

JUSTICE THROUGH BAIL REFORM FOR KENTUCKY

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Pretrial incarceration harms individuals, families and communities.

Being incarcerated for just two or three days has negative impacts, but it can take months for a case to work its way through the system – time during which one cannot earn income, keep a job or help out at home. Even those found not guilty may lose months behind bars.

People incarcerated pretrial are actually more likely to be found guilty and to receive harsher sentences, and defendants are also more likely to plead guilty (even when they are innocent) in order to be able to return to their families.

As a result of being more likely to be found guilty (and therefore to have a felony record), people detained pretrial and their families are more likely to face economic insecurity and poor health.

Pretrial incarceration increases the likelihood of criminal activity in the future, and contributes to the overcrowding in our local jails – which is expensive financially and results in poor living conditions.

Based on the experience of other states, releasing more people pretrial is not associated with higher rates of flight or re-arrest for new crimes during the pretrial period.

Kentucky's pretrial practices widen existing disparities. Because people with low incomes struggle to pay bail – and because historic, structural barriers have resulted in disproportionately low incomes for people of color – Kentuckians of color bear the brunt of the consequences of our unreformed pretrial system. Several studies have also found that people of color are often treated more harshly than white people during the pretrial release decision-making process.

KENTUCKY NEEDS BAIL REFORM

In Kentucky, just 40% of criminal district court and circuit court cases result in people being released without financial conditions (money bail).



Kentuckians waiting to go to trial - presumed innocent by law - shouldn't have to wait in jail because of the color of their skin, where they live in the state or if they can afford bail. But these things do shape who is held pretrial. Kentucky has a disparate justice system that incarcerates far too many people for unjust reasons.



For Kentucky cases subject to money bail, just 39% result in pretrial release. A large share of people who stay in jail do so simply because they cannot afford bail.

Usage of cash bail, and Kentuckians' ability to afford bail, vary by county:

- Kentuckians presumed innocent have their freedom contingent upon their income and where in the commonwealth they are arrested.
- The share of cases granted release pretrial without monetary conditions ranges from just 5% in McCracken Co. to 68% in Martin Co.
- Just 17% of cases subject to bail in Wolfe Co. result in the defendant making the payment while 99% do in Hopkins Co.
- Even neighboring counties are widely disparate: McCracken Co., which has the lowest rate of pretrial release on nonfinancial bond at 5%, borders Marshall Co., which has a rate of 51%.