

Money Bail in Shelby County, TN

Under Shelby County's current, unconstitutional pretrial system, a person can be held for weeks or longer without a bail hearing with counsel, and ability to pay is not considered when bail is set, leaving those who cannot afford to pay detained indefinitely, even if they are not a flight or safety risk, while those who face the same charges but can afford to pay money bail are freed until trial.

People who can't afford to pay money bail are forced to remain in their cells for long periods of time without access to a shower, phone call, or warm meal. They are also exposed to disease and do not have enough fresh air to breathe to meet minimum ventilation standards.

between January 2021 - October 2021

84% of people detained or **15,000 people**

were either required to pay bail or unable to bond out.



only **16%**

of defendants were released on their own recognizance, without having to pay cash bail.



The number of people required to pay cash bonds or not allowed to post bond at all increased by:

71%



misdemeanors can lead to pretrial jail stays of

13+ days

\$138.8M

Shelby County's Jail Budget (2019)

The county spends more money on the costs of incarceration than on supportive interventions such as pretrial services that could ultimately save money, improve case outcomes, and promote community safety.

The number of people released on their own recognizance decreased by:

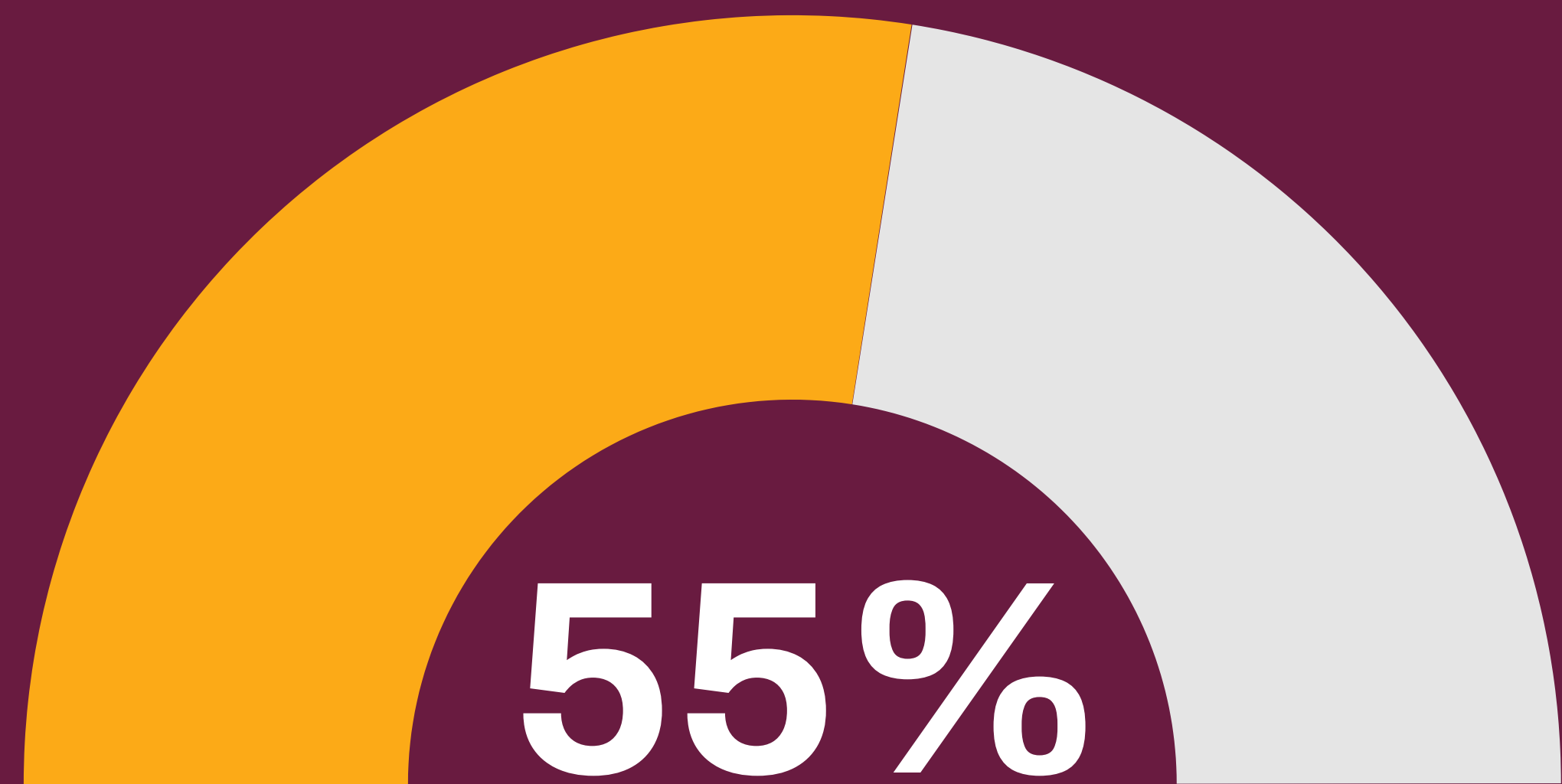
17%



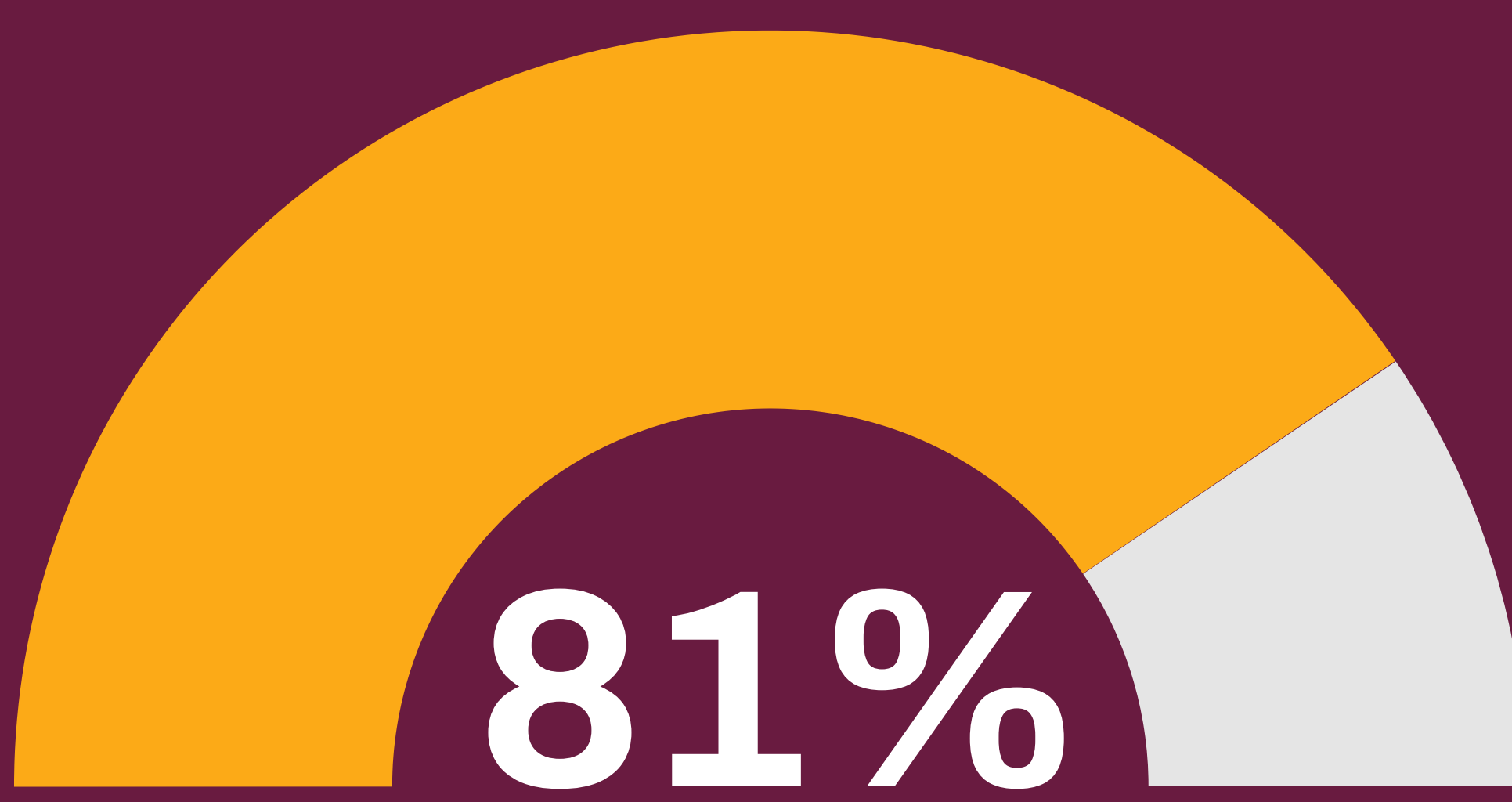
31%

of Shelby County's budget spent on jails.

