

TO BAIL OR NOT TO BAIL: APPENDIX

TABLE A.1: OVERREPRESENTATION OF MINORITIES IN THE INCARCERATED
POPULATION¹

Race or Ethnicity	Percentage of U.S. Population	Percentage of Correctional Population
<i>White</i>	64%	39%
<i>Black</i>	13%	40%
<i>Latino</i>	16%	19%
<i>Native</i>	0.9%	1%

TABLE A.2: RATE OF IMPRISONMENT PER 100,000 BY GENDER, RACE, AND
ETHNICITY²

Demographic	Number Incarcerated per 100,000
<i>White Women</i>	49
<i>Black Women</i>	96
<i>Latina Women</i>	67
<i>White Men</i>	400
<i>Black Men</i>	2,415
<i>Latino Men</i>	1,092

TABLE A.3: LIFETIME LIKELIHOOD OF IMPRISONMENT, U.S. RESIDENTS BORN
IN 2001³

Demographic	Number Incarcerated per 100,000
<i>All Men</i>	<i>1 in 9</i>
<i>White Men</i>	1 in 17
<i>Black Men</i>	1 in 3
<i>Latina Men</i>	1 in 6
<i>All Women</i>	1 in 56
<i>White Women</i>	1 in 11
<i>Black Women</i>	1 in 18
<i>Latino Women</i>	1 in 45

¹ Table reproduced from Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2019*, PRISON POL'Y INSTITUTE (Mar. 19, 2019), <https://www.prisonpolicy.org/reports/pie2019.html> [<https://perma.cc/84NR-CTLU>].

² THE SENTENCING PROJECT, TRENDS IN U.S. CORRECTIONS 5 (2018), <https://www.sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf> [<https://perma.cc/D39D-F6ZB>].

³ *Id.*

TABLE A.4: NOT INCARCERATED ANNUAL INCOME VERSUS PRE-
INCARCERATED ANNUAL INCOME BY RACE/GENDER.⁴

Annual income of Men not incarcerated versus pre incarcerated

Race	Not Incarcerated (Annual Income)	Incarcerated (Pre- Incarceration Annual Income)
<i>Black Men</i>	\$31,245	\$17,625
<i>Hispanic Men</i>	\$30,000	\$19,740
<i>White Men</i>	\$47,505	\$21,975
<i>All Men</i>	\$41,250	\$19,650

Annual income of Women not incarcerated versus pre incarcerated

Race	Not Incarcerated (Annual Income)	Incarcerated (Pre-Incarceration Annual Income)
<i>Black Women</i>	\$24,255	\$12,735
<i>Hispanic Women</i>	\$15,000	\$11,820
<i>White Women</i>	\$26,130	\$15,480
<i>All Women</i>	\$23,745	\$13,890

TABLE A.5: MEDIAN ANNUAL INCOME REVEALS WHY SOME ARE UNABLE TO
PAY BAIL BOND⁵

<i>Men Detained Pretrial, Annual Income</i>	\$15,598
<i>Men, Not Incarcerated, Annual Income</i>	\$39,600
<i>Women Detained Pretrial, Annual Income</i>	\$11,071
<i>Women, Not Incarcerated, Annual Income</i>	\$22,704

⁴ Sawyer & Wagner, *supra* note 1.

⁵ *Id.*

TABLE A.6: RELEASE RATES FROM FY 2017 FOR PRETRIAL DEFENDANT'S WITHIN WASHINGTON D.C.⁶

	Felony		Misdemeanor		Total	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
<i>Cases Filled</i>	4,491	100%	16,437	100%	20,928	100%
<i>Initially Released</i>	2,341	52%	15,285	93%	17,626	84%
<i>Initially Detained</i>	2,150	48%	1,152	7%	3,302	16%
<i>Subsequently Released</i>	1,220	57%	810	70%	2,030	61%
<i>Total Released Pretrial</i>	3,561	79%	16,095	98%	19,656	94%
<i>Total Held Pretrial</i>	930	21%	342	2%	1,272	6%

