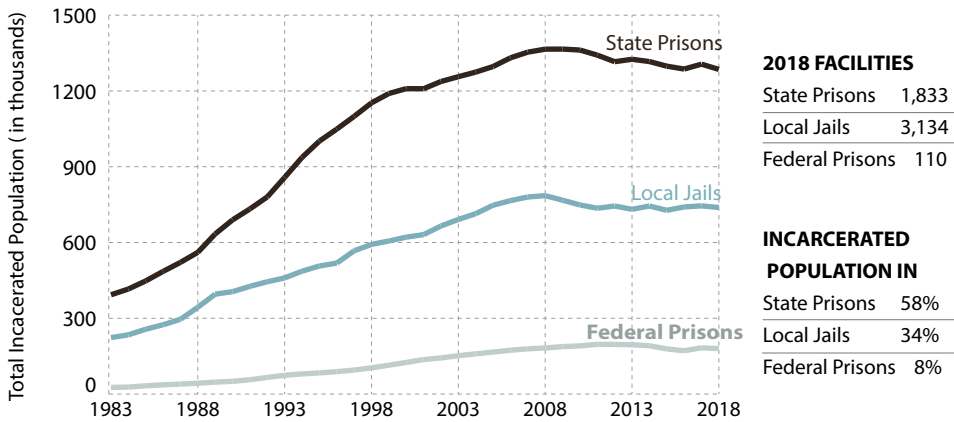


Guilty Until Proven Innocent: Is Pre-trial Detention Worsening USA’s Prison Crisis?

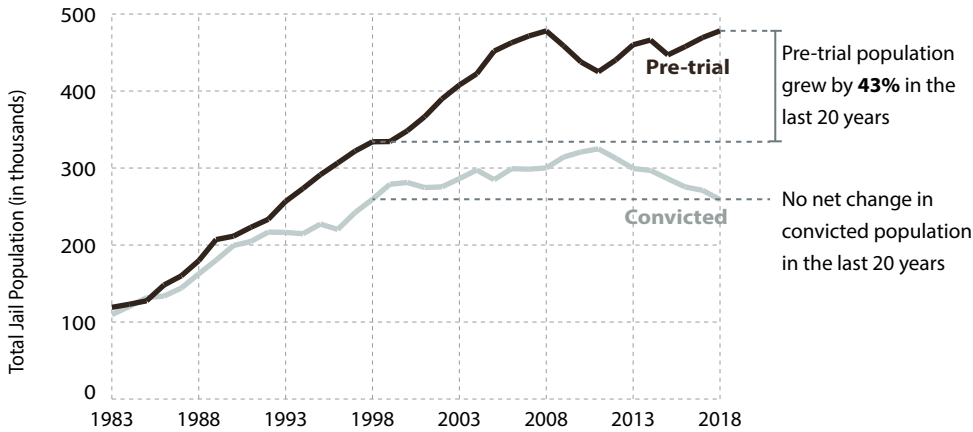
The United States of America incarcerates more people than any other country in the world. Although the number of people in prisons and jails across the country has declined in the last 10 years, the average incarceration rate was still high at 437 per 100,000 people. A large proportion of the prison population is made up of pre-trial detainees, that is, people who have been arrested but not yet been convicted of any crime. As of 2018, over 490,000 people were being held in pre-trial detention in local jails, totaling 66% of the jail population.