Shelby County Jail Demographics

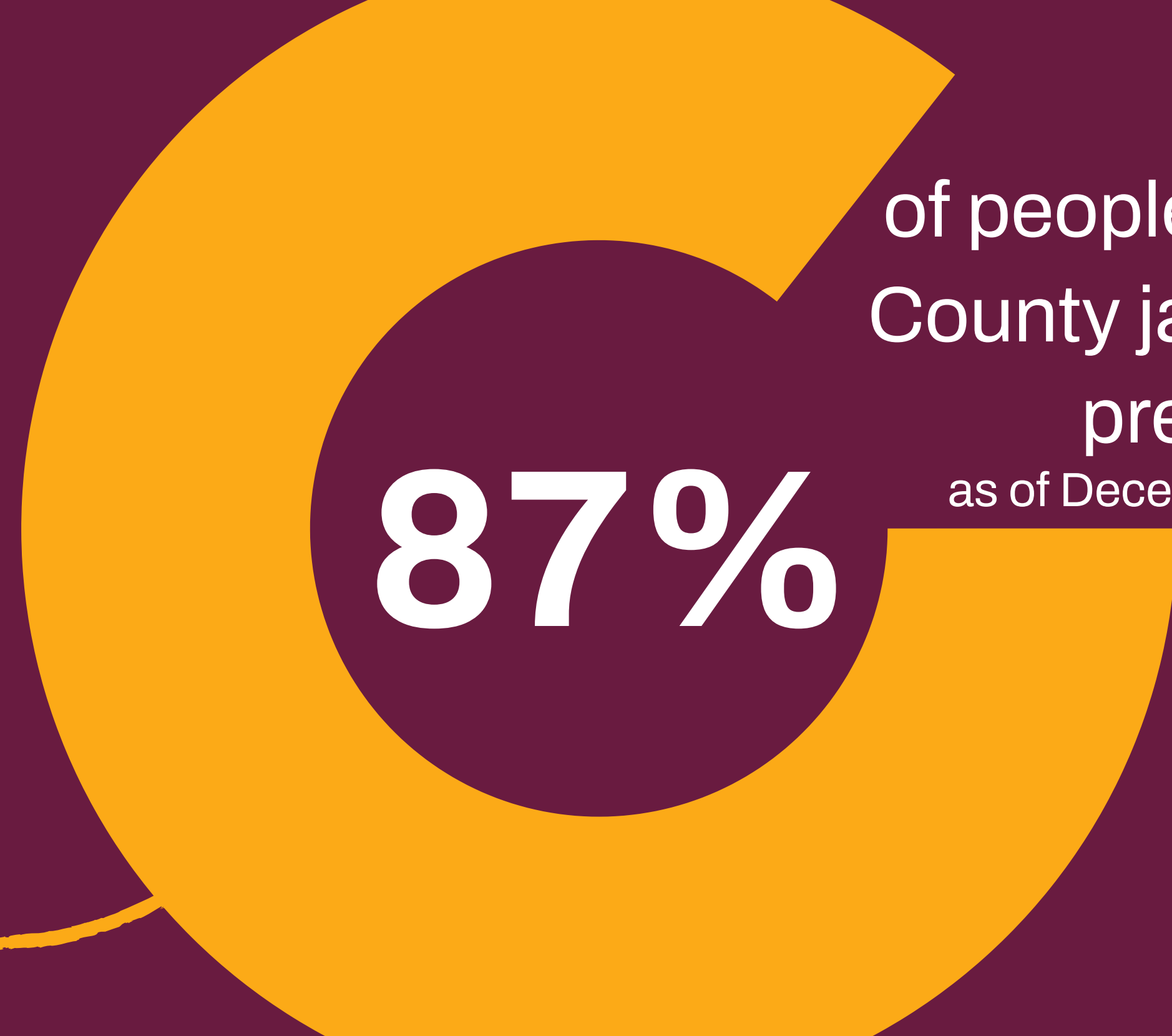


of Shelby County's population is Black/African American



of the jail population is composed of Black/African American people

Some inmates who have been held in Shelby County pretrial have not been outside in 2 - 3 years.



of people in Shelby County jail are there pretrial. as of December 31, 2021.

\$2,103

is the average bond amount set for misdemeanors

\$761.72

is the average bond amount for the lowest level misdemeanor (traffic, violations, disorderly conduct, etc.)

Collateral Consequences of Pretrial Detention

Pretrial detention increases likelihood of conviction, the likelihood of a jail sentence, and the length of the sentence imposed.



Lives can unravel when arrestees lose jobs, cars, child custody, and housing due to even a few days in jail.

Shelby County should improve its pretrial practices by:

Promoting Release on Recognizance:



Shelby County Pretrial Services should recommend that judicial commissioners and judges release people on recognizance when staff believe those persons are likely to appear for future court dates without requiring additional conditions. Other jurisdictions have successfully expanded their pretrial cite and release programs, significantly reducing their jail populations and saving taxpayer dollars, without compromising public safety.

Providing Community Services and Supports:



Offering supports such as court date reminders, court transportation services, and court videoconferencing options are less costly than pretrial incarceration or supervision, and demonstrably curb failure to appear rates.

Holding Real Bail Hearings:



In Shelby County, judicial officers set bail via a phone call completely out of the public eye. An arrested person does not have a chance to discuss the terms of their release or detention at a hearing, is not asked what they could afford in bail, and does not have the benefit of a lawyer to help them.

Developing an Investigative Model:



Most instances of nonappearance are not purposeful attempts to avoid court, but are instead due to a lack of reliable transportation, inability to schedule around work and childcare, and confusion regarding complex court systems. An investigative model would look into the reasons a person fails to appear and inform the court, and provide individuals an opportunity to tell Pretrial Services in advance when they are unable to appear, avoiding needless bench warrants.