

# Pretrial Release

Two Classes of Accused

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# Problems in Shelby County

- Jail plagued by severe gang violence, unsanitary conditions, poor medical service, and inadequate supervision. All caused by overcrowding.
- Defendants regularly wait more than a day to make their phone call.
- Violent and nonviolent offenders are not separated
- 200 new defendants are brought in every day.
- Two Federal Judges have declared the jail conditions unconstitutional.
- Intended to hold 1,200 inmates. Currently holds 3,800 inmates.

# Research Method and Data Sources

- Federal Bureau of Investigation Uniform Crime Report.
- Nation Bureau of Criminal Justice Statistics study of defendants in forty of the United States' largest counties.

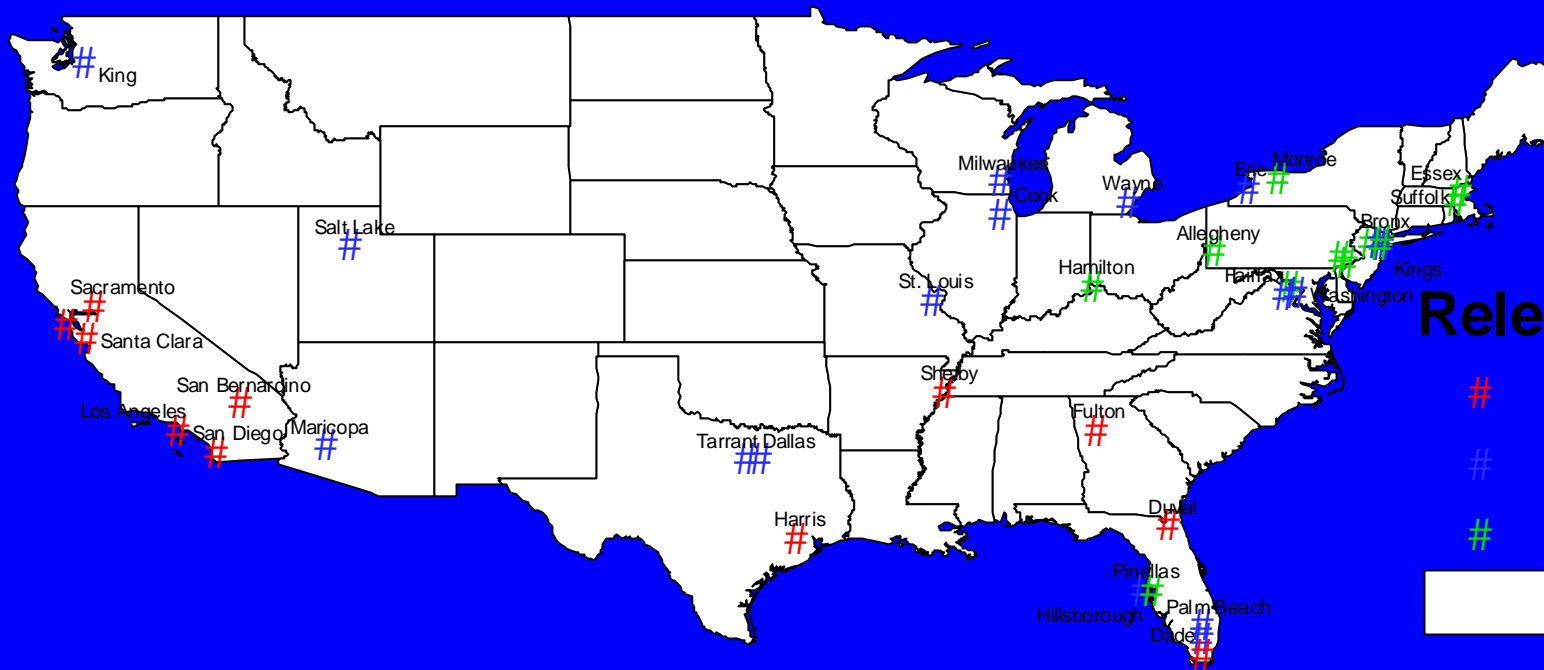
# Common Explanations

- In America there are two classes of accused: those that are allowed pretrial release and those that are held in jail until their hearings.
- Seriousness of the crime and prior record are the most commonly cited factors in bail decisions.
- Defendants are more commonly held without bail today because of the War on Drugs and the shift in Criminal Justice policy towards Preventive Detention.

