if the court decides that there are no measures that will reasonably assure court appearance and community safety.
- **Do not impose "cash bail" on DC defendants**. Keep DC's pretrial justice system intact without reliance on cash bail so it can continue to generate strong public safety outcomes.

DC's no cash bail system makes all DC residents safer, reduces costs, and holds people accountable.

DC'S PRETRIAL SERVICE SYSTEM INCREASES SAFETY, HOLDS PEOPLE ACCOUNTABLE, AND SAVES MONEY.

FREQUENTLY ASKED QUESTIONS

Cash bail requires a person to provide the courts with a cash bond – for example, \$10,000, of which someone has to provide 10 percent, \$1,000 – to be released from custody before trial. Cash bail has led to an increasing number of legally innocent people being in jail when they could have been safely released to the community before a court has determined whether they committed a crime.

HOW DOES CASH BAIL IMPACT PUBLIC SAFETY IN DC?

Cash bail means that more people are locked up before trial because they are poor, not because they are a threat to the community. Cash bail leads to overcrowded jails, which can increase recidivism. If someone is detained pretrial, a whole set of processes that increase safety for the individual are interrupted: someone detained pretrial in jail may lose access to their job, their housing, could potentially have their children removed from the home, and may not access treatment or health care they need. Research shows that people who are detained pretrial are more likely to be arrested in the future than those released pretrial under systems designed to ensure they show up to court and abstain from criminal behavior.

WHAT DID DC REPLACE CASH BAIL WITH?

For most people, instead of cash bail, the federal Pretrial Services Agency assesses their risk of not showing up to court and whether they might engage in a crime upon release. It recommends to the court whether the individual can be released, detailing specific conditions the court should order the person to follow, or programs they must attend, to ensure each person is supervised, the community remains safe, and that the individual will return to court.

DO PEOPLE WHO ARE RELEASED WITHOUT CASH BAIL SHOW UP TO COURT?

Nine out of ten people arrested in the District are released without having to post a cash bond for their release. Of these individuals released without cash bail, 87 percent appear for their court date, and 86 percent complete the pretrial release without an issue of compliance (whether they follow the rules) or a revocation (whether their pretrial supervision ended with the individual being placed back in jail).

HOW DOES PRETRIAL RELEASE IMPACT PUBLIC SAFETY IN DC?

The Pretrial Services Agency reports that of all the people released over a year, 92 percent were arrest-free before trial. People released through a pretrial justice system can keep their jobs, housing, and access to treatment – all of which increase individual and community safety. When jurisdictions dramatically reduced reliance on cash bail, like in Harris County, Texas, there was no increase in violent crime, and they avoided the negative consequences of needless exposure to their jails.

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