

Racial and Ethnic Differences in Bond Amounts in the Douglas County Criminal Justice System

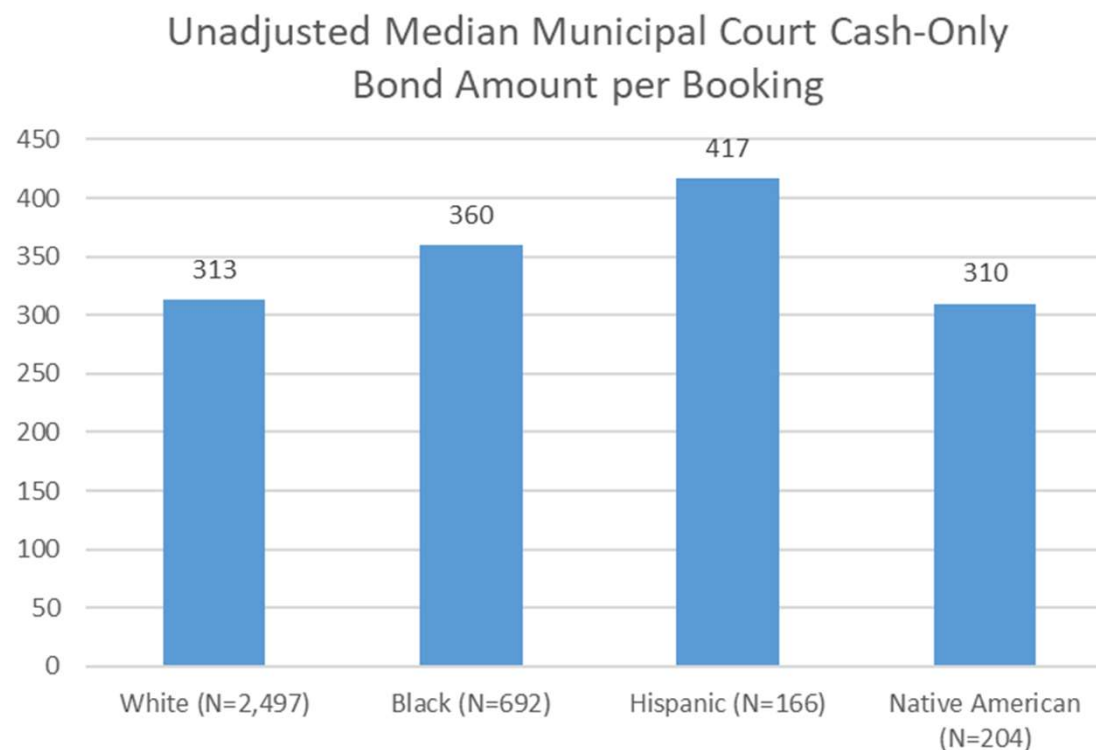
Criminal Justice Coordinating Council Meeting

May 11, 2021

Matt Cravens, Ph.D.