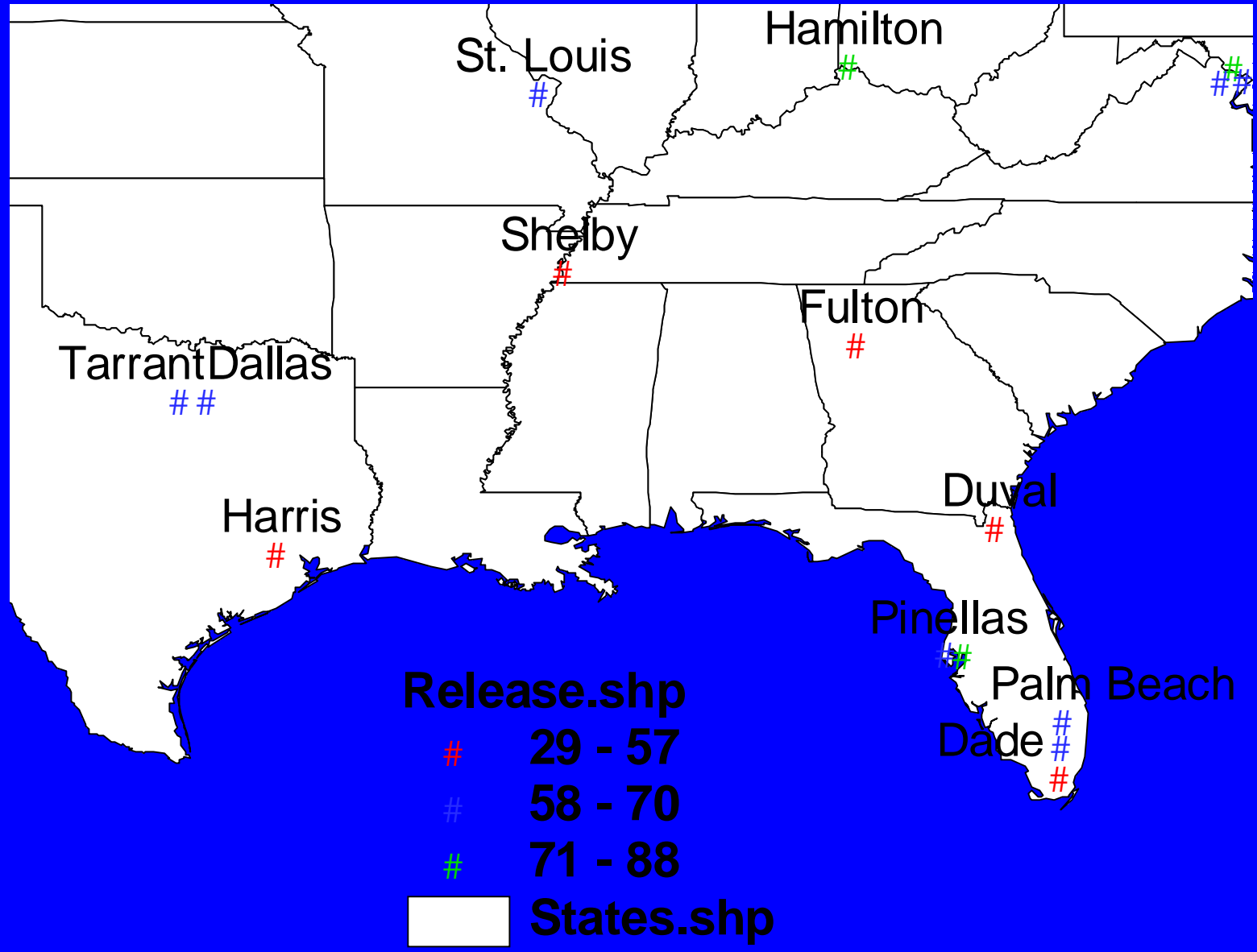
# Release Data

- The counties studied range from releasing only 29% up to 87% of all Defendants.
- Shelby County fall into the low release category by granting release to only to only 57%.
- The release rates show an interesting distribution across the country with most low release counties in the West and South.

