

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/for-the-record-justice-denied-pretrial-detention>

Policy Issue Resources

Publication

The pretrial populationthe number of people who are detained while awaiting trialincreased 433 percent between 1970 and 2015. This growth is in large part due to the increased use of monetary bail. But pretrial detention has far-reaching negative consequences. This evidence brief presents information on the way that pretrial detention is currently used and summarizes research on its impacts. These studies call into question whether pretrial detention improves court appearance rates, suggests that people who are detained are more likely to be convicted and to receive harsher sentences, and indicate that even short periods of detention may make people more likely to become involved with the criminal justice system again in the future. The brief concludes by highlighting strategies that some jurisdictions have employed to reduce the use of monetary bail and increase pretrial release.

As court systems increasingly rely on monetary bail to determine whether people will remain in jail or at liberty while their cases are pending, the number of people in jail awaiting trial has grown precipitously, even with crime rates at historic lows.

Research suggests that pretrial detention leads to worse outcomes for people who are held in jailboth personally and legallycompared with similarly situated people who are able to secure pretrial release.

People who lack economic resources and people of color may be particularly likely to be held in custody pretrialirrespective of the merits of their cases or their likelihood of pretrial success.

Better approaches to pretrial justice include meaningful bail hearings, court date reminders, the use of unsecured bonds, and pretrial supervision.

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