

**Race, Class, and the Carceral System: An Analysis of Franklin County, Ohio Court  
Records and Alternatives to Bail and Incarceration**

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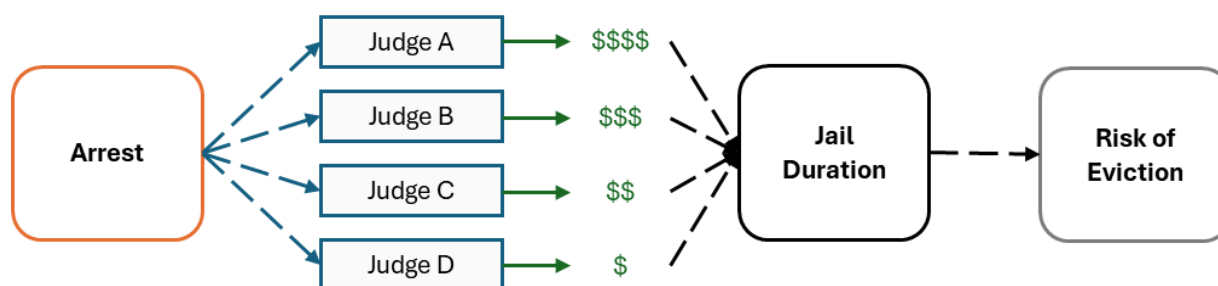
## **Introduction**

The criminal legal system in the United States operates in a way that maintains and exacerbates racial and socioeconomic disparities between individuals across the nation. In 2022, the imprisonment rate for Black individuals was five times the imprisonment rate for white individuals with respect to their overall population (Bureau of Justice Statistics, 2023b). Those with a lower socioeconomic status and people of color are disproportionately represented in the prison population, and therefore the system distorts the idea of who commits the most crime in the country (Menefee, 2018). This study focuses on the effects of monetary bail amount and jail duration during the pretrial stage on people who are arrested. In addition, it observes how racial disparities and class disparities are present throughout the system. The findings and data in this paper are a subset of a larger project, a paper with Dr. Stephanie Casey Pierce, that we will publish on the relationship between bail amount, jail duration, and risk of eviction.

Using criminal court records from Franklin County Ohio Municipal Court from 2015-2019, my research question is, what racial and class disparities exist in assigned bail amount and, consequently, time spent in jail pretrial? I use attorney type (public defender/court-appointed attorney or private attorney) as a proxy for class. In addition, I examine what policies and practices can best address these disparities, promote public safety, and reduce harm. Knowing that racial and class disparities permeate throughout the criminal legal system, I expect that those disparities will be present in this particular dataset as well. I hypothesize that Black arrested persons are more likely to receive a higher bail amount than white arrested persons for the same crime, and that arrested persons with a public defender/court-appointed attorney are less likely to be able to afford to pay their assigned bail amount and thus spend longer incarcerated than those with a private attorney.

After someone is arrested, they are scheduled for an arraignment hearing. An arraignment hearing is where the judge in court that day assigns that person a bail amount, which can be more or less punitive depending on the judge. That bail amount determines whether or not the person can pay and be released from jail, thus how long they spend in jail pretrial. We theorize higher bail amounts correlate with longer jail duration. Imagine two people with similar backgrounds and arrest histories who are arrested for the same crime. The first person is assigned to Judge A, who sets bail for the case at \$250. The second person is assigned to Judge B, who sets bail at \$500. It follows that the person with the lower bail amount would be able to post bail and return home to await the next hearing more easily than the person with the higher bail. It may take longer for the second person's family to come up with the funds necessary to post bail, meaning that the second person will remain incarcerated longer. Each additional day a person spends in jail increases their risk of wage and job loss (cite) and/or their ability to pay rent. Thus, even short jail incarcerations have collateral effects on a person's life, including increased risk of eviction.

Figure 1. Conceptual Model



As this study focuses on cases in Ohio, it is important to understand the state of the criminal legal system in Ohio at the time they were brought. According to the Ohio Criminal Sentencing Commission, the prison population in Ohio was the seventh fastest-growing in the United States between 2005 and 2015. Additionally, corrections expenditures in the state

increased by 400 percent between 1990 and 2010. Research from the Buckeye Institute in 2018 stated that the average jail bed cost in Ohio was almost \$65 per day, while it was \$5 per day for supervised release (Buckeye Institute, 2018b). The Department of Rehabilitation and Corrections oversaw 28 different institutions, had almost 50,000 people incarcerated, and had an annual budget of about \$1.86 billion as of March 2019. (Ohio Criminal Sentencing Commission, 2019).

The state experienced significant increases in drug overdose deaths, arrests for drug violations, and prison commitments for drug possession from 2011 to 2017. Over 5,500 people were sentenced to prison for low-level drug and property offenses in 2017. Many had needs that could have been treated in the community, but instead were incarcerated, costing the state approximately \$80 million. Over 6,300 prison commitments in the same year were tied to a violation of supervision, including technical violations, costing about \$130 million. The Ohio Criminal Sentencing Commission concluded that the state “needs a more effective and coordinated response” to help people experiencing addiction and mental health issues who cycle through the criminal legal and health care systems (Ohio Criminal Sentencing Commission, 2019).

In 2011, House Bill 86 was passed in order to address damage caused by tough-on-crime policies. The bill’s initiatives included the following: “Provide alternatives to incarceration for first time nonviolent, low-level offenders; increase the amount of credit prisoners can earn off their sentence for participating in educational and rehabilitative programs; correct the state's crack and powder cocaine sentencing disparity; and standardize the state's probation and parole systems” (ACLU of Ohio, 2011). About a year after implementing these reforms, Ohio saw a greater return on investments and experienced its lowest recidivism rate since they began

tracking it in 1991 (National Reentry Resource Center, 2012). Senate Bill 122 was passed in 2023, which focused on using risk assessment tools to determine bail (Buckeye Institute, 2023).

### **Literature Review**

There is an abundance of evidence of racial disparities in the criminal legal system from the long history of structural and ideological racism in the United States. Racial disparities exist as individuals racialized as Black are disproportionately subject to or negatively impacted by searches, arrests, charges, stops, pleas, sentencing, wrongful convictions, the school-to-prison pipeline, jury participation, pretrial detention, and the use of force by law enforcement (Kovera, 2019). According to a study of 100 million traffic stops by the Stanford Open Policing Project, Black drivers had a higher chance of being stopped in comparison to white drivers (Pierson et al., 2020). Race also impacts officers' arrest decisions, with Americans identifying as a racial minority found to be 30 percent more likely to be arrested than white Americans (Kochel, Wilson, & Mastrofski, 2011). People racialized as Black or Latine have higher chances of being detained, incarcerated, and receiving custodial over non-custodial plea offers compared to people racialized as white (Kutateladze et al., 2014). There is no shortage of evidence of racial disparities in all stages of the United States' criminal legal system.