Background

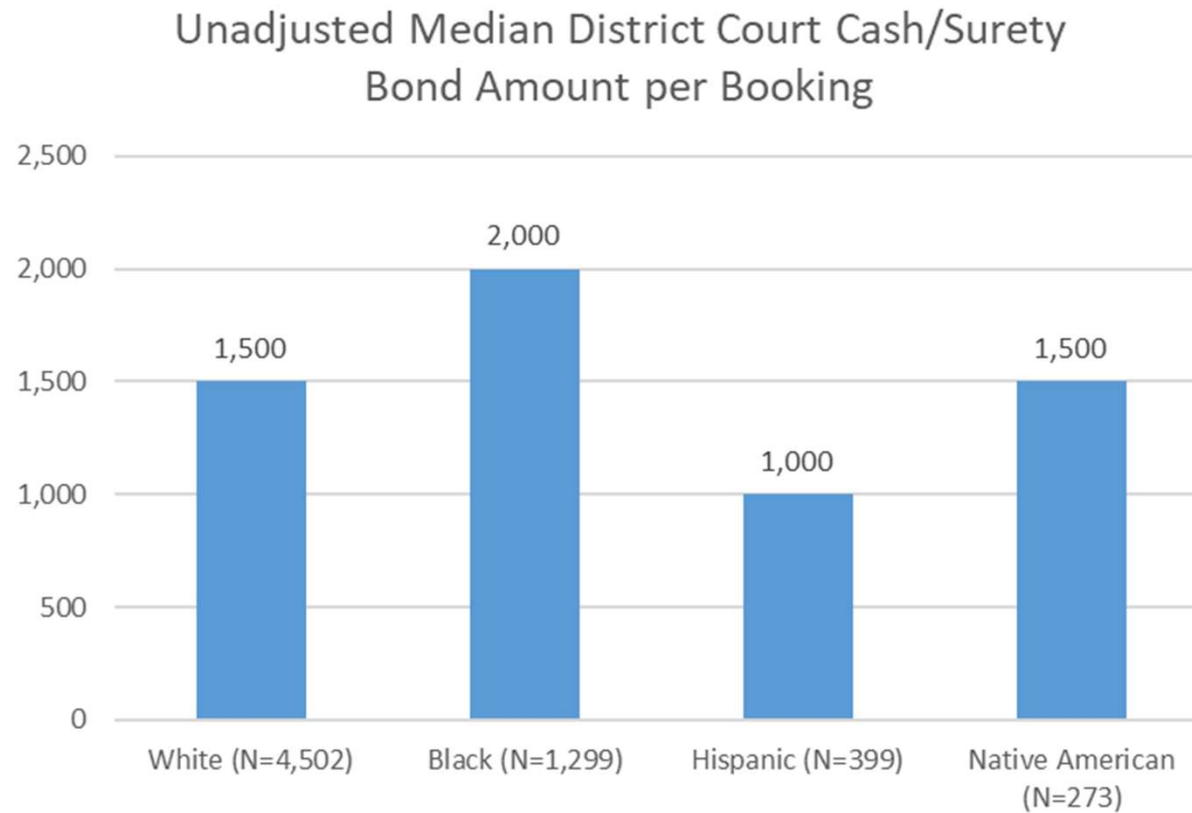
- **Cash Bond:** A defendant pays the entire amount of bond set by a judge. Once the bond is paid, the defendant is released from jail to await trial.
 - The defendant gets the money back at the end of the case. If the defendant fails to appear the bond is forfeited.
- **Surety Bond:** A defendant contracts with a third party like a bond company to pay the amount of the bond set by a judge. The defendant typically pays about 10% of the amount or a minimum of \$150.
 - The defendant does not get that money back at the end of the case. Once the bond is paid, the defendant is released from jail to await trial.
- **Municipal Court** handles alleged violations of city ordinances within the city limits.
 - Cases can involve criminal trespass, driving under the influence, and other misdemeanors.
 - “Municipal Court” in this presentation refers to the Lawrence, Baldwin City, and Eudora municipal courts.
- **District Court** handles criminal and civil cases involving state law.
 - The criminal cases heard can involve battery, driving under the influence, murder, drug, and other crimes. The criminal cases involve felonies and misdemeanors.



Source: Data on all 2016 - 2020 DCCF bookings.

Notes: Failures to appear (FTAs) make up nearly all of cash bonds in Municipal Court. For some types of FTAs, cash bond amounts are set roughly to the amount of court-ordered fees to be paid if the person is convicted.

This figure presents unadjusted bond amounts. Slide #6 presents the results after controlling for demographic and case characteristics.



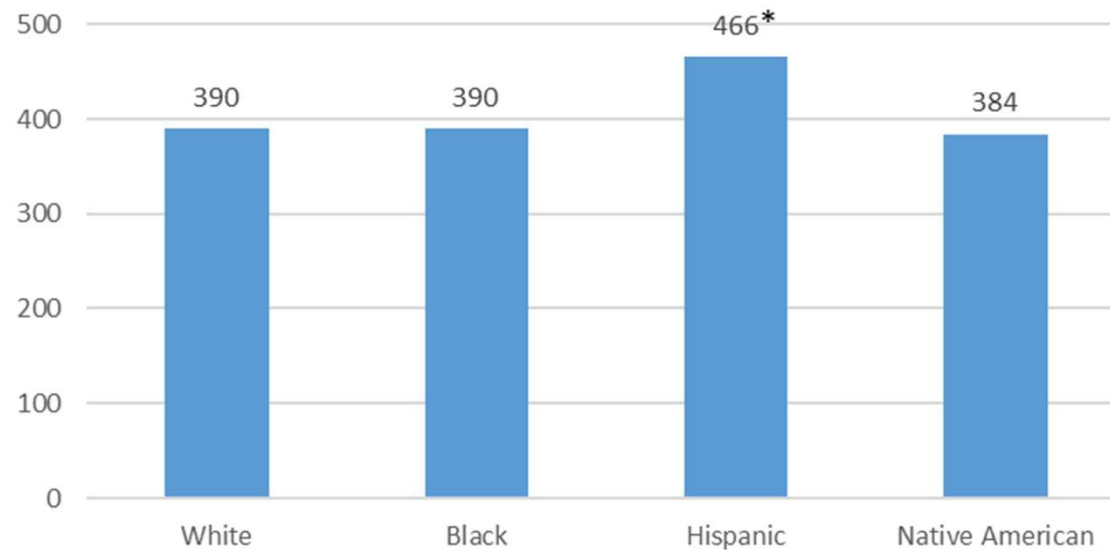
Source: Data on all 2016 - 2020 DCCF bookings.