# Percentage of Defendants Released



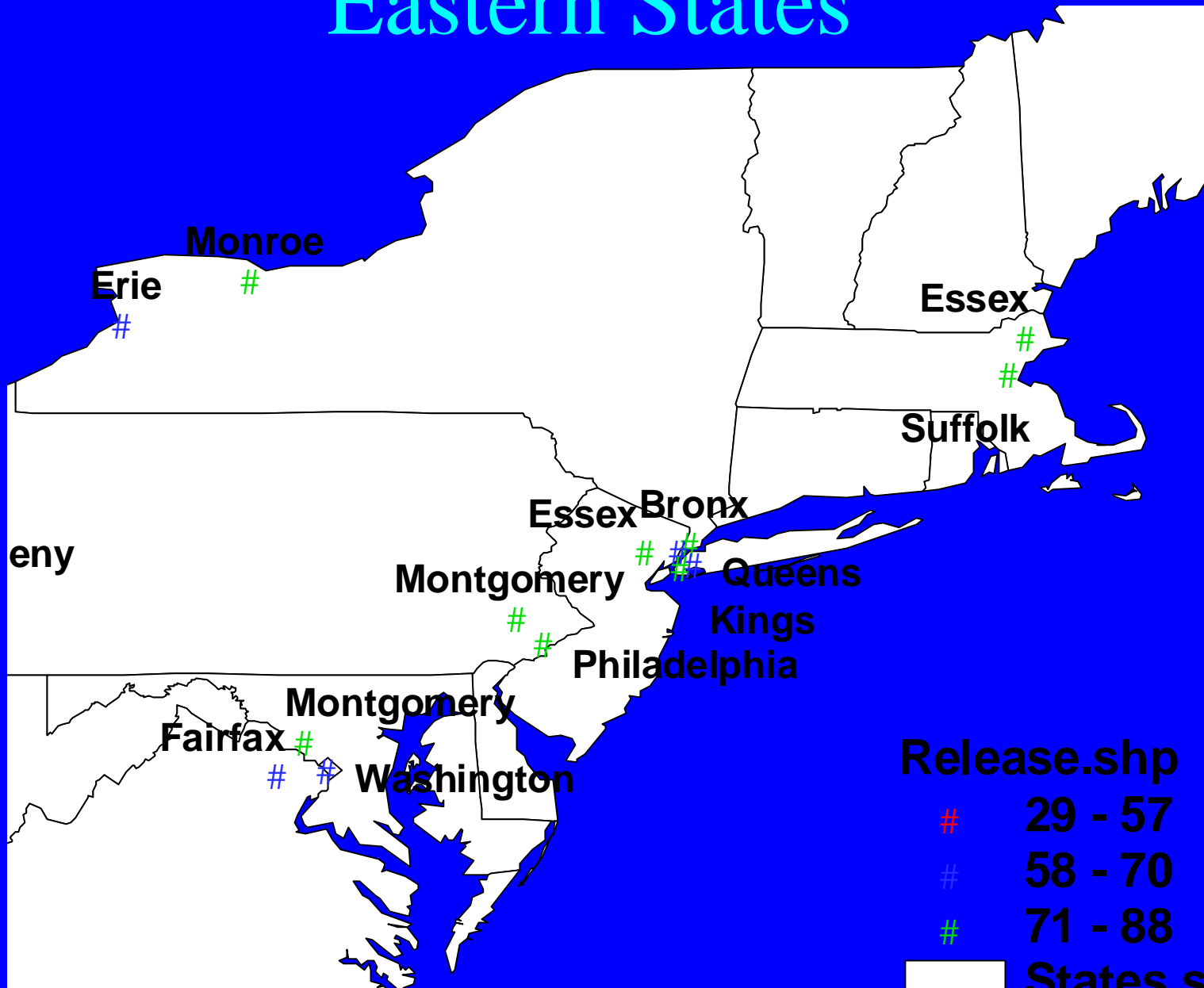
# Southern States



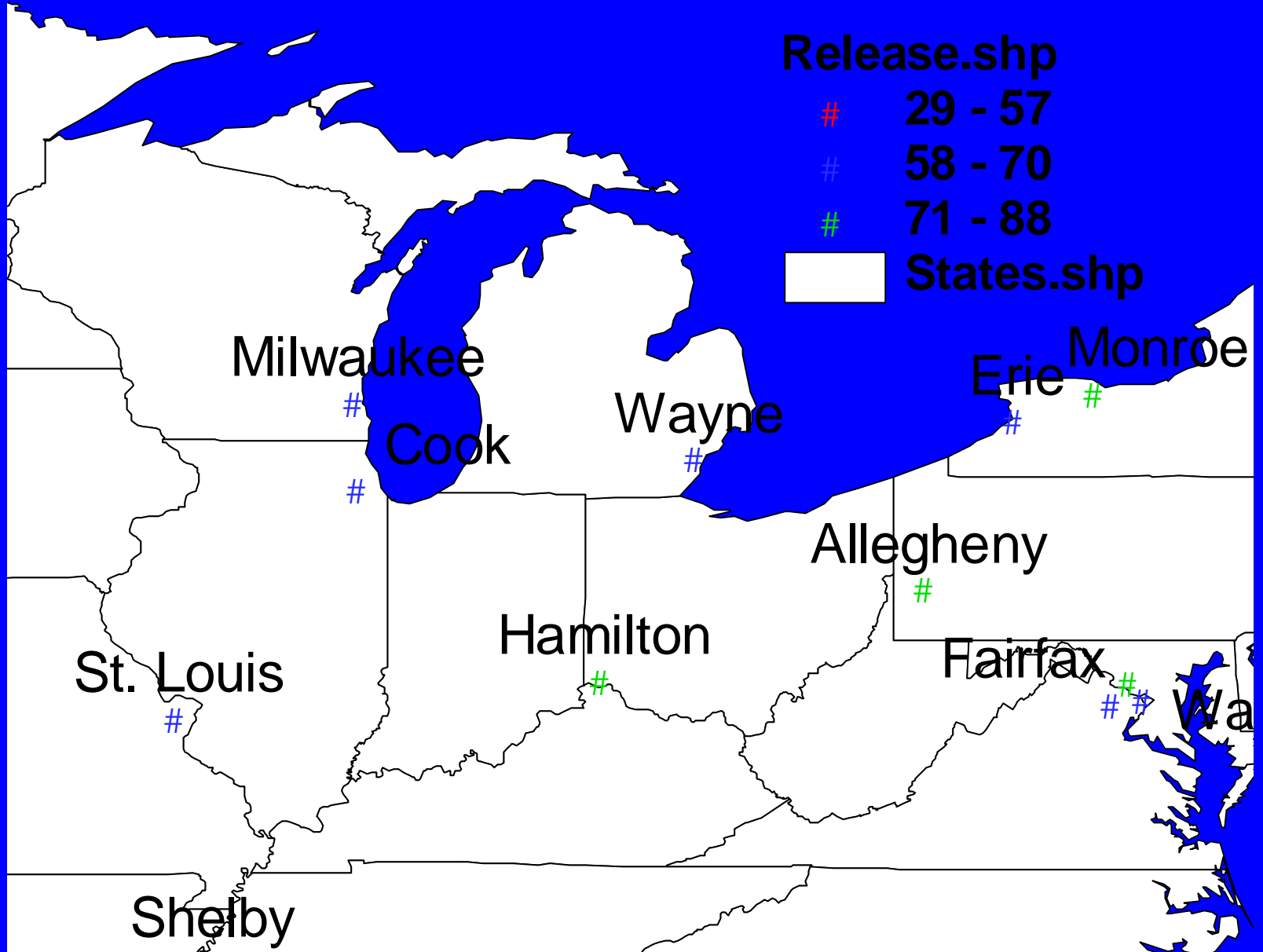
# Western States



# Eastern States



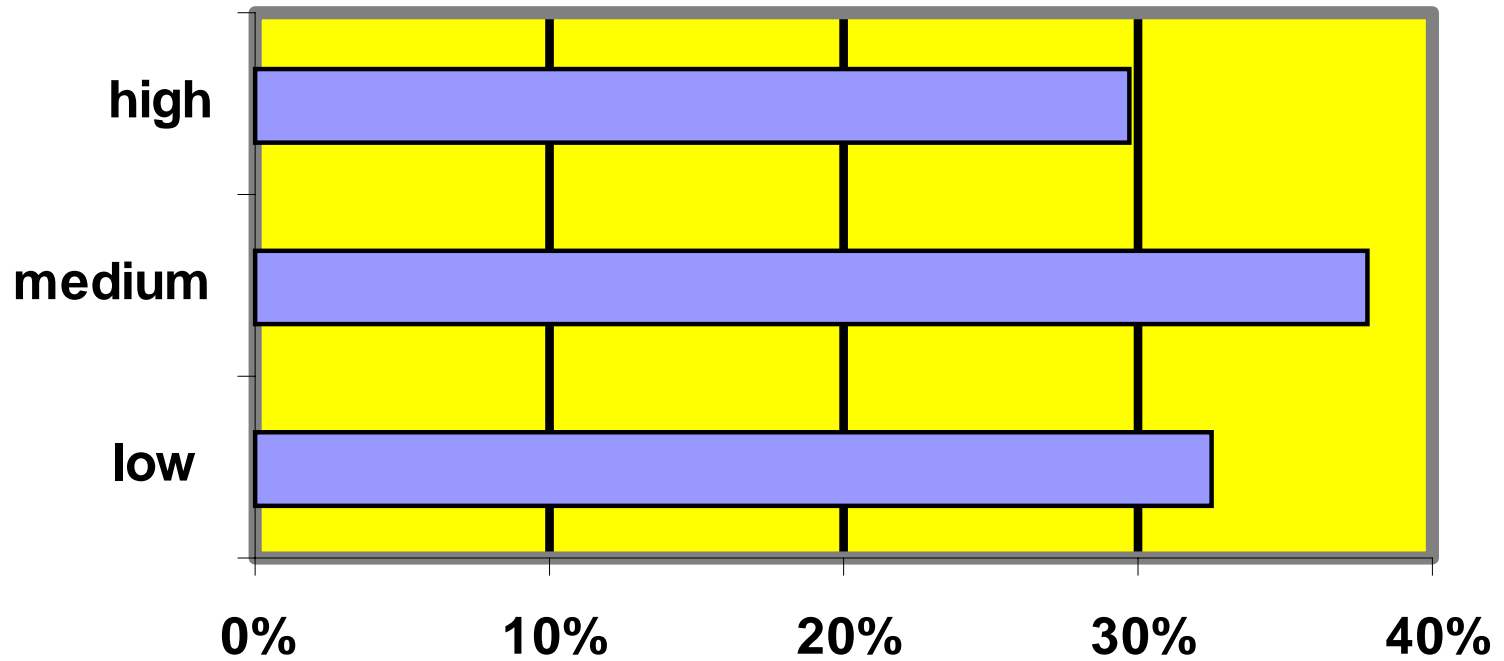
# Midwestern States



# Uniform Crime Report

- Data is based on number of violent crimes committed per 100,000 citizens.
- Shelby County has a high violent crime rate of 1,306. This could be a major factor in why it has a low release rate because many people are affected by violent crime and citizens do not want possible criminals on the street.