In addition to these observed racial disparities, there is also a significant racial gap seen in bail amounts. The bail system in the U.S. requires individuals who have been arrested for a crime to either pay monetary bail to be released from pretrial detention, or if they are unable to pay, continue to be held in jail. Testing for racial bias in the context of bail is considered reliable due to the universal goal of bail to maintain public safety while diminishing jail time for "low risk" individuals rather than the more complex nature of trial sentencing. Bail hearings tend to be very rushed with little interaction between the judges, who are mostly untrained bail judges, and

the accused person, as well as little information on the accused person themselves (Arnold et al., 2018). Legal scholar Schnake explains that America is currently in a third generation of bail reform because the bail system, instead of its original intent to releaseailable individuals and embrace the idea of innocence until proven guilty, still allows judges to assign excessive bail amounts to detain individuals as long as they do not declare their intent to do this on purpose (Schnacke, 2018). The American criminal legal system has taken significant advantage of this loophole, and reform efforts against excessive bail have yet to succeed.

An increasingly popular method used in determining bail amount and pretrial detention is the use of risk assessment software. Risk assessments predict the likelihood of reoffense after release for arrested individuals and aid in a judge's decision for bail assignment based on factors including housing, employment, and financial status (Van Eijk, 2017). The Buckeye Institute found that Ohio would save over \$67 million annually if it "reforms its cash bail system and gives judges greater flexibility to use proven evidence-based, risk-assessment tools to assess the risk an individual poses to the community rather than relying on cash bail" (Buckeye Institute, 2018a). However, risk assessments actually maintain and even exacerbate existing inequalities that they attempt to address.

In risk predictions, Black individuals are significantly over-represented as higher-risk than white individuals, and one risk-prediction software called COMPAS was found to falsely identify arrested Black individuals as high-risk twice as much as arrested white individuals (Arnold et al., 2018; Gravett, 2021). Racial bias from judge rulings regarding bail has been observed across time and can be exacerbated by this use of risk assessment, but is also related to experience level. In a research study from 2018, bail judges racialized as Black and white both exhibited racial bias towards Black individuals, and when the accused persons were assigned to

inexperienced or part-time judges, marginally released white individuals were over three times more likely to be rearrested than Black individuals than in cases assigned to more experienced judges (Arnold et al., 2018).

Black individuals also experience racial disparities in regards to assigned bail amounts. In fact, Black individuals are almost four times more likely to be required to pay bail in general than white individuals and when they do are assigned amounts on average almost \$10,000 more than white individuals (Arnold et al., 2018). Black and Latine individuals are also denied bail at a much higher rate than white individuals. Black individuals were 44% more likely to be denied bail and Latine individuals were 64% more likely to be denied bail in comparison to white individuals with similar legal characteristics (Schlesinger, 2007). As a result, these inequities significantly disadvantage people of color during the pretrial stage of the criminal legal system.

Because Americans racialized as Black are also disproportionately of lower socioeconomic status than those racialized as white, a higher proportion of Black individuals are forced into pretrial detention as a consequence of the lower chance that they can pay for their bail in combination with these higher average bail assignments. People racialized as Black and Latine are less than half as likely to be able to pay their assigned bail compared to people racialized as white that are assigned the same bail amount and have similar legal characteristics (Schlesinger, 2007). The current per capita wealth ratio between white and Black Americans is 6:1, resulting from the legacy of slavery and discriminatory policies against individuals racialized as Black since that time, such as Jim Crow laws and redlining, that prevented them from accumulating wealth at the same level as individuals racialized as white (Derenoncourt et al., 2024). According to data from the Survey of Income and Program Participation, the median white household earned an annual \$50,400 in 2011, much more than the median annual for Black

and Latine households: \$32,028 and \$36,840, respectively. In the same study, the median white household had over 15 times more in wealth holdings than the median Black household in America, and over 13 times more than the median Latine household (Sullivan et al., 2015). Therefore, it is no surprise that arrested Black individuals who face bail charges are less likely to have the means to post bail than arrested white individuals.

The intersection between racial and socioeconomic disparities in the bail system is prevalent and extremely concerning since the majority of individuals faced with criminal charges are poor and already struggle with paying for other necessities, such as rent to keep their housing, without having to consider bail. According to researchers Rabuy and Kopf, an analysis of data from the Bureau of Justice Statistics indicates that people in jail had lower incomes than people in prison and made under half of the median annual income of non-incarcerated people in the U.S. in 2015—only a median of \$15,109 (2016). The commercial for-profit bail system in the United States puts poor people at an extreme disadvantage by requiring them to pay 10 percent of their posted bail amount, which is often unaffordable to the defendant (Menefee, 2018). In fact, individuals who identify as part of the poorer half of households, holding under 3 percent of the total household wealth in America, make up over 80 percent of people who cannot afford to pay bail (Kent & Lowell, 2024; Rabuy & Kopf, 2016).

Consequently, inability to pay for the required bail amount or denial of bail altogether means instead that the defendant has to spend a period of time in jail. While the amount of time varies depending on the case, jail duration can last for a couple of days or up to weeks and even months. In 2022, the average number of days that a person spent in jail was 32 days (Bureau of Justice Statistics, 2023a). Even if only for a few days, that time spent in jail is enough to disrupt other areas of an individual's life, especially if they rely heavily on every possible day of income.

Thus, jail duration leads to short-term loss of income and has the potential to have more lasting effects such as job loss altogether and housing insecurity (Comfort, 2016; Metraux et al., 2007). Even if a defendant is able to pay their bail, they are still losing a large sum of money that is now going to something other than their rent and other costly necessities. Paying the cost of bail or loss of income or job for people that struggle financially can then lead to missed or late rent payments, which are a precursor to eviction (Comfort, 2016; Dobbie et al., 2018; Pierce, 2020).

When an individual is placed in jail during pretrial detention, they risk losing their job and thus their source of income. Therefore, a domino effect occurs. The individual is sent to jail for a period of time and that time is made up of workable hours where they could be earning income for their next paycheck. When they are released from jail, they have lost what can be a significant amount of income for someone who struggles financially or lives paycheck to paycheck, as many individuals facing criminal charges do, or they may have even lost their job completely. There is an obvious stigma surrounding the idea of hiring people who have been convicted of crimes in the past. In fact, the average defendant placed in jail experiences a decrease in likelihood of employment 3-4 years after their bail hearing by about 25 percent compared to those that were released pretrial (Dobbie et al., 2018).