This figure presents unadjusted bond amounts. Slide #8 presents the results after controlling for demographic and case characteristics.

Data and Method

- Data on all bonds for bookings from 2016 to 2020 from the Spillman Jail Management System.
- Method: multivariate linear regression
- A “regression-adjusted” number is the number after controlling for other variables in a regression model.
- In the following slides, bond amounts are adjusted for:
 - Gender
 - Age
 - Number of offenses at booking
 - Number of Douglas County Correctional Facility (DCCF) bookings over the years (“criminal history”)
 - Case type (traffic, criminal, or other)
 - Offense type (e.g., probation violation, assault)
 - Felony/misdemeanor/unknown classification
 - Judicial status (e.g., pre-trial)
- Most of these variables are ones that judges consider when setting bond.

Regression-Adjusted Average Municipal Court Cash-Only Bond Amount per Booking



Source: Data on all 2016 - 2020 DCCF bookings.

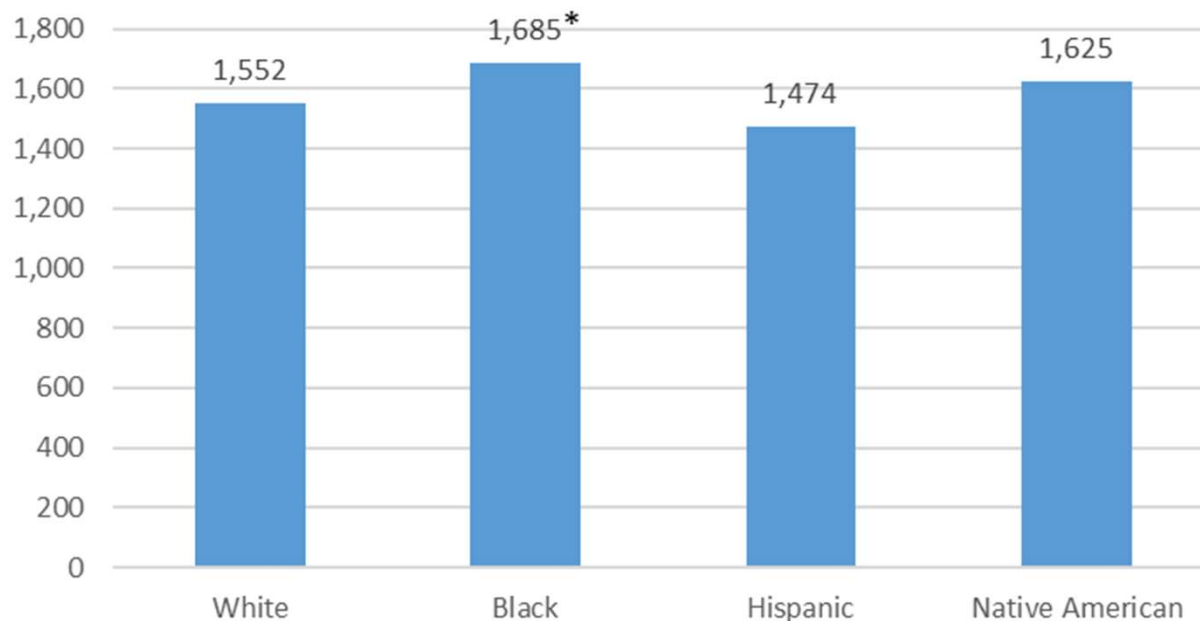
Notes: * Difference from the white number is statistically significant. No other differences are statistically significant.

Failures to appear (FTAs) make up nearly all of cash bonds in Municipal Court. For some types of FTAs, cash bond amounts are set roughly to the amount of court-ordered fees to be paid if the person is convicted.

Amounts are adjusted for gender, age, number of offenses, number of bookings over the years, case type (e.g., criminal or traffic case), offense type (e.g., probation violation, assault), misdemeanor/unknown classification, judicial status (e.g., pre-trial).