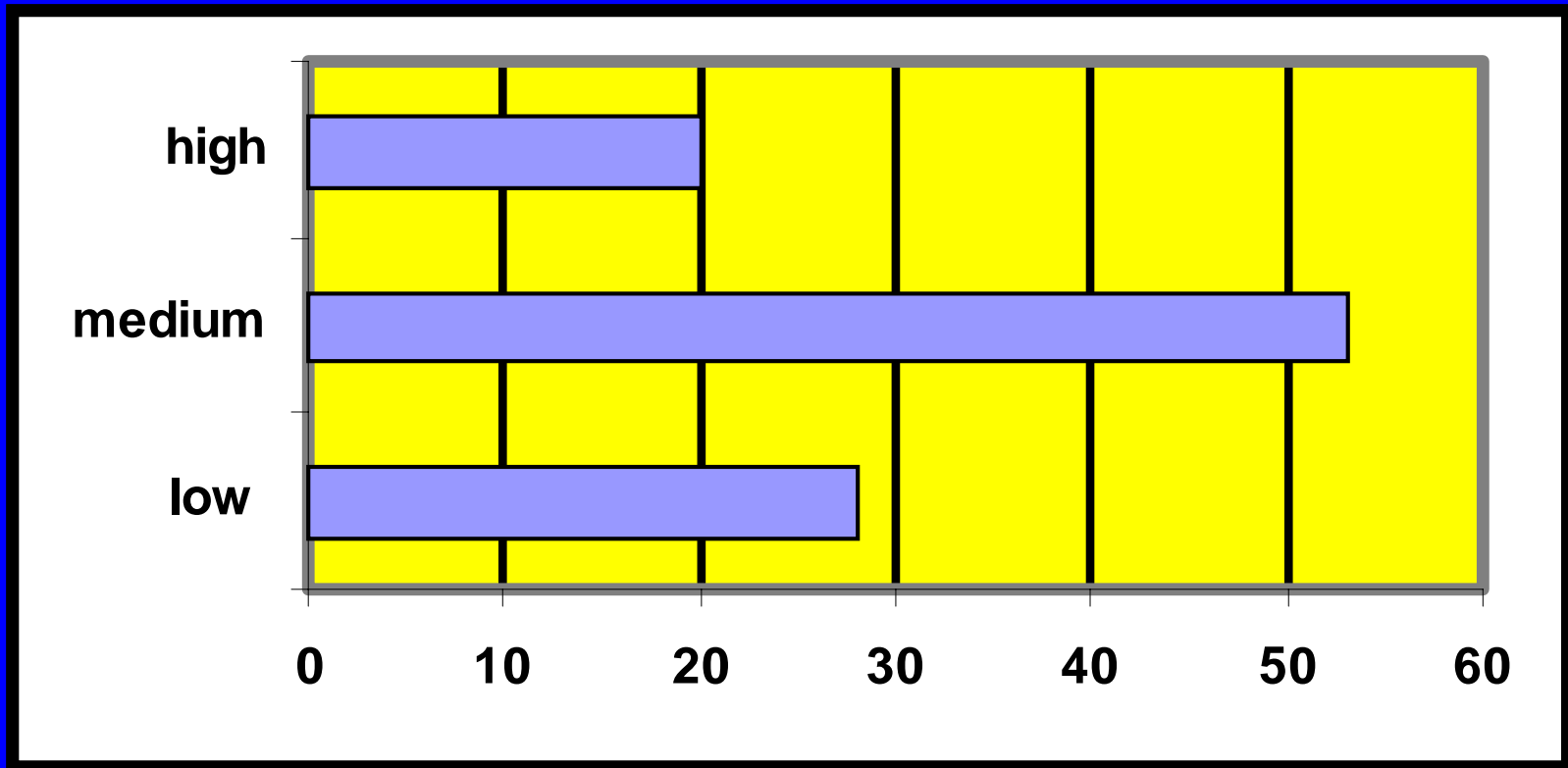
# Crime Rates



# Serious Crimes

- The seriousness of the charge is considered to be the most important factor in the release decision.
- In this study, Shelby County ranks in the medium category with only 12% of charges being violent.
- This does not appear to be the most important reason for Shelby Counties low release rate.

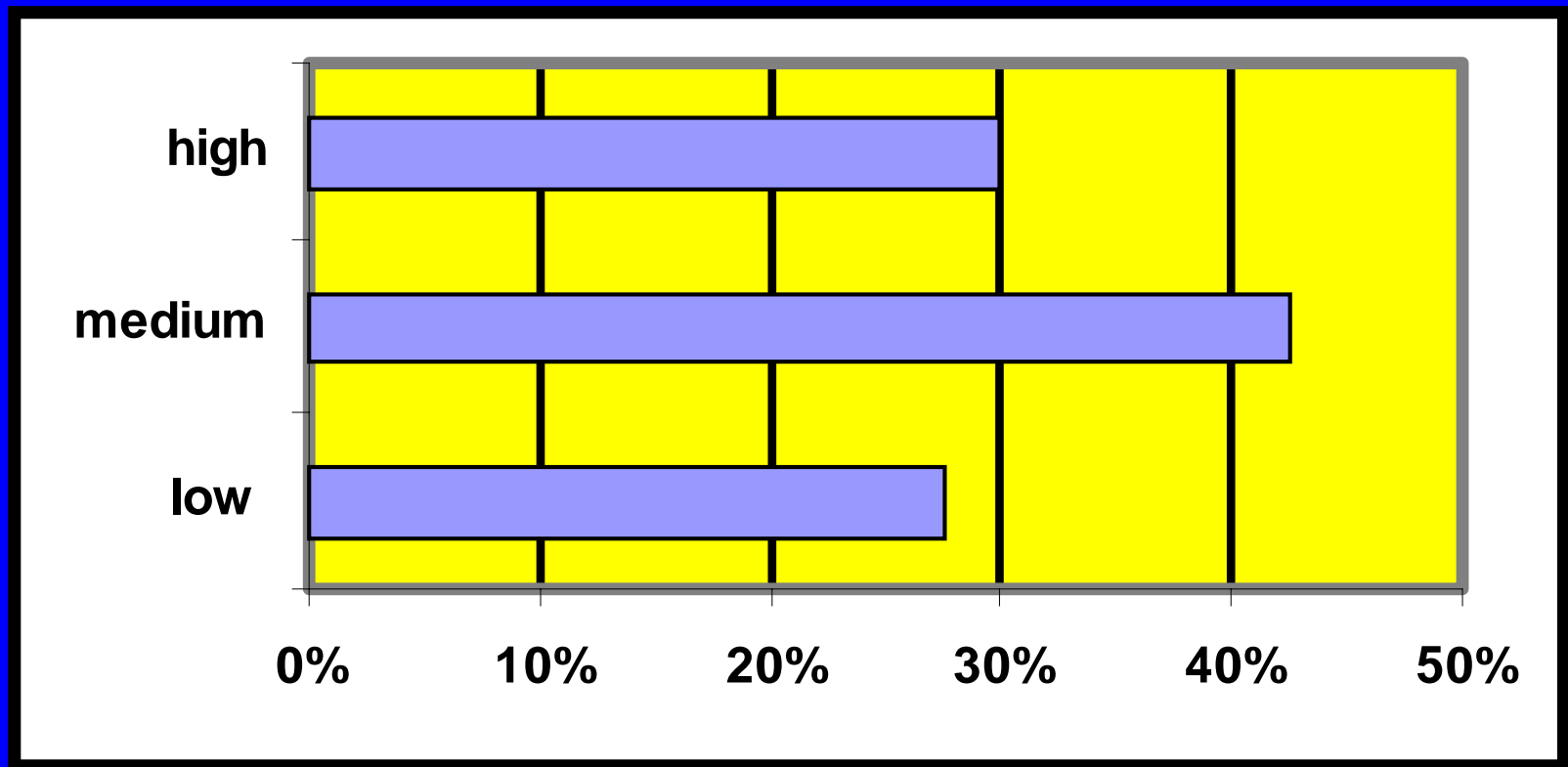
# Violent Crime Levels



# Drug Crime

- This is a measure of the percentage of defendants charged with drug crimes, which are now considered serious crimes.
- The War on Drugs has raised the amounts of arrests for drugs and the penalties required. In many cases, bail will never be given to drug offenders.
- In Shelby County, nearly one-third of all defendants are charged with a drug crime.