Being in jail can lead to disruptions such as job loss, lower income than usual, and forced absence from life altogether that make it more difficult to pay rent. A few weeks in jail is enough time to cause a missed rent payment that can lead to eviction, in addition to other lost resources such as loss of access to food stamps, SSI, and possessions (Comfort, 2016). In a qualitative study interviewing people in jail, over half reported that they would struggle with paying their bills after being held in jail. Over 60 percent of people in jail that were employed at the time of their arrest reported that being in jail would affect their employment (Weisheit & Klofas, 1989).

In fact, researchers Dobbie et al. find that the estimated total net benefit of pretrial release for a defendant can range from \$55,143-\$99,124 total for individuals and the community (Dobbie et al., 2018). Therefore, an individual recently released from jail is more vulnerable to losing their job or missing or making a late rent payment, having devastating effects on their life.

There are three different primary categories of policies and practices to address inequalities in the criminal legal system. First, there are reformist reforms. These reforms often maintain or even exacerbate existing inequalities under the intent to address them. This includes practices like the aforementioned risk assessments and GPS or electronic monitoring during pretrial release. Bail reform in one county led to increased rates of restrictive conditions of release, and Blackness was found to be one of the strongest predictors that someone would be assigned to GPS monitoring (Page & Scott-Hayward, 2022). California moved to end cash bail in 2018 and instead to rely on risk assessment tools, but the legislation was repealed by state voters in 2020 (Romo, 2018; Mitman, 2025). The Illinois Pretrial Fairness Act ended cash bail in Illinois and was the first state to do so. It requires pretrial release for most misdemeanors and non-violent felonies, working to shrink detention authority but still relies on conditions of release such as electronic monitoring (Center for Effective Public Policy, 2026).

Next, there are non-reformist reforms. These reforms operate within the carceral system, but work to challenge it. Examples include community bail funds, participatory defense, and community release with support, or centering needs. Community release with support centers needs, as opposed to risk like risk assessments, by providing supports such as court reminders and transportation and voluntary navigation to services like housing or substance-use recovery and rehabilitation programs. Programs like this include San Francisco's Pretrial Diversion Project and the Bail Project (The Bail Project, 2026; San Francisco Pretrial Diversion Project,

2026). Community bail funds “shift the meaning of bail-and ultimately, justice-back into the hands of the people most affected by the practice... [They] move us closer to a democratic ideal, helping us imagine a system of criminal adjudication that is truly responsive to local, popular demands for justice” (Siminson, 2017). Authors Moore et al. provide empirical evidence that supports participatory defense. They find that strengthening public defense, specifically through earlier appointment of counsel, reduced caseloads, and increased attorney-client engagement, leads to significantly improved pretrial outcomes and narrows racial disparities, including higher rates of release alongside reduced pretrial detention (Moore et al., 2015).

Finally, there is abolition. Abolition rejects the carceral system and embraces ideas of transformative and restorative justice. It centers community needs and healing through community investment, non-carceral conflict resolution structures, and survivor-centered alternative responses. Abolitionist perspectives require decriminalization, elimination of cash bail, elimination of routine pretrial detention, and eventually ending detention entirely. Transformative justice is a concept that works to invest in communities and healing rather than punishment. Plenty of empirical evidence supports transformative justice as a better and more cost-effective way to address and prevent harm. Increased primary school operating expenditures reduce adult crime by improving educational attainment, socio-emotional skills, and school attendance during critical periods. Investments in school quality can prevent future criminal behavior (Baron et al., 2022). Preventative programs for youth and families are more effective and economical than punitive measures. Early investment in mentorship, education, and family support leads to lasting reductions in crime (Reeder & Aylott, 2012).

Public safety is best achieved through investing in housing, jobs, mental health care, and community cohesion. Preventative policies that address unmet social needs are more effective

than reactive, punitive approaches (Center for Justice Innovation, 2025). A 12 year long Australian study found that investing in prevention programs including nurse-family partnerships, Positive Parenting Programming, tutoring by peers, and drug and alcohol reduction strategies generated a conservatively estimated net return of 191 million Australian dollars from an investment of 150 million. They found these programs as feasible and cost-effective in preventing intimate partner violence and reducing incarceration rates. The findings show that evidence-based prevention yields both social and economic benefits (Heerde et al., 2018).

Expanding access to mental health services through Medicaid significantly reduces crime and incarceration rates. Investing in treatment and care is more cost-effective than punitive responses (Jácome, 2021). Strengthening neighborhoods and supporting collective decision-making can reduce crime and promote long-term safety (Center for Justice Innovation, 2025) Community-based housing improvements reduce property crimes without causing displacement or gentrification. Stable, well-maintained neighborhoods promote safety and cohesion (Khalil & Sanfelice, 2025). Democratic participation is also an essential aspect of transformative justice and community cohesion. Mariame Kaba discusses that the U.S. is not a true democracy due to systemic barriers like the electoral college, voter suppression, and the prison-industrial complex, which limit genuine participation and freedom. She emphasizes that real democracy requires collective liberation: no one is free unless everyone is (Duda, 2017).

Support for Indigenous-designed safety and justice systems that address ongoing harms, including community-based responses, survivor-led processes, etc., is also essential to challenge settler-capitalist, punitive practices. The film *Hollow Water* challenges conventional criminal-legal justice practices through the use of healing circles and restorative justice practices over punitive measures. We see throughout the film the use of counselors and dialogue with

community members, people who caused harm, and people who were harmed in order to heal the harm that was done, while conventional criminal-legal justice practices focus on incarceration and punishment rather than healing (Lavallée, 2000). Healing is land-based in all of these approaches, as healing is intrinsically connected and anchored to the land.

In the book *Returning to the Teachings*, author Rupert Ross shares observations from visiting Police Committee circles in a Cree community in Canada. Similar to what is shown in *Hollow Water*, these circles unite community members, those who caused harm, those who were harmed, and actors in the criminal-legal system to sit in a circle to discuss the best way to address the harm and promote healing. In one case where substance use was related to the harm occurring, Ross writes, “It was their understanding, however, that the drinking was just a surface problem that could not be solved on its own. If the reasons for the drinking were not looked at and dealt with, it would continue—course or no course” (Ross, 1996). This acknowledges even with the solution of taking a course to target substance use, if the root problems causing the substance use were not addressed, full healing and prevention of future harm could not take place. This recognition works to address ongoing harms of generational trauma through Indigenous-designed justice models that restore a focus on healing rather than settler-designed punishment.

## **Methodology**

### *Sample Construction*

The primary data for this project come from several administrative sources. We connect data from the Franklin County Municipal Court (FCMC) on criminal cases filed between 2015 and 2019 to data from the Jail Management System. My final sample size is 71,101 cases with arrests from Franklin County Criminal Court and Jail records from 2015-2019.