The samples of District Court cash-only bonds and Municipal Court cash/surety bonds are not large enough to make statistically meaningful conclusions.

Regression-Adjusted Average District Court Cash/Surety Bond Amount per Booking

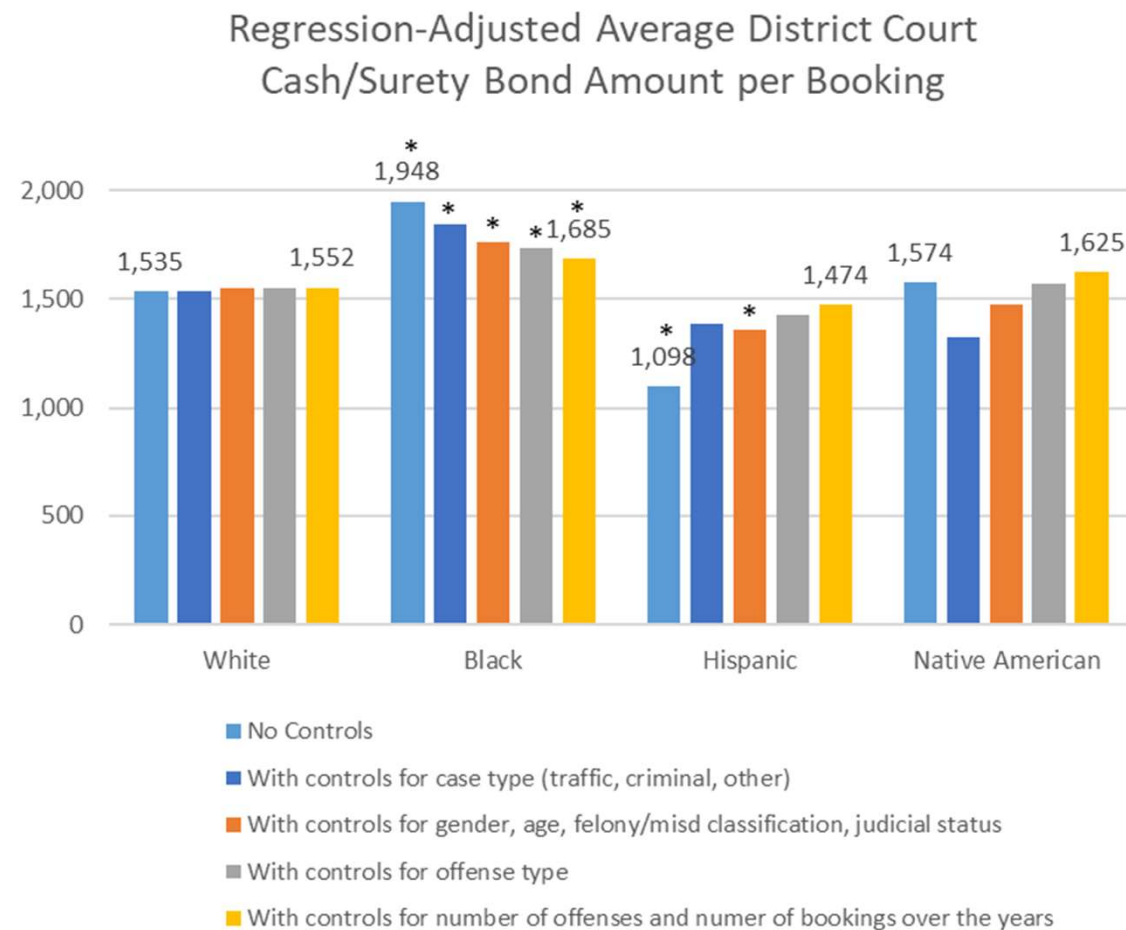


Source: Data on all 2016 - 2020 DCCF bookings.

Notes: * Difference from the white number is statistically significant. No other differences are statistically significant.

Amounts are adjusted for gender, age, number of offenses, number of bookings over the years, case type (e.g., criminal or traffic case), offense type (e.g., probation violation, assault), felony/misdemeanor/unknown classification, judicial status (e.g., pre-trial).

Controlling for certain variables may underestimate racial disparities because they are influenced by race.



Source: Data on all 2016 - 2020 DCCF bookings.

Notes: * Difference from the white number is statistically significant.

