

1. HOW DOES CASH BAIL WORK AND WHOM DOES IT HARM?

After a person is arrested there is an initial hearing where a judge determines whether the person should be detained in jail or released prior to their trial (which will determine guilt or innocence). The judge can set a cash bail amount that is intended to assure they will return for their trial and assumes they will not harm themselves or others during the pretrial process. They are released if they can afford to pay their bail. If they cannot afford to pay their assigned bail, they are detained or they accept a plea deal (even if innocent) to gain their release.

The resources below explain how this process impacts people's lives, leads to negative outcomes, increases racial disparities, and is costly for taxpayers.

How does cash bail work?

- For a quick overview watch [Here's the Problem with the Cash Bail System](#) (Global Citizen, 2019).
- For an explanation for how plea deals work and why people accept them watch [Deal With the Devil](#) (Brave New Films, 2018).

Who is harmed by cash bail?

- As you might imagine, there are plenty of *-isms* that come to play. Here are two looks at how racism impacts pre-trial fairness:
 - Watch a law professor's presentation on [Eliminating Racial and Ethnic Disparities in the Criminal Justice System](#) (7.5 minutes - Pretrial Justice Institute, 2015).
 - Read [How the Cash Bail System Endangers the Health of Black Americans](#) (Commonwealth Fund, 2020).
- For an understanding of the long-term effects of cash bail read [Unable to Post Bail? You Will Pay for That for Many Years](#) (New York Times, March 3, 2019).

Role of bail bond companies

For a local and national perspective, read [Pretrial Justice: A Report on the Cash Bail System](#), a 20-page report from the Minneapolis Foundation about the state of cash bail in Minnesota. Note especially the role of bail bond companies (2019).

Cost to taxpayers

Cash bail systems cost taxpayers billions of dollars each year. The total is even higher after accounting for the indirect costs of pretrial incarceration. Read [Our Money Bail System Costs U.S. Taxpayers \\$38 Million A Day](#) (Huff Post, January 24, 2017).

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