*FCCM Criminal Records*

Our sample is drawn from the universe of criminal cases filed in FCCM between 2015 and 2019. We obtained these records by scraping complete case records, which include information on the defendant, arrest, attorneys, hearings, criminal charges, judges, and bail amounts. We used the scraping tool Octoparse to scrape these records as well as records from 2010-2014. We use those records to establish a count of the number of criminal court cases each defendant in our main dataset had in the five years prior to their current case. Before narrowing our sample, our main dataset contained 88,285 unique cases where the accused person was arrested and incarcerated at the time of their arraignment hearing during which bail was assigned. After dropping cases without jail, bond, or judge information, cases that were out of state, cases with an address of a jail listed, cases that were being held for a foreign jurisdiction, cases arraigned by a judge that took fewer than 100 cases in our dataset, cases not arraigned within 14 days of arrest, and cases with the top 1% of bond amounts, we were left with 71,101 total cases.

*Identification Strategy*

We take advantage of the fact that the judges who preside over arraignment, which is the initial hearing in a criminal case, randomly rotate such that there is a different judge presiding over arraignments every day. In a typical case, a person who gets arrested will be arraigned the next business day. Because the assignment of judges to arraignment court is random, defendants cannot easily change their assigned judge. The random assignment of judges to arraignment court introduces a source of random variation. Judges enjoy significant discretion in the courtroom, including their ability to determine the appropriate bail amount to set for a case. This discretion allows for variation among judges with respect to the amount and type of bail set for

each case. Following the method outlined in Green and Winik (2010), we implement an instrumental variable model to determine whether assignment to more punitive judges affects subsequent risk of eviction.

### *Data Analysis*

I used the statistical analysis tool Stata to gather descriptive statistics on both misdemeanor and felony cases in my data. I also used Stata to run the regression models I examine in my findings. Stata was used to clean the entire dataset and finalize my sample as well. For people who had multiple charges in their case, an average bail amount per charge was calculated by averaging the bail amounts across charges, an average offense level was calculated by averaging the offense level of all of the charges. Cases with a bond type of no bond were not included in the average bail amount analyses.

### **Findings**

About 30 percent of my sample cases consisted of people charged with a felony offense, and about 70 percent consisted of people charged with a misdemeanor offense. Those two offense levels have been separated during the analysis to compare all lower-level offenses and all higher-level offenses separately. As previously mentioned, I use attorney type (public defender/court-appointed attorney or private attorney) as a proxy for class. Any discrepancies in the number of cases in each section of the summary table and the total sample of cases indicate that some cases did not contain information for that particular variable.

People racialized as Black were disproportionately represented compared to their population size in the misdemeanor cases and even more disproportionately represented in the felony cases, while people racialized as white were underrepresented at both case levels. Only about 3 percent of my sample consisted of other groups, including people racialized as Latine or

identified as Indigenous. Because this sample is so small and because other groups are often incorrectly classified in data like this, we cannot make strong conclusions about these groups and hence focus on disparities between people racialized as Black or white. However, literature and research about other marginalized groups of people and their experiences with the criminal legal system are equally as important.

Those with a public defender had an average bail amount about \$250 higher in the misdemeanor cases and about \$800 higher in the felony cases compared to those with a private attorney. Black people had an average bail amount about \$1,000 higher than white people in the misdemeanor cases and about \$12,000 higher in the felony cases. Those with a public defender spent about 15 days more in jail pretrial in misdemeanor cases and about 22 days more in felony cases than those with a private attorney. Black people spent about 4 days longer in jail pretrial in misdemeanor cases and about 11 days longer in felony cases.

People with a private attorney were most likely to receive recognizance bonds, with almost 10 percent more people with a recognizance bond type in the misdemeanor data and almost 5 percent more in the felony data compared to those with a public defender or court-appointed attorney. Recognizance bonds do not require the person charged to pay any bail amount to be released; the person is released on their own recognizance or signature, signing that they will appear in court and pay if they do not appear. Those with a public defender were also more likely to be denied bond in both datasets. White people were slightly more likely to receive recognizance bonds than Black people, and white people were actually slightly more likely to be denied bond than Black people in both types of cases.

Figure 2. Summary Table for Offense Levels

<i>Charges</i>	<b>Freq.</b>		<b>Percent</b>	
	Misd.		Felony	
Charge	48,713	68.52	22,384	31.48
PD/Appointed	39,787	75.95	12,596	24.05
Private	5,004	85.26	865	14.74
White	24,924	71.54	9,913	28.46
Women	8,684	77.68	2,495	22.32
Men	16,231	68.64	7,416	31.36
Black	21,900	65.17	11,706	34.83
Women	4,522	75.51	1,467	24.49
Men	17,369	62.93	10,233	37.07

Figure 3. Summary Table for Misdemeanors and Felonies, Separated

<i>Demographics</i>	<b>N</b>		<b>%</b>	
	Misd.		Felony	
White	24,924	51.48	9,913	44.49
Black	21,900	45.24	11,706	52.54
Other	1,589	3.28	663	2.98
Women	13,484	27.76	4,033	18.03
Men	35,091	72.24	18,334	81.97
PD/Appointed	39,787	88.83	12,596	93.57
Private	5,004	11.17	865	6.43
White, PD/Appointed	20,273	88.49	5,533	93.26
White, Private	2,664	11.61	400	6.74

Black, PD/Appointed	18,195	90.35		6,665	94.09
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Black, Private	1,944	9.65		419	5.91
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<i>Bond Type</i>	Misd.			Felony		
White						
Recognizance	6,444	25.85		1,414	14.26	
No Bond	1,091	4.38		838	8.45	
Traditional Bond	17,389	69.77		7661	85.29	
Black						
Recognizance	5,241	23.93		1,366	11.67	
No Bond	784	3.58		595	5.08	
Traditional Bond	15,875	69.09		9,745	83.25	
PD/Appointed						
Recognizance	9,957	25.03		1,395	11.07	
No Bond	1,688	4.24		838	6.65	
Traditional Bond	28,142	70.73		10,363	82.28	
Private						
Recognizance	1,681	33.59		132	15.26	
No Bond	138	2.76		33	3.82	
Traditional Bond	3,323	80.83		700	80.92	
	<b>Mean</b>	<b>Std. dev.</b>	<b>Freq.</b>	<b>Mean</b>	<b>Std. dev.</b>	<b>Freq.</b>