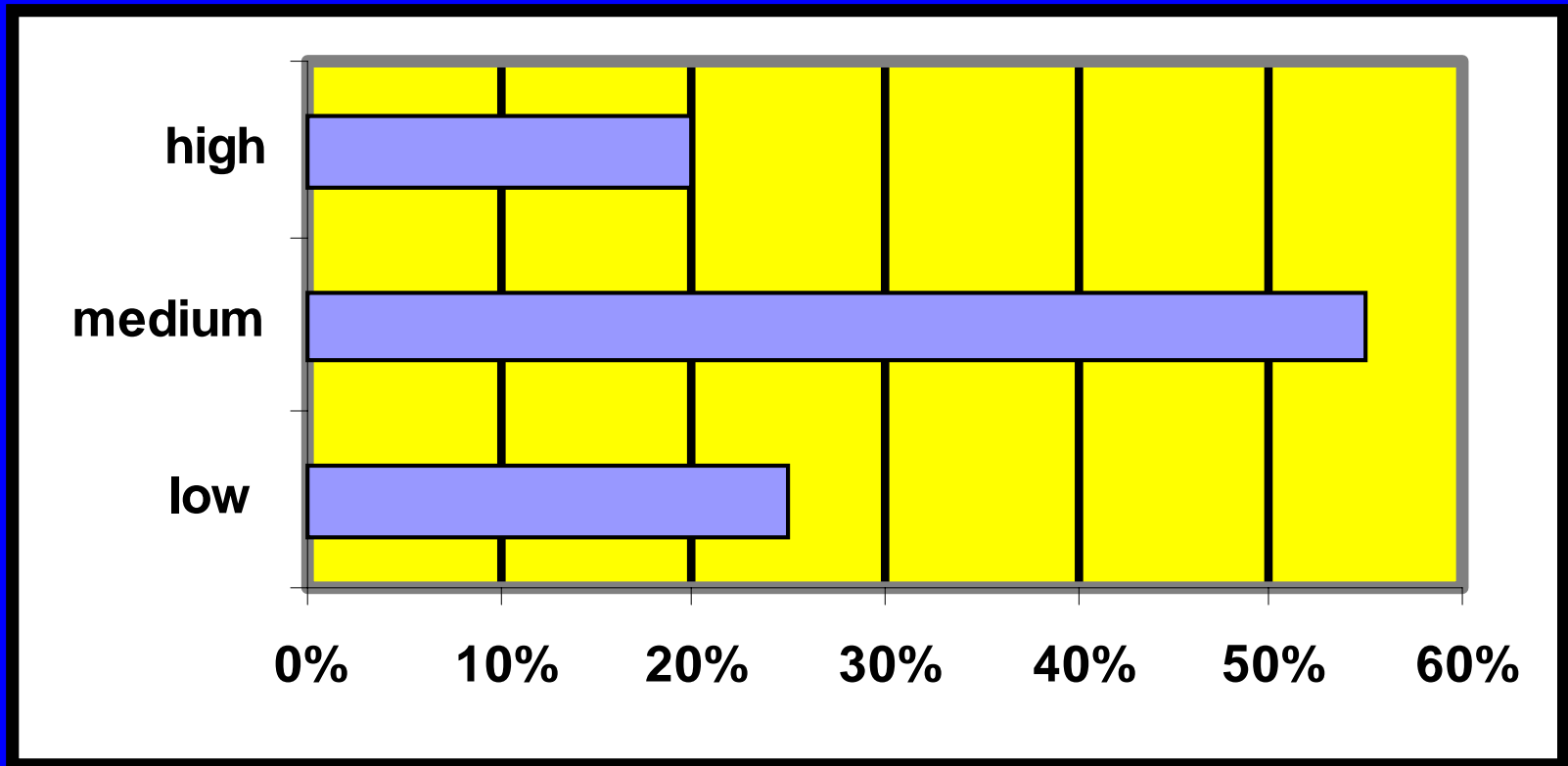
# Drug Crime Levels



# Prior Record

- This is a measurement of the percentage of defendants that are repeat offenders.
- Prior record is generally regarded as the second most important factor in determining release.
- The defendants of Shelby County show a high rate of repeat offenders, over 76%. This could be a main reason for the low release rate.