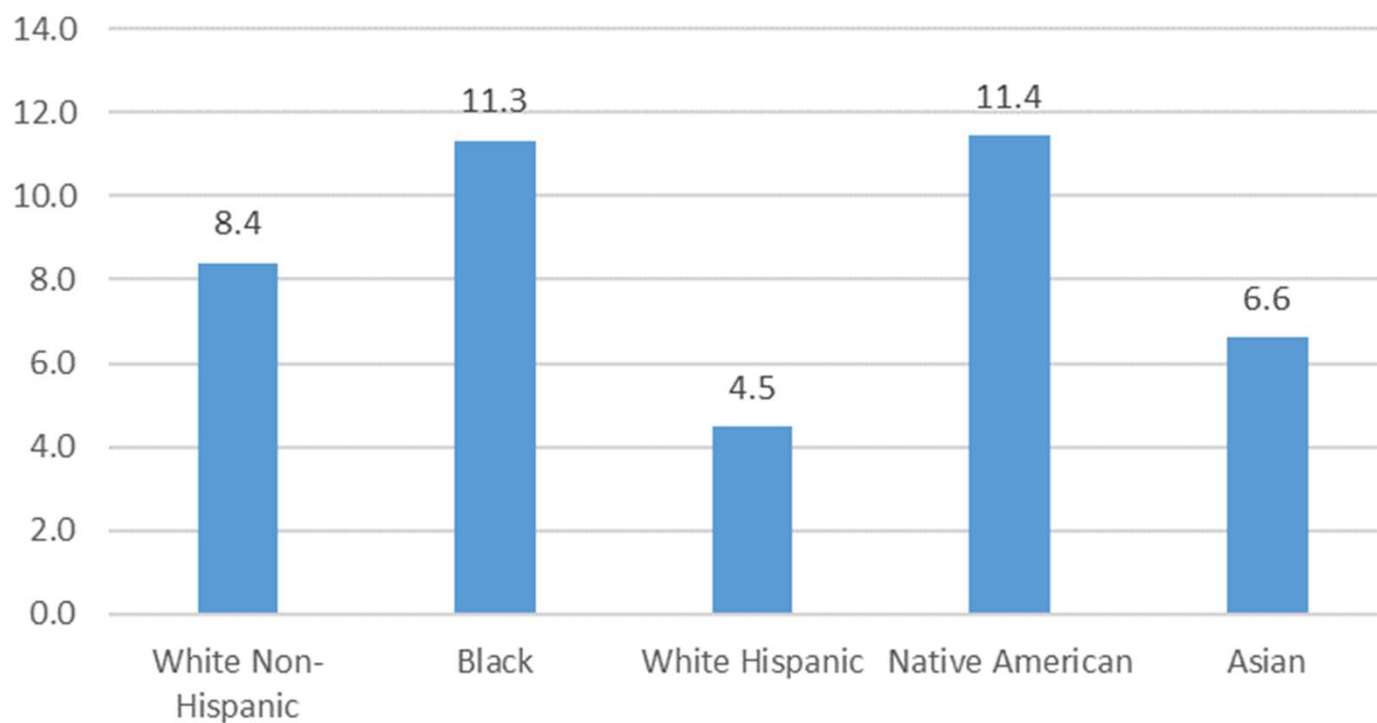
Days for Cash and Cash/Surety Bonds to Clear

	Num. of Bonds	Median Days	Mean Days
Municipal Courts			
White	4,248	1	6.4
Black	1,109	1	3.3
Hispanic	300	0	3.9
Native American	319	1	9.7
District Court			
White	5,346	0	15.8
Black	1,576	1	18.7
Hispanic	447	0	11.4
Native American	312	1	19.1

Source: All bonds issued for bookings from 2016 to 2020;
Spillman Jail Management System.

Note: Municipal courts include Lawrence, Baldwin City, and
Eudora municipal courts.

