Jail bonds hurt more than just the poor

The time is now for the state of Michigan to reform its jail bond system. When it comes to criminal justice, our society has too long been focused on incarceration rather than rehabilitation.

Therefore, a recent resolution approved by the Wayne County Commission strongly supports the bipartisan package in the Michigan House and Senate (HB 4351 - HB 4360 and SB 207 - SB 215) that would reform the state’s bail system with regard to money bail, often referred as cash bail or a secured bail.

Michigan courts routinely determine cash bail by the accused crime without regard to an individual’s ability to pay. Defendants who are unable to raise cash bail remain incarcerated until their trial date. This present system, with its “lock ‘em up and throw away the key” mentality, is antiquated and suited more for a time when rehabilitation was not an option.

The system in place also proves costly to taxpayers as recent statistics show that it costs Wayne County $163 per day to house an inmate. With an average daily inmate population of 1,648, more than $98 million annually is rung up. The cost nationally is almost unimaginable as it is estimated that the total annual cost to state and local governments for pretrial incarceration tops $14 billion.
While taxpayers are saddled with settling these costs, those unable to bond out are also greatly affected as jobs and income are no longer available and families are disrupted from their daily routines. Such actions perpetuate the cycle of poverty and result in the decline of neighborhoods and, eventually, communities.

An individual’s inability to afford money bail should not be an indicator of that individual's guilt or an indicator of whether that individual is a flight risk for further court proceedings. While such reform should not be instituted across the board, it does need to be implemented in cases where pretrial inmates, those who have yet to be convicted of their alleged crime, are awaiting some sort of court proceeding or trial. A little more than 60 percent of individuals incarcerated in local jails across America are pretrial inmates and, of those, three-fourths are accused of property, drug or other nonviolent offenses. These pretrial inmates have burdened jail population by accounting for 95 percent of the growth over the past two decades.

Unfortunately, race and gender often influence whether defendants are released on recognizance and the amount of money bail set. Data shows that African-American defendants comprise nearly one-half of the inmate pretrial population despite constituting a little over one-tenth of the total population. Those numbers have seen such organizations as the National Association of Black County Officials, the National Association of Counties, the American Bar Association and the National District
Attorneys Association to condemn the money bail system as it discriminates against the poor.

Whether an individual remains in jail awaiting trial should not be limited to his or her ability to pay for freedom. What has proven to be a more efficient process in some jurisdictions is to do a risk assessment on each individual rather than the cash bail system.

The determination should lie in that person being a further threat to society or a flight risk. This type of practice would eliminate financial differences from the equation and allow for alternatives such as drug rehabilitation and various forms of supervision like GPS monitoring, drug tests and check-ins.

These types of reforms will provide some hope for those incarcerated whose financial status falls short of those accused of similar crimes. With the possibility of early rehabilitation many of these individuals will find themselves with an opportunity they cherish -- being a functioning member of society.

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