⁶ PRETRIAL SERVS. AGENCY FOR D.C., FY 2017 RELEASE RATES FOR PRETRIAL DEFENDANTS WITHIN WASHINGTON D.C. (Mar. 30, 2018), <https://www.psa.gov/sites/default/files/2017%20Release%20Rates%20for%20DC%20Pretrial%20Defendants.pdf> [<https://perma.cc/W3HT-4E2E>]; PRETRIAL SERVS. AGENCY FOR D.C., CONGRESSIONAL BUDGET JUSTIFICATION AND PERFORMANCE BUDGET REQUEST FISCAL YEAR 2019 27 (Feb. 12, 2018), <https://www.csosa.gov/wp-content/uploads/bsk-pdf-manager/2018/07/FY2019-PSA-CBJ-Performance-Budget-02122018-1.pdf> [<https://perma.cc/NNB4-UALS>].

TABLE A.7: LJAF’S PSA DECISION MAKING FRAMEWORK (DMF)
 ILLUSTRATING RECOMMENDED RELEASE RESTRICTIONS FOR CORRESPONDING
 FAILURE TO APPEAR (FTA) AND NEW CRIMINAL ACTIVITY (NCA) SCORES.⁷

	NCA 1	NCA2	NCA3	NCA4	NCA 5	NCA 6
FTA 1	ROR 11.8% of population	ROR 7.7% of population				
FTA 2	ROR 0.5% of population	ROR 6.9% of population	PML 1 11.7% of population	PML 2 6.4% of population	PML 3 0.1% of population	
FTA 3		PML 1 2.0% of population	PML 1 8.8% of population	PML 2 6.0% of population	PML 3 2.9% of population	Release Not Recommended 0.5% of population
FTA 4		PML 1 0.6% of population	PML 1 1.5% of population	PML 2 3.5% of population	PML 3 4.8% of population	Release Not Recommended 0.9% of population
FTA 5		PML 2 0.0% of population	PML 2 0.4% of population	PML 3 2.0% of population	PML 3 + EM/HD 2.4% of population	Release Not Recommended 1.5% of population
FTA 6				Release Not Recommended 0.1% of population	Release Not Recommended 0.3% of population	Release Not Recommended 1.8% of population

⁷ Table reproduced AM. CIVIL LIBERTIES UNION OF N.J. ET AL., THE NEW JERSEY PRETRIAL JUSTICE MANUAL 11 (2016), <https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=b7202610-3480-b5bc-2e6e-7d211059fec4&forceDialog=0> [<https://perma.cc/7JCH-SC4K>]

TABLE A.8: EXAMPLE OF CLARK COUNTY'S STANDARD BAIL SCHEDULE WITH BAIL PRICE CORRESPONDING TO OFFENSE.⁸

Charge	Cost of Bail
Felonies	
<i>Category A</i>	NO BAIL- Set in Court
<i>Category B</i>	
<i>Maximum Term of Imprisonment Grater than 10 Years</i>	\$20,000
<i>Exceptions: Attempted Category A</i>	NO BAIL- Set in Court
<i>DUI resulting in SBH or Death</i>	NO BAIL- Set in Court
<i>Maximum Term of Imprisonment 10 Years</i>	\$10,000
<i>Maximum Term of Imprisonment Less than 10 Years</i>	\$5,000
<i>Exception: DUI 3rd Subsequent Arrest</i>	\$20,000
<i>Category C</i>	\$5,000
<i>Exception: Battery DV-SBH (No DW)/ Strangulation/ 3rd Offense</i>	\$15,000
<i>Category D and E</i>	\$3,000
Gross Misdemeanors	\$2,000
Misdemeanors	\$1,000
<i>Exceptions: Battery DV</i>	\$3,000
<i>Batter DV 2nd</i>	\$5,000
<i>DUI</i>	\$2,000
<i>DUI 2nd</i>	\$5,000
Violations of Protective Orders	\$15,000

⁸ Table reproduced from STANDARD BAIL SCHEDULE, JUSTICE COURT, LAS VEGAS TWP. (2015), <https://www.clarkcountybar.org/wp-content/uploads/lvjsbs15.pdf> [<https://perma.cc/8JRF-F5U7>].