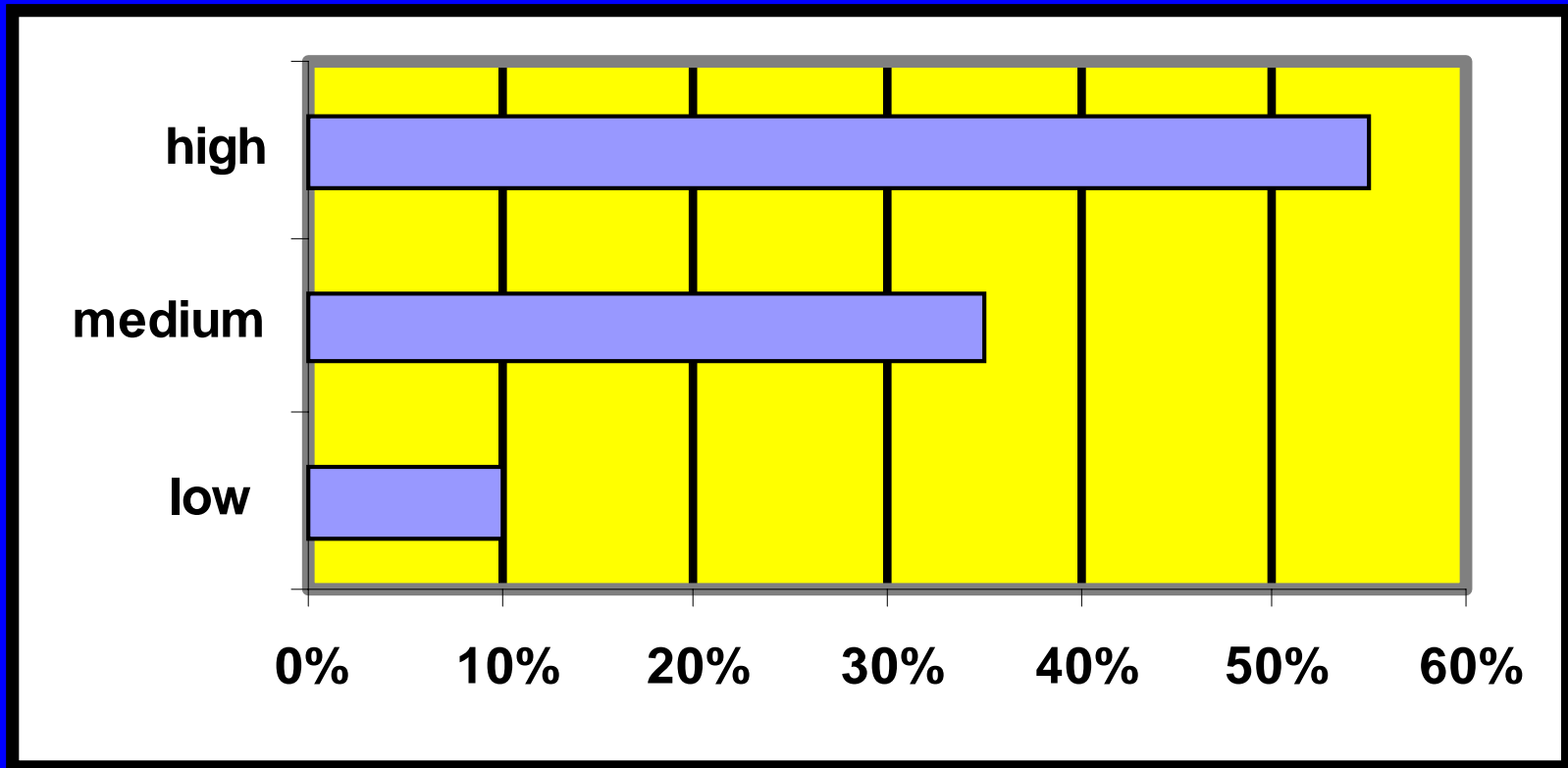
# Repeat Offender Defendants



# Black Defendants

- Are black defendants less likely to be granted release?
- Shelby County ranks in the high category for percentage of black defendants along with more than half of the counties.

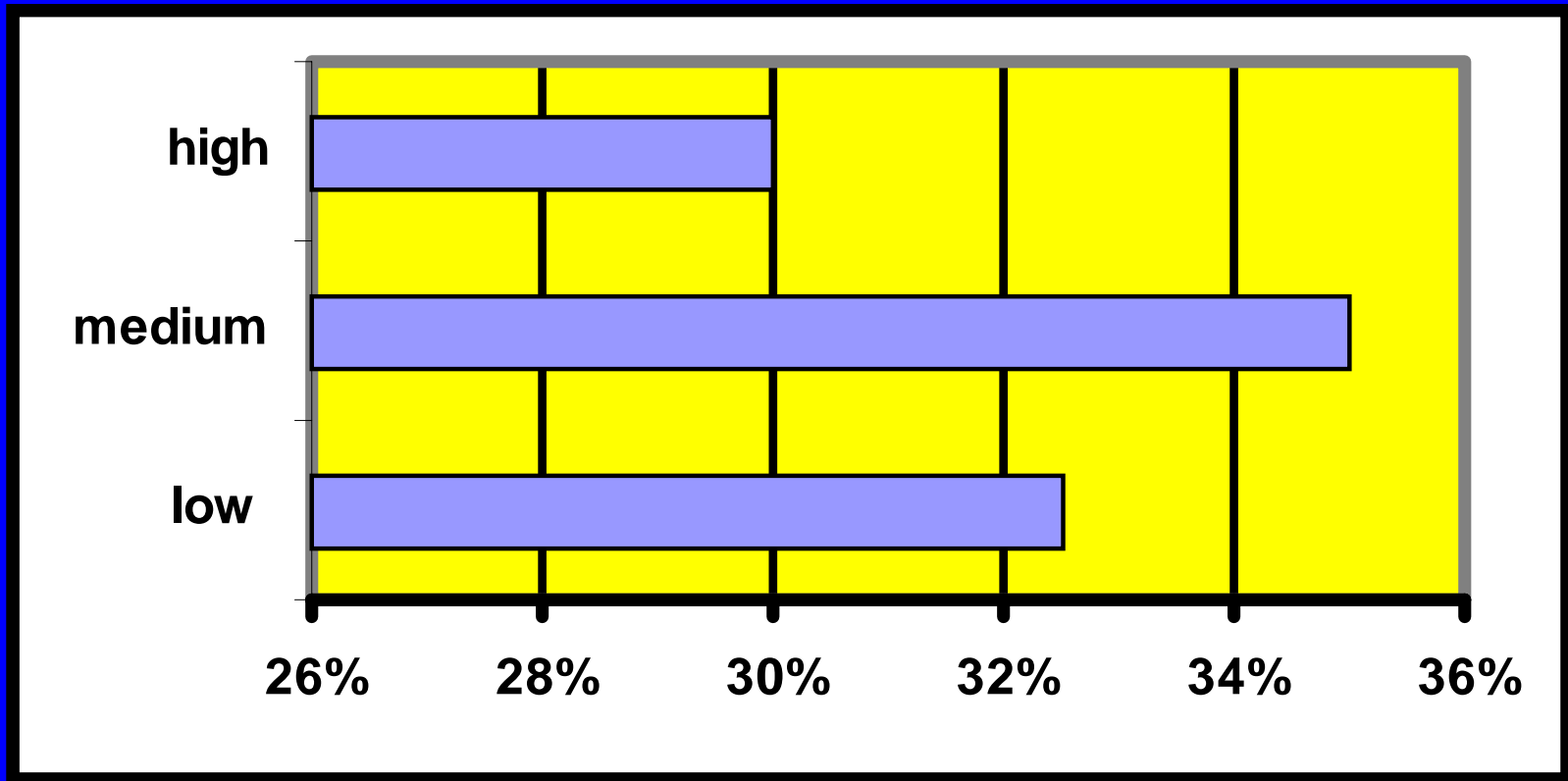
# Black Defendants



# Failure to Appear

- Does having defendants with a higher percentage of failure to appear make a county less likely to grant release?
- This statistic measures the percentage of the defendants that have prior failure to appear on their record
- Shelby County is in the low category with 9%.