<i>Average Bail Amt. \$</i>	Misd.			Felony		
White						
Women	2960.46	10489.77	24,924	25753.69	51826.64	9,083
Men	1964.12	6981.28	8,295	15494.61	37910.36	2,372
PD/Appointed	3491.65	11914.20	15,566	29382.52	55481.32	6,709
Private	2967.931	9771.77	19,328	24968.57	50700.17	5,067
Black	3265.622	15043.26	2,609	23206.42	49027.66	382
Black						
Women	3965.89	11646.17	21,900	37744.34	64915.65	11,117
Men	2112.01	6747.04	4,377	24851.33	51056.93	1,406
PD/Appointed	4448.30	12568.12	16,776	39620.55	66494.96	9,705
Private	4042.776	11776.51	17,571	36408.82	64288.02	6,337

Private	4202.101	12263.91	1,884	41260.58	68141.39	407
PD/Appointed	3730.04	13950.10	4,879	32461.98	59506.25	833
Private	3476.25	10892.55	38,170	31689.01	59357.13	11,773

<i>Days Incarcerated</i>	Misd.			Felony		
White	23.64	50.00	24,924	44.30	88.00	9,913
Women	19.07	36.32	8,684	25.89	56.81	2,495
Men	26.09	55.82	16,231	50.49	95.46	7,416
PD/Appointed	26.50	52.66	20,273	47.34	88.45	5,533
Private	8.80	30.09	2,664	26.48	79.99	400
Black	27.77	62.08	21,900	55.25	123.40	11,706
Women	15.00	39.41	4,522	30.99	84.59	1,467
Men	31.10	66.34	17,369	58.72	127.65	10,233
PD/Appointed	30.01	62.90	18,195	58.29	129.44	6,665
Private	19.05	69.43	1,944	38.20	97.43	419
PD/Appointed	27.88	57.37	39,787	53.61	113.86	12,596
Private	12.76	49.88	5,004	31.52	88.78	865

