



The Cash Bail Crisis

North Carolina's cash bail system is broken. Too often how much money you have determines whether you pay bail and wait for trial in the community, or you sit in jail.

Once you get sucked in to our criminal justice system, it's hard to get out - especially if you are poor. If you are poor and black, or poor and brown, getting out is even harder. You can find yourself in a cycle of debt that becomes difficult or impossible to escape.

Problems with Cash Bail

- **Targets people of color.** African Americans and Latinos are routinely subjected to harsher treatment and higher bail than white defendants with similar backgrounds and criminal histories charged with similar crimes.
- **Targets poor people.** Nationally 70% of people, and 60% of women, in local jails are being held pretrial — meaning they have not yet been convicted of a crime and are legally presumed innocent.
- **Leads to Harsher outcomes.** Sitting in jail often means a harsher outcome, compared to being out in the community.
- **Money for a bondsman is nonrefundable.** Defendants who are found not guilty or whose charges are dropped do not get back their money.
- **Costs N.C. taxpayers.** An inmate in minimum custody, such as a county jail, costs taxpayers an estimated \$86.92 each day until the court date, sometimes weeks away.

Who Gets Out?

- **Courts have discretion.** For most accused, pretrial release is an alternative.
- **Not everyone is eligible.** No bail for dangerous or flight-risk defendants.
- **The reality.** If you can pay bail or a bail bondsman, you get out. If not, you sit in jail.

The For-Profit Cash Bail Industry

- **The bail business is lucrative.** The industry has an interest in keeping the system.
- **The politics.** North Carolina's bail agents rank second-highest in the nation for political contributions.
- **The lobby.** In recent years the N.C. Bail Agents Association has helped pass 60 laws "helping N.C. bondsmen make and save money and protect their livelihood."
- **Too many agents.** NC has seen a 265% increase in licensed agents between 1986 and 2017 in a state with a population increase of 63%.
- **Criminal activity.** In recent years the Department of Insurance made more than 1,500 arrests resulting in over 750 criminal convictions.

Looking to the Future

- **Focus on public safety and court appearances.** Consider alternatives such as an unsecured appearance bond, electronic monitoring, and court date reminders.
- **Risk assessment tools.** Approximately 10% of North Carolinians live in a county with a validated, evidence-based, pretrial risk assessment tool.
- **Concerns with risk assessment tools.** Generalizations such as socioeconomic background, criminal history, and education level can replicate or even exacerbate systemic racism and economic bias.

The Bottom Line

Abolish cash bail and the bail insurance industry's financial hold on millions of Americans.

For more detailed information see PDOC's *The Cash Bail Crisis: A Primer*