



## **Pre-Trial Detention Criminalizes Poverty**

**A shocking ~80% of the people in MO local jails have not been convicted.<sup>6</sup> (U.S. avg: 75%)  
Money and resources determine who waits in jail before trial**

- The vast majority of people cannot afford the arbitrary bail set by individual courts.
- Children must be placed with relatives or in emergency foster care when a single parent is arrested and does not have the money to pay bail.
- A parent who is paying bail or other detention fees may be unable to pay for housing, healthcare, or child support.
- In Missouri, people who are arrested for misdemeanors do not qualify for public defenders. Over 90% of those who are poor and without legal representation plead guilty (they are promised “you can go home!”).<sup>2,3</sup> However, this assures a criminal record with all associated long term issues.
- Missouri counties can also charge people daily boarding fees.
- Some Missouri counties regularly impose fees on misdemeanor defendants for “law enforcement restitution funds.”

**What are the benefits if Missouri eliminates cash bail and pretrial detention for nonviolent crimes and misdemeanors and expands access to public defenders?**

- People remain outside the criminal legal system until proven guilty.
- Repeat crimes are 2 times less likely.<sup>3</sup>
- People will have a chance to keep their jobs, housing, healthcare, or children.
- Individuals charged with a misdemeanor will have a right to counsel. When counsel is obtained, over half of the cases are dismissed and only 2% receive a jail sentence.<sup>3, 2</sup>
- One system of justice for the poor and one for everyone else will be eliminated. “Detention before trial should be the carefully limited exception”-US Supreme Court

**Where are reforms working now?**

- IN 2018, CA and IL were the first states to end cash bail for non-violent crimes and misdemeanors. IL is using the “Community Release with Support” model to ensure a safe return to a court date. Simple reminders have resulted in +96% court date return.<sup>1</sup>
- NY has eliminated both pretrial detention and cash bail. Bail bonding: \$2B/yr industry.
- KY, NM, IN, NE and NJ have all reformed or changed their cash bail system.

**Learn More:**

1. <https://stoprecidivism.org/blog/why-are-more-states-than-ever-passing-laws-for-no-cash-bail-and-pretrial-detention/>
2. Understanding the State of Privatized Probation: Literature Review for Empower MO by Shelby Davis
3. [https://www.ted.com/talks/robin\\_steinberg\\_what\\_if\\_we\\_ended\\_the\\_injustice\\_of\\_bail?language=en](https://www.ted.com/talks/robin_steinberg_what_if_we_ended_the_injustice_of_bail?language=en)
4. [Presentation-Still behind Bars: Criminal Legal Reform by Shawntelle Fisher 4/22](#)
5. [Bail Project 2022 Annual Report](#)
6. From 2013, [an analysis of the Bureau of Justice Statistics jail census data](#) and [an analysis of 2015 BJS/state data](#)