Figure 4. Race and Charges Compared to 2020 Census County Population Percentages

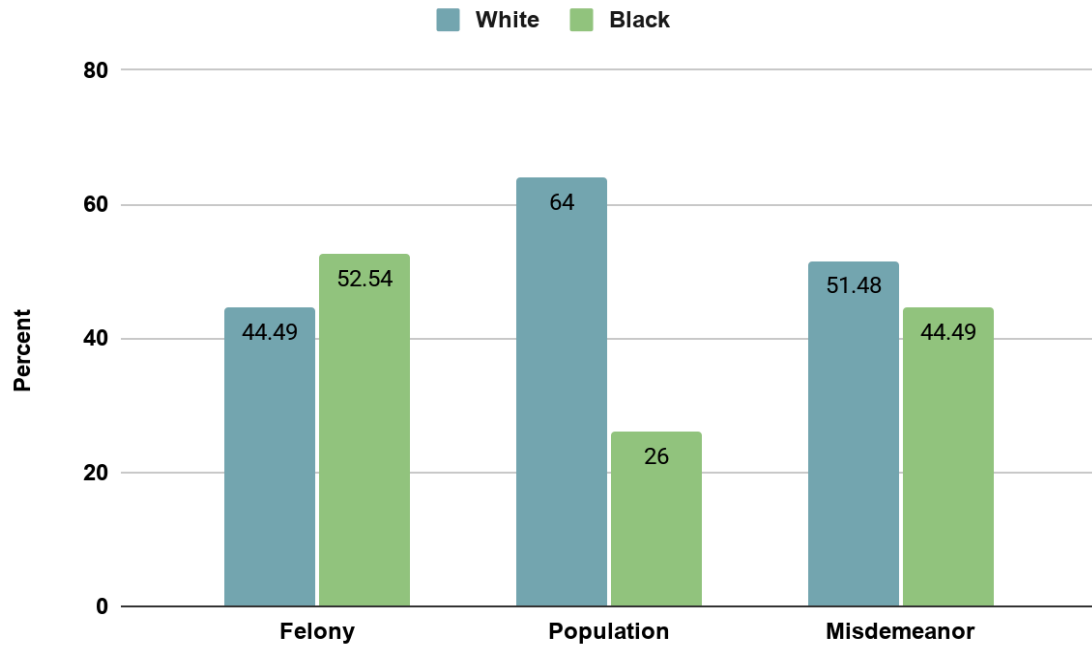


Figure 5. Race, Charge, and Average Bail Amount

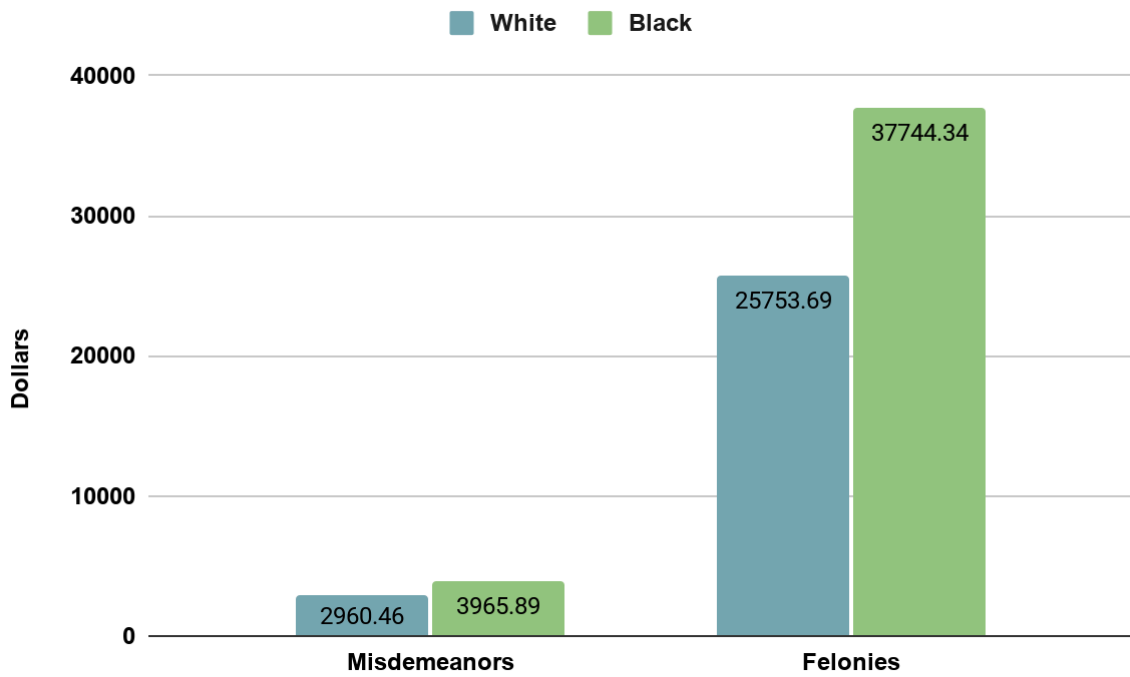


Figure 6. Race, Charge, and Average Jail Duration

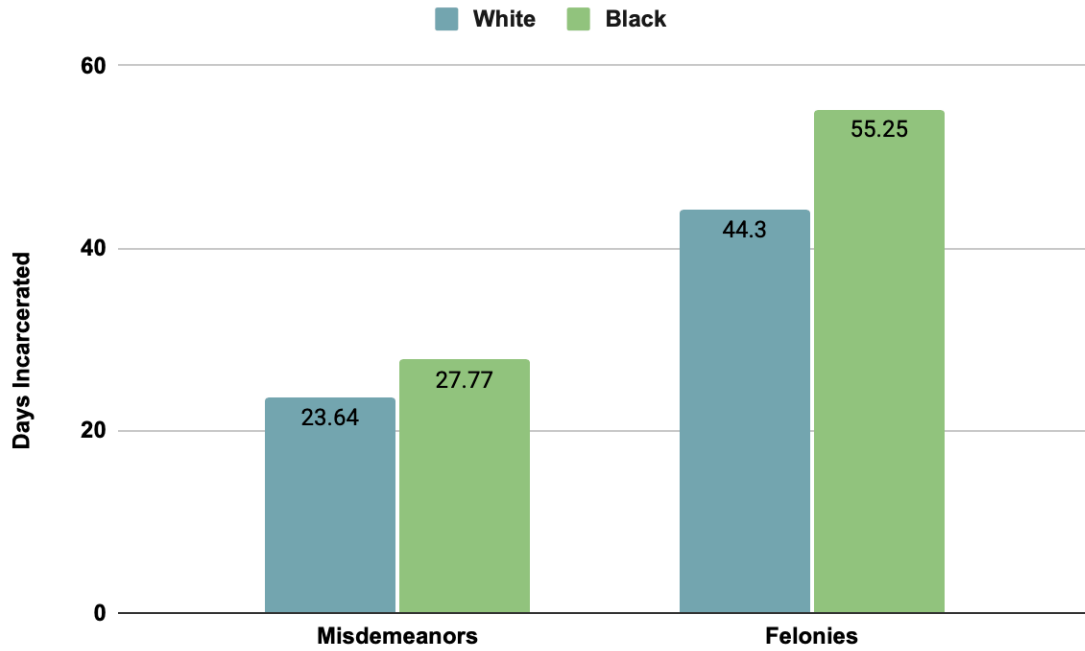
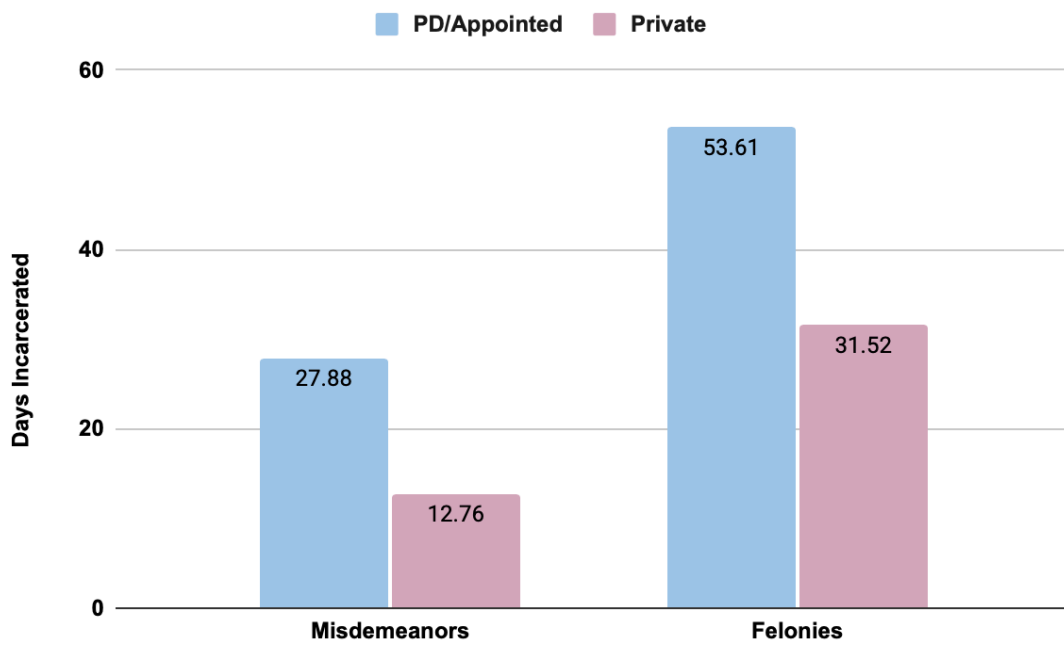


Figure 7. Attorney Type, Charge, and Average Jail Duration



For misdemeanors, the median days incarcerated for those racialized as white was 7 and for those racialized as Black was 4. The median average bail amount per charge for those racialized as white and Black was \$554. The median days incarcerated for those with a public defender or court-appointed attorney was 8 and for those with a private attorney was 1. The median average bail amount per charge for those with a public defender or court-appointed attorney was \$554 and for those with a private attorney was \$510.80

For felonies, the median days incarcerated for those racialized as white was 10 and for those racialized as Black was 9. The median average bail amount per charge for those racialized as white was \$5,085 and for those racialized as Black was \$10,085. The median days incarcerated for those with a public defender or court-appointed attorney was 10 and for those with a private attorney was 2. The median average bail amount per charge for those with a public defender or court-appointed attorney was \$10,042.50 and for those with a private attorney was \$8,361.67.

For my linear regressions, I used an OLS model that controls for race and gender, offense level, age, prior arrests, year, judge, attorney type, and bond type to estimate the association between race, class, and jail duration/bail. All of the following findings were highly statistically significant. In Model 1 for misdemeanors, where the outcome variable was bail amount, Black men were assigned bail amounts \$930 higher than white men, with all controls being equal. Black women were assigned bail amounts about \$370 higher than white women with all controls being equal, but significantly less amounts than white and Black men. This finding was statistically significant and not highly statistically significant. The disparities in bail amount based on attorney type were not statistically significant in this model. In Model 2 for misdemeanors, where the outcome variable was jail duration, Black men spent a little over 3

days longer in jail pretrial than white men, with all controls being equal. Black women spent about 2 days less in jail pretrial than white women, with all controls being equal. This finding was statistically significant and not highly statistically significant. People with a public defender spent almost 11 days longer in jail pretrial than people who had a private attorney, with all controls being equal.

