

Ending Pretrial Detention for Nonviolent Crimes in Arkansas

The problem

The Arkansas penal system is overcrowded and unequipped to handle rising incarceration rates. In September, Arkansas judges and county officials reported that state prisons and county jails are 1,900 inmates over capacity. Part of the increased strain on the penal system stems from rising jail populations, particularly pretrial detainees who make up two-thirds of county jail inmates but have not yet been convicted of any crime. Ending pretrial detention of nonviolent individuals is a safe, sustainable alternative to current bail practices.

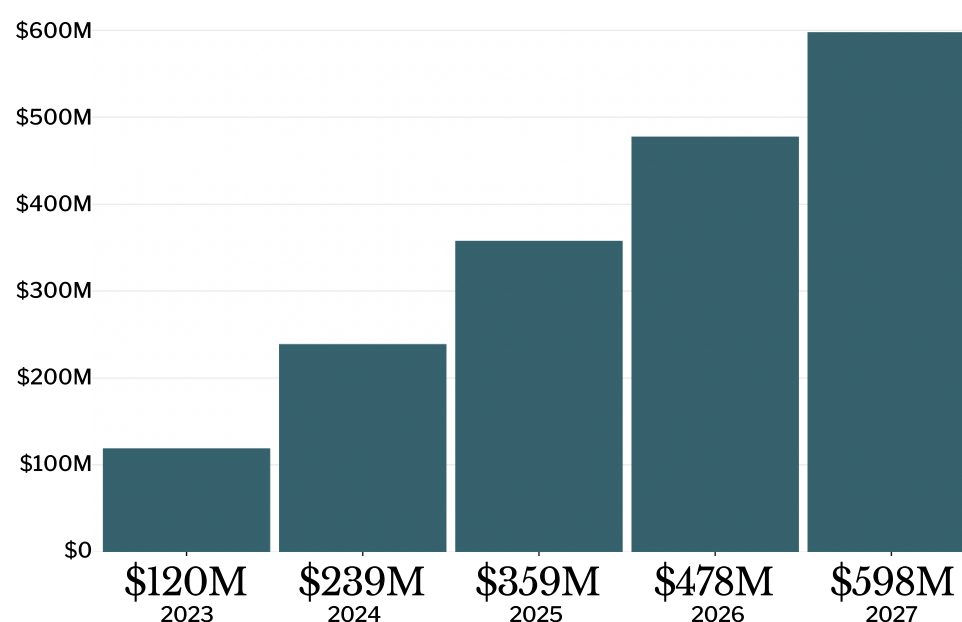
Cumulative cost avoidance

\$120M

Yearly savings

\$598M

5 year total cost avoidance



Some effects of pretrial detention

► Longer sentences

Defendants detained in jail before trial received longer sentences, with studies showing increases ranging from 40% to 500%. Pretrial detainees plead guilty more often, are convicted more often and are sentenced to prison more often than those released before trial.

► Economic instability

Pretrial detention leads to higher unemployment, housing insecurity and financial instability. Defendants who are detained 3 or more days pretrial are 2.5 times less likely to be employed when compared to those held less than 3 days. Pretrial detainees on average owe 41% more nonbail court fees and often go into debt to pay high bail fees.

► Social repercussions

Detention in jail represents an intense disruption in defendants' lives, often leading to negative impacts for dependent children. 24% of foster care placements for Arkansas children in 2018 involved an incarcerated parent. Detainees can also face increased risk of disease and the stigma of having been incarcerated.

The opportunity

As of the 2019 Census of Jails, 6,700 people were detained in Arkansas jails without receiving a trial or a criminal conviction. The vast majority are held on nonviolent charges. With nonfinancial releases for pretrial detainees falling and the average monetary bail rising, many of these individuals are detained due to their inability to pay excessive bail amounts. The reliance on monetary bail to determine pretrial release exacerbates existing racial and economic disparities in incarceration rates in Arkansas, where Black people experience poverty at twice the rate of whites and are incarcerated at three times the rate of white people.

The impact

135,000+

Fewer jail admissions for non-violent offenders per year

5,200

nonviolent, unconvicted individuals released from jail

In addition to alleviating the negative effects of pretrial detention for defendants, its elimination would ease overcrowding in jails and avoid unnecessary budget spending of around \$600 million dollars over 5 years. With research and data in other states showing that there is no change in public safety or the rate of court appearances, ending pretrial detention is an important opportunity that upholds the American principle of “innocent until proven guilty”.

Other states with some form of pretrial detention reform

► Alaska

In 2018, after passing SB91 which authorized mandatory release for certain types of crime, Alaska reported more pretrial releases, a drop in prison population and decreased disparity in the rate of release for Alaskan Natives, without any change in the failure to appear rate.

► Kentucky

In 2016, Kentucky authorized its state-wide pretrial services program (established in the 1970s) to administratively release low-level non-violent defendants without judicial involvement. In 2017, Kentucky reported two-thirds of all district court bookings were released pretrial with high success rates: 88% of both felony and misdemeanor defendants released had no new arrests during their pretrial period.

► Washington DC

In Washington DC (which abolished cash bail in the 1990s), over 90% of defendants are released pretrial without using a financial bond. DC has a court appearance rate for pretrial releases exceeding 90%, with little impact on public safety.