



PRESS RELEASE

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U.S. Commission on Civil Rights Releases Report: The Civil Rights Implications of Cash Bail

WASHINGTON – Today, the U.S. Commission on Civil Rights released the report, [The Civil Rights Implications of Cash Bail](#) which examines current approaches to reforming the pre-trial and bail systems in the U.S. criminal justice system. The report reveals that between 1970 and 2015, there was a 433% increase in the number of individuals who have been detained pre-trial, and pre-trial detainees represent a larger proportion of the total incarcerated population.

Among the report’s observations:

- **There were stark racial and gender disparities**, with higher pre-trial detention rates and financial conditions of release imposed on Black and Latinx individuals, when compared with other demographic groups) and gender. Men are less likely than women to be granted non-financial release, for example, and face higher bail amounts.
- **More than 60% of defendants are detained pre-trial** because they can’t afford to post bail.
- **The collateral consequences of pre-trial detention result in several negative consequences for detainees**, including an increased likelihood of being convicted, an increased likelihood of housing insecurity, detrimental effects on employment, and an increased likelihood to engage in criminal conduct in the future.

“More than half-a-million unconvicted people sit in jails across the nation awaiting trial,” said Norma V. Cantú, Chair of the U.S. Commission on Civil Rights. “Presumption of innocence is the bedrock of our criminal justice system, with liberty the rule and pre-trial detention intended to be a ‘carefully limited exception,’”¹ she observed. “Under the current bail system, it has become the norm.”

The Commission held a [public virtual briefing](#) on this subject in February 2021 to collect information from subject matter experts such as government officials, academics, legal experts, law enforcement officials, criminal justice advocates, and impacted persons. The [Maryland](#), [Oregon](#) and [Kentucky](#) State Advisory Committees to the U.S. Commission on Civil Rights also collected and provided testimony on related civil rights issues in their respective jurisdictions.

¹ *United States v. Salerno*, 481 U.S. 739, 755 (1987).

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The U.S. Commission on Civil Rights is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).