All of the following findings were also highly statistically significant. In Model 1 for felonies, where the outcome variable was bail amount, Black men were assigned bail amounts about \$820 higher than white men, with all controls being equal. People with a public defender were assigned bail amounts about \$7,160 higher than those with a private attorney, with all controls being equal. In Model 2 for felonies, where the outcome variable was jail duration, Black men spent about the same amount of time in jail pretrial as white men, with all controls being equal. People with a public defender spent about 26 days longer in jail pretrial than those with a private attorney, with all controls being equal.

*Regression Models*

$$\gamma = \beta_0 + \beta_1 Race_1 + \beta_2 Gender_2 + \beta_3 Judge + \beta_4 Attorney Type + \beta_5 Offense Level + \beta_6 Year + \beta_7 Prior Arrests + \beta_8 Age + \beta_9 Bond Type + \epsilon$$

Where  $\gamma$  is the outcome variable, which is Bail Amount in Model 1 and Jail Duration in Model 2.

	Model 1a Bail Amount, Misd.	Model 2a Jail Duration, Misd.	Model 1b Bail Amount, Felony	Model 2b Jail Duration, Felony
Judge				
1	-463.7857* (254.0043)	-5.328765** (2.180547)	3318.241 (2850.792)	-.1895271 (5.1478)
2	-1206.444*** (452.1361)	-5.551905 (7.038339)	-7296.76 (9563.483)	14.22535 (18.29893)

3	1042.449*** (201.8422)	-3.486289* (1.830857)	5984.895* (3104.063)	2.921936 (5.492166)
4	-29.38182 (453.5178)	1.597236 (7.506058)	-6170.64 (4033.901)	19.22069** (8.965292)
5	-1079.89*** (126.289)	-6.627657*** (1.633031)	-14433.29*** (2412.901)	1.739111 (5.113477)
6	1335.147** (628.305)	-5.307645 (3.695909)	14886.2*** (5728.586)	1.105423 (11.21084)
7	2225.12*** (241.8839)	-4.404658*** (1.504564)	3413.073 (2973.924)	3.186187 (5.178116)
8	-161.2106 (206.598)	-6.910878*** (1.56331)	1791.957 (2943.909)	-7.718529 (6.068845)
9	3514.337* (1801.777)	-4.221442 (5.074253)	27758.64*** (7789.637)	6.447611 (10.34484)
10	808.4575* (490.3603)	-8.958106*** (2.513565)	18936.41*** (4686.788)	3.83761 (7.994437)
11	2339.211*** (323.2015)	-5.548813*** (1.721612)	24566.96*** (3102.811)	8.094182 (5.607052)
12	1772.822*** (238.2535)	-2.946508* (1.589913)	13692.46*** (2781.195)	4.171654 (4.726183)
13	-961.603*** (123.4185)	-6.394664*** (1.644804)	-10070.11*** (2545.094)	.371962 (4.847849)
14	430.0055 (277.6274)	-1.519847 (2.12484)	-1486.648 (2974.537)	2.572569 (6.752354)
15	1408.654*** (211.1963)	-3.035816* (1.651547)	-1889.134 (2414.449)	8.976093* (5.349794)
16	4790.786*** (373.4675)	-7.556218*** (1.789824)	13506.03*** (3374.699)	2.273626 (6.506676)
17	-474.5282** (200.4608)	-5.384192** (2.479338)	512.4202 (2871.611)	2.30143 (7.08766)

18	-1165.306**	-4.688407	-9489.928***	-1.547681
	(586.9062)	(3.350768)	(3494.979)	(7.818708)
19	654.7973***	-3.094062	7373.595***	7.064436
	(193.3439)	(2.212334)	(2799.939)	(5.837635)
20	1358.397***	-6.160609***	13867.43***	6.20142
	(298.5806)	(1.634632)	(2954.837)	(5.380431)
21	4561.981***	-7.654642***	27602.76***	-.1826609
	(955.7189)	(2.278838)	(5630.794)	(6.842774)
22	-422.1105	-8.235387***	-798.1977	13.72865
	(314.379)	(2.706938)	(6964.513)	(11.06092)
Race#Gender				
White Men	1342.799***	7.151884***	9030.366***	18.35748***
	(144.3545)	(.9666225)	(1118.223)	(2.173882)
Black Women	369.4147**	-2.176826**	1666.584	.4359662
	(173.1185)	(1.085085)	(1666.608)	(3.318841)
Black Men	2272.709***	10.50805***	9850.476***	17.71649***
	(147.0674)	(.9746905)	(1102.236)	(2.221732)
Attorney Type				
PD or Appointed	-311.1064	10.92554***	7159.176***	26.05216***
	(210.967)	(1.201656)	(1927.623)	(3.269867)
Year				
2016	437.5176**	.2840927	-1037.207	.73572
	(184.5388)	(1.085724)	(1691.13)	(2.949291)
2017	184.1751	-2.231439**	-4895.616***	-17.92497***
	(194.8574)	(1.079504)	(1617.673)	(2.706377)
2018	509.989***	.6714204	-3490.118**	8.058725**
	(188.4583)	(1.159093)	(1684.718)	(3.760855)
2019	544.2247**	2.531515*	-4465.838***	8.95298**
	(221.8306)	(1.348059)	(1677.44)	(3.663771)

Bond Type	715.302*** (15.27815)	.8649952*** (.1434152)	375.1303*** (81.25986)	2.088299*** (.2796216)
Prior Arrests	-.1200511 (5.382339)	-.0001239 (.0001075)	.2727129** (.1216376)	.0004907* (.0002547)
Offense Level	1167.716*** (34.71712)	4.220506*** (.2795843)	23278.38*** (497.2299)	23.43752*** (1.005223)
Age	.0680358*** (.0162947)	3.863406*** (.1142478)	1303.652*** (162.4201)	5.054709*** (.4342438)
Constant	-8573.869*** (409.7376)	-27.81749*** (2.399752)	-169026.8*** (5098.967)	-209.4371*** (10.38166)
R-squared	0.0623	0.0812	0.3193	0.1256

Model 1a, Misdemeanor: Observations = 42,710, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Model 2a, Misdemeanor: Observations = 44,440

Model 1b, Felony: Observations = 12,504

Model 2b, Felony: Observations = 13,350

## Discussion

My findings follow that people who are less likely to be able to pay bail due to wealth inequality spend the longest times in pretrial detention. Bail is a mechanism that runs on capitalism and puts lower income people at an extreme disadvantage, as does the entire criminal legal system. The average bail amounts calculated were higher for Black people, poor people, and so were the average days incarcerated pretrial. As these groups of people are also the least likely to be able to pay bail as proven in previously mentioned research studies, it is clear that the system of cash bail operates as racialized and classed social control and works to maintain racial and class hierarchies.