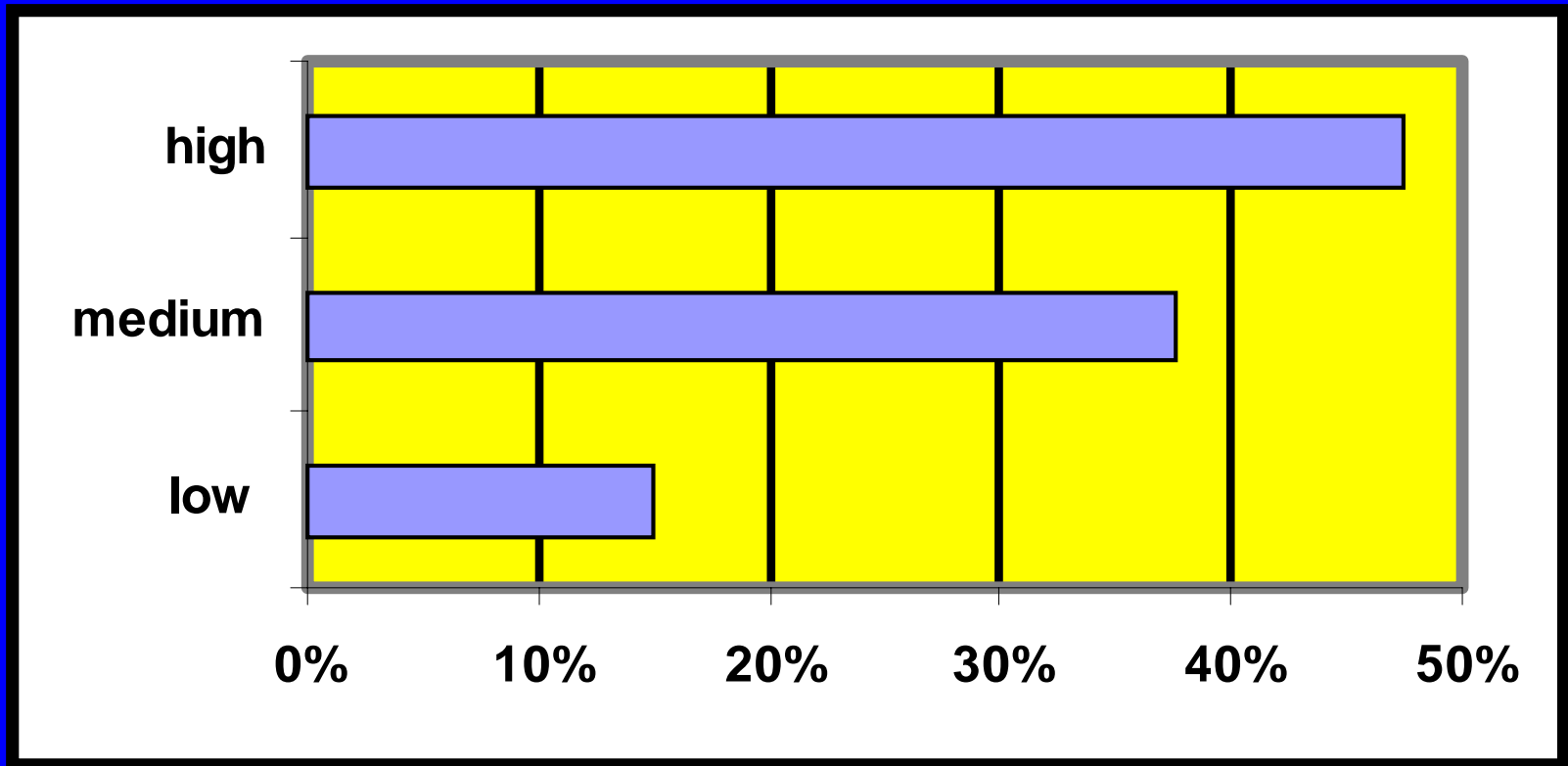
# Defendants With Prior FTA



# Appearing in Court

- This statistic considers what percentage of the defendants appear at all assigned court hearings.
- This is significant because the intended purpose of bail is to insure appearance in court.
- Shelby County ranks very high in this category with 96% of defendants appearing at every hearing. This shows that the decisions are not based on a county wide flight problem.

# Percentage of Defendants that Miss At Least One Hearing



# Final Analysis

- The factor with the highest impact on pretrial release is surprisingly the region where the county is located.
- A high impact is caused by prior record, which is in accordance with currently accepted theories.
- A moderate impact on the release rate is caused by the level of violent crime.

# Final Analysis Continued

- A moderate impact is caused by the race of the defendant. Interestingly, black defendants are more likely to be released.
- The violent crime rate of the county and the percentage of defendants with drug charges show no impact on pretrial release rates.

# Conclusions

- There is no single factor that accounts for all of the counties in the low release category.
- All of the low release counties have a combination of factors causing the low release rate.
- The low release rate in Shelby county is a combination of a high percentages of serious crimes and repeat offenders as well as a high crime rate for the county.

# Conclusions Continued

- Therefore, my research supports the accepted belief that seriousness of the crime and previous records are the most important factors in making bail decisions especially in a large county that continually struggles with high crime rates.
- The regional effect on pretrial release would be an interesting subject for further research because current literature has not addressed the occurrence.