MAJORITY OF THE INCARCERATED POPULATION ARE HOUSED IN STATE PRISONS AND LOCAL JAILS

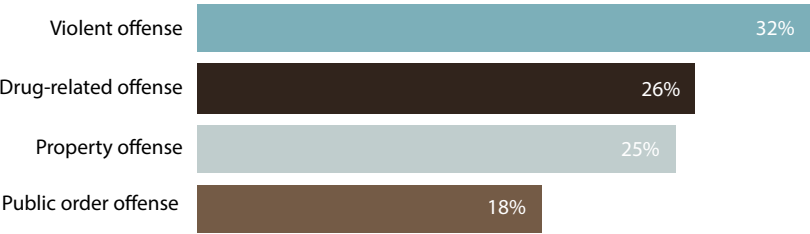


ABOUT 66% OF THE PEOPLE HELD IN JAILS IN 2018 WERE DETAINED PRE-TRIAL, THAT IS, NOT CONVICTED OF ANY CRIME

Pre-trial vs. Convicted Population Over Time



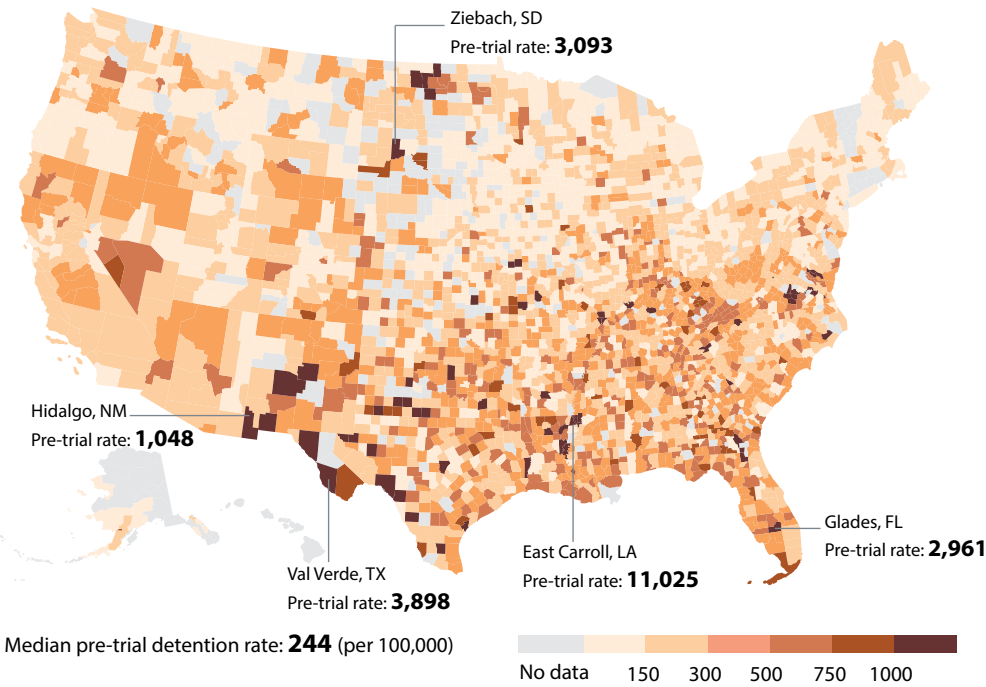
OF THE FELONY CHARGES FACED BY PRE-TRIAL DETAINEES, 69% WERE NON-VIOLENT OFFENSES (2009)



HIGH PRE-TRIAL DETENTION RATES (PER 100,000 PEOPLE) TEND TO OCCUR IN COUNTIES THAT HAVE A HIGHER PERCENTAGE OF PEOPLE IN POVERTY

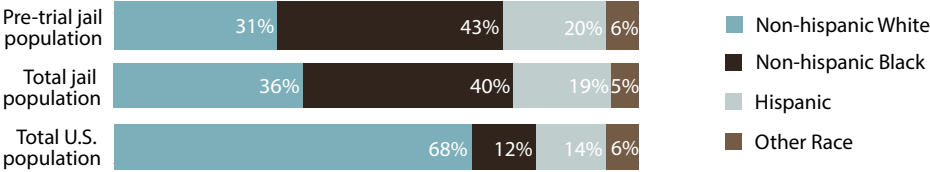
Counties with pre-trial detention rates > 500 have a median poverty of 23% (median poverty for all counties is 14.8%)

