

The No Money Bail Act of 2018 would end the travesty of cash bail and aim to keep people from being locked up before trial solely because they cannot afford their bail.

The United States has the highest incarceration rate in the world, which is bad enough on its own. But what's even worse is nearly a quarter of all people incarcerated on any given day in the U.S. are "unconvicted"—meaning they are sitting in jail waiting for a trial, or plea bargain, or some sort of conclusion to their case.

Study after study has shown the average American could not come up with \$400 in an emergency, and people in prison tend to start out poorer than most Americans, with average earnings of less than \$20,000 annually prior to incarceration. If you are making that little, chances are you do not have a spare \$1,000 set aside in case of emergency, and you will have no choice but to sit in jail awaiting your trial—or more likely, your plea deal.

Pretrial detention is bad for society and bad for our criminal justice system. People held pretrial are missing days of work. They are missing time with their families. Often enough, they run the risk of missing a rent payment and losing their housing. Studies have shown people are more likely to take a plea bargain just to end their pretrial detention that much sooner.

Meanwhile, the U.S. spends nearly \$14 billion each year locking people up without a conviction. It's clear the system is a poor use of resources—in 2015, the city of New Orleans collected \$4.5 million in bail, fines, and fees, but spent \$6.4 million detaining people who couldn't afford to pay their bail, fine, or fee. And as with so many other aspects of our society, for-profit companies are making a fortune off poor defendants. The for-profit bail industry makes between \$1.4 and \$2.4 billion each year—the United States is one of only two countries in the world that even allows for-profit bond companies.

It has always been clear that we have separate criminal justice systems in this country for the poor and for the rich. A wealthy person charged with a serious crime may get an ankle monitor and told not to leave the country; a poor person charged with a misdemeanor may sit in a jail cell. And this disproportionately affects minorities—fifty percent of all pretrial detainees are Black or Latinx.

Pretrial detention should be based on whether or not someone truly should not be freed before their trial. It should not depend on how much money they have, or what kind of mood the judge is in on a given day, or even what judge the case happens to come before. We also must insure that jurisdictions do not eliminate cash bail but find pretexts to continue unfairly locking people up before trial.

The No Money Bail Act does the following:

- Formally ends the use of secured bonds in federal criminal proceedings.
- Provides grants to states that wish to implement alternate pretrial systems and reduce their pretrial detention population.
- Withholds grant funding from states that continue to use money bail systems.
- Requires a study three years after implementation to ensure the new alternate systems are also not leading to disparate detentions rates.