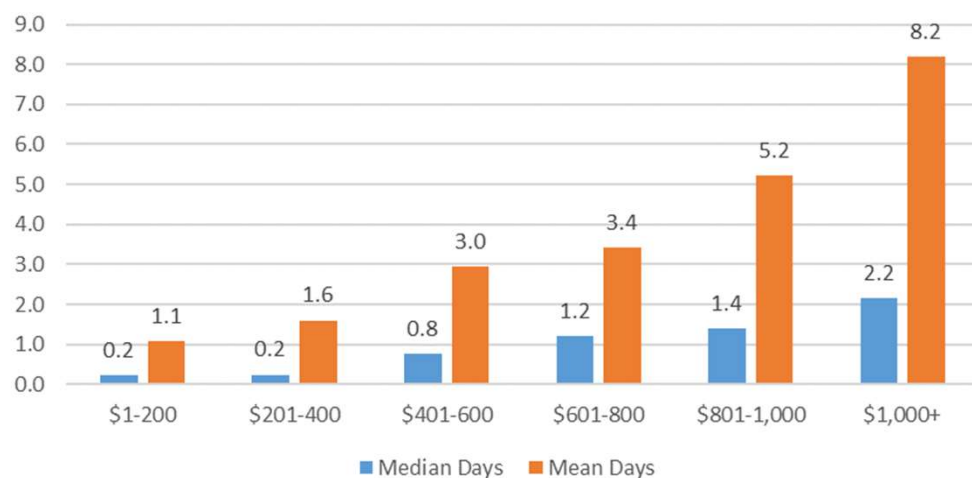
Mean Days in DCCF, Pre-Trial-Only Bookings



Source: Data on all 2016-2020 releases from DCCF; Spillman Jail Management System.

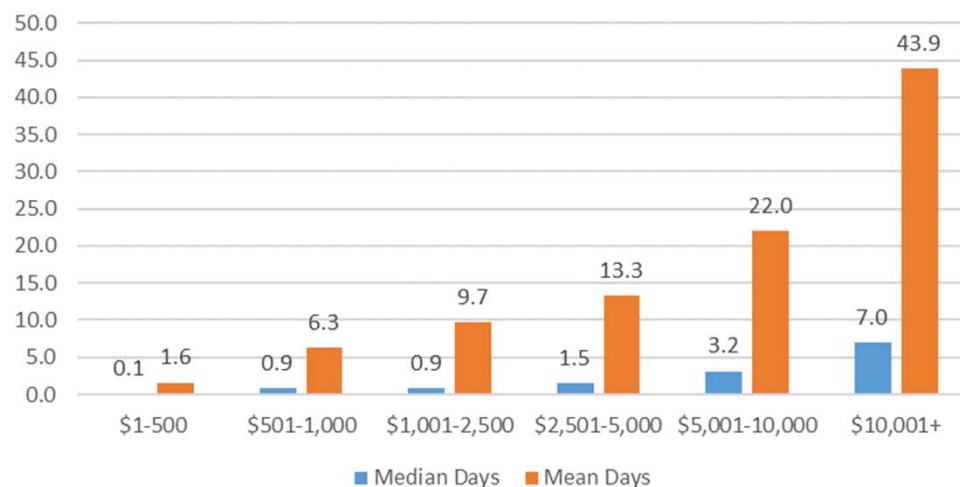
Defendants assigned higher bond amounts stay longer in DCCF pre-trial.

Days in DCCF by Cash Bond Amount
Municipal Court, Pre-Trial Bookings



Source: Data on all 2016-2020 releases from DCCF; Spillman Jail Management System.

Days in DCCF by Cash/Surety Bond Amount
District Court, Pre-Trial Bookings



Source: Data on all 2016-2020 releases from DCCF; Spillman Jail Management System.

Conclusions

- People with higher bonds stay longer in DCCF.
 - The median Municipal Court cash-only bond amount per booking in 2020 is \$363 (the mean is \$631). The median District Court cash/surety bond amount per booking in 2020 is \$2,000 (the mean is \$8,615).
 - Judges set bond high to address concerns of public safety, risk of flight, and to motivate court appearance.
- Municipal Court cash-only bond findings
 - Hispanic defendants in Municipal Court have higher median cash-only bond amounts than white defendants, before and after controlling for other variables.
- District Court cash/surety bond findings
 - Before controlling for other variables, black defendants have higher median cash/surety bond amounts in District Court than white defendants.
 - After controlling for other variables, the differences between racial groups are not sizeable considering how much defendants would pay to a bond company.

Conclusions

- Caveats
 - Certain control variables may be influenced by race, like number of bookings over the years (“criminal history”). Using these control variables may underestimate racial differences in bond amounts. Judges consider many of these variables when setting bond.
 - Even equal bond amounts can result in inequitable outcomes if some groups tend to be poorer and less able to afford the same bond amount.
 - It takes longer for Native American defendants’ cash and cash/surety bonds to clear. Black defendants’ bonds in District Court take longer to clear.
- Black and Native American defendants stay longer in DCCF pre-trial.
- The data reveal how systemic racism impacts the criminal justice system. Race is related to frequency of contacts with the system, criminal history, and number and types of charges. These variables drive decision-making throughout the system.