2018 Pre-trial Detention Rate by County



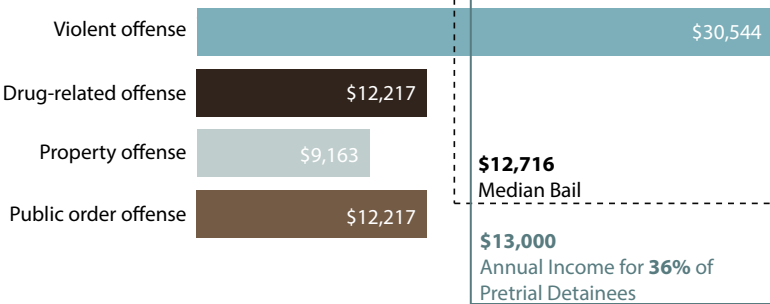
PRE-TRIAL AND TOTAL JAIL POPULATION IS DISPROPORTIONATELY BLACK AND HISPANIC

Racial composition of pre-trial and total jail vs. total U.S. population, 2002

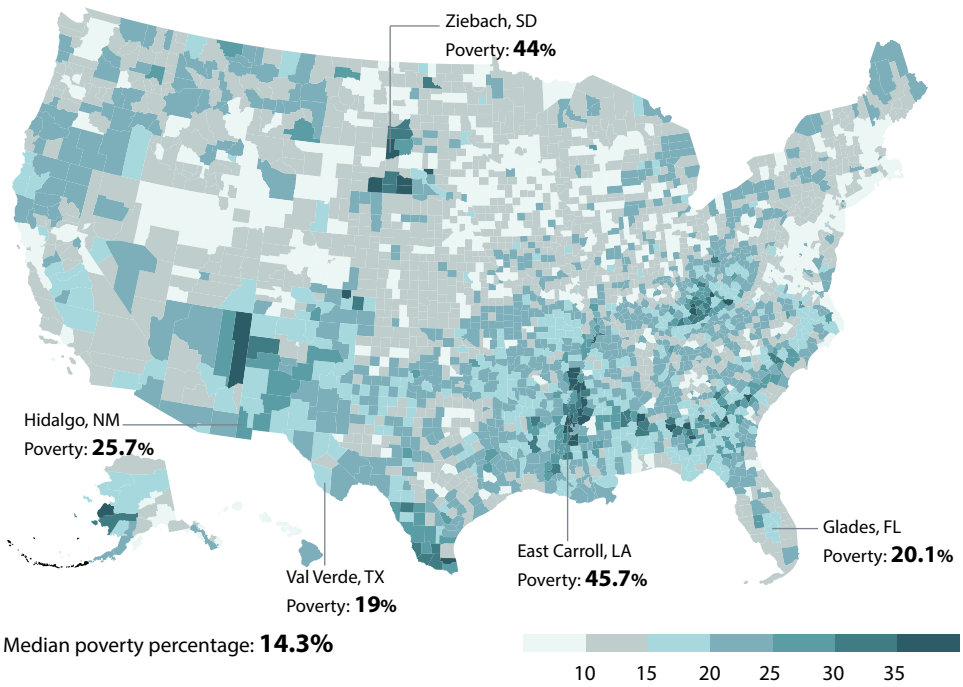


MOST DETAINEES ARE TOO POOR TO AFFORD BAIL

Bail amounts by offense type, 2009 (adjusted to 2020 dollars)



2018 Poverty Percentage by County



PRE-TRIAL DETENTION costs the prison system **\$13.6 billion** annually and is the primary driver of overcrowding in jails. Research shows that pre-trial detainees, compared to their counterparts who are not detained, are:

- **25%** more likely to plead guilty
- **43%** more likely to get convicted
- Receive **2x** longer longer jail sentences, on average

Pre-trial detention can lead to downstream consequences such as job, income, and housing loss, separation of families, and increased likelihood to commit crimes again.

HOW CAN WE MAKE THINGS BETTER?

- Ensure data transparency and updates to outdated data sources at the local jurisdiction level to allow for robust analysis and decision-making
- Changes to how crimes are classified and prosecuted, with a special focus on alternatives to pre-trial detention for low-level felonies and misdemeanors
- Bail reform to reduce or eliminate use of bail, which disproportionately affects low-income groups and exacerbates racial inequities
- Programs focused on employment, housing, and physical and mental health to reduce the hardships caused by pre-trial detention stigma