Men, people racialized as Black, and poor people were all disproportionately represented in both the misdemeanor and felony cases in my sample. People racialized as Black made up approximately 26 percent of the population in Franklin County, Ohio according to the 2020

Census. However, they made up approximately 45 percent of people in the misdemeanor cases and 53 percent of people in the felony cases. People racialized as white made up approximately 64 percent of the population in Franklin County, Ohio according to the 2020 Census but made up approximately 51 percent of people in the misdemeanor cases and 45 percent of people in the felony cases. Not only were people racialized as Black disproportionately represented overall, but they were significantly more disproportionately represented in the felony cases while people racialized as white were even more underrepresented in the felony cases (U.S. Census Bureau, 2020).

My regression model showed significant disparities by race and class even when cases had all of the same legal characteristics. This means that when someone had the same judge, was charged with the same level of offense, was the same age, had the same number of prior arrests, had the same attorney type, was of the same race and gender, was assigned the same type of bond, and was charged during the same year, Black men were assigned higher bail amounts in both the misdemeanor and felony cases. They also spent longer times in jail in the misdemeanor cases. People with a public defender spent longer in jail in both types of cases and were assigned higher bail amounts in the felony cases.

In the misdemeanor cases, Black men were assigned bail amounts \$930 higher than white men, and in the felony cases they were assigned bail amounts \$820 higher than white men. In the felony cases, people with a public defender were assigned bail amounts about \$7,160 higher than those with a private attorney. In the misdemeanor cases, Black men spent a little over 3 days longer in jail pretrial than white men, and in the felony cases, they spent about the same amount of time in jail pretrial. In the misdemeanor cases, people with a public defender spent almost 11

days longer in jail pretrial than people who had a private attorney, and spent about 26 days longer in jail pretrial in the felony cases.

The racial and class disparities evident in my analysis reflect and confirm the disparities that we already know to exist in the criminal legal system at the bail and pretrial detention levels. The group with the most punitive pretrial detention outcomes on average were poor and Black. The group with the most punitive average bail amount were Black with a private attorney. People racialized as Black received higher average bail assignments than people racialized as white with both private attorneys and public defenders, highlighting that the disparities stray from just class as poor white folks had a lower average bond than Black folks that could afford private defense. In the felony cases, this principle held true for jail duration as well.

It is a well-known fact that Black men experience the worst outcomes in interactions with the criminal legal system. This study reinforces that fact as well. As we know that youth experiences and trauma are inextricably linked to crime in adulthood, it is important that as many children have their parents present in their lives as possible. With so many Black fathers incarcerated, this leaves many Black children without present father figures and often creates many single parents. Releasing people with community support is beneficial to families, friends, and loved ones as much as it is to those that directly interacted with the system.

The collateral effects that come with even short periods of time in jail pretrial means that people racialized as Black and poorer people are not only disadvantaged when they enter the system, but are even more disadvantaged when they either exit or stay in it. These findings reflect the need for change in the capitalist ways the system operates and for resources that help folks with lower incomes who are impacted by the criminal legal system. The numbers of misdemeanor cases are alarming considering how much incarceration of those cases costs the

state and taxpayers. More cost-effective and successful alternatives to punishment can diminish the number of cases and save exorbitant amounts of money.

Some of the most frequent charges in the misdemeanor data were drug-related, possession, for example. Other frequent charges were theft, domestic violence, assault, and violations of protection orders. Considering these facts, it is of the utmost importance to provide those with drug-related charges with drug and substance use treatment or rehabilitation services. It is important to address the needs of people accused of theft, as crime is an expression of unmet need. Instead of punishing, we should be asking questions about why someone felt the need to steal in the first place. It is important to provide survivors of intimate partner violence and assault with the resources they need to feel safe and heal. This also means providing those that committed intimate partner violence and assault with resources that encourage accountability and help them to never commit it again.

Because of the collateral effects of even a day or a few days spent in jail, the length of pretrial jail stays in misdemeanor cases shows the need for decriminalization of lower level offenses and pretrial release. This allows people to have access to community resources and be in the community rather than locked up for non-serious crimes. People accused of felonies would also receive better outcomes by receiving help in the community and taking accountability outside of the walls of incarceration. Seeing as people racialized as Black were disproportionately charged with felonies compared to those racialized as white, we also see the system operating unfairly at the level of charge assignment by prosecutors. Prosecutorial discretion is thus another mechanism that maintains and worsens racial inequalities especially. My analyses show that it is necessary to address these racial disparities as well as the class disparities that exist throughout the data.

## Conclusion

Because punishment does not address the root cause of crime, we must work towards an abolitionist system that promotes healing and the reduction of harm through nonpunitive measures and community investment. Recognizing that that system will not exist anytime soon, to address disparities, courts should adopt presumption of release practices for misdemeanor cases, without requiring bond or other conditions. Racial and class disparities are apparent at all levels of the criminal legal system, and this study analyzes just one subset of these injustices. Steps like presumption of release for misdemeanor cases can address some of the racial and class disparities that occur at the bail assignment and pretrial detention level. In addition, the ACLU of Ohio found that by instituting “presumption of release” practices, making freedom the default instead of pretrial detention, would save Ohio \$199 to \$264 million annually (ACLU of Ohio, 2020).

In order to actually operate under the presumption of innocence that our criminal legal system promises, we must operate on presumption of release logics. The first step to this is allowing people accused of a misdemeanor crime to be free without having to pay bail. If conditions are absolutely necessary for public safety, the state should have the burden to prove those conditions are needed, and should fund any conditions that require payment (such as GPS monitoring) instead of forcing the accused to pay. At the level of bail assignment and pretrial detention, adopting presumption of release practices can mitigate some of these disparities by operating in a way that prioritizes the release of all accused persons equally.

Addressing disparities that occur before and after this stage such as arrests, traffic stops, charges, and more is necessary and will require dismantling our current system. Public safety is best achieved through investing in housing, jobs, mental health care, education, and community

cohesion. Preventative policies that address unmet social needs are more effective than reactive, punitive approaches (Center for Justice Innovation, 2025). However, taking steps like ending cash bail and reducing pretrial detention to only the rarest of circumstances gets us moving in the right direction.

Locking people up *does not* address the root causes of crime and therefore does not promote healing and the reduction of harm. Abolition is the only way to truly achieve a system that prioritizes safety, justice, and healing. Adopting transformative justice practices is a more cost-effective way to reduce harm and crime rather than punitive policies. There is plenty of concern, which I understand, for public safety under abolition and transformative justice. There are many questions about how people can be in the community and not incarcerated with cases such as intimate partner violence or murder.

To those questions, I offer some reflections. It is important to remember that most people do not, *and should not*, stay incarcerated forever. Most people will reenter their communities. Incarceration does not do the work to heal the person who has been harmed, and it certainly does not do the work to heal the person who has caused harm. In other words, incarceration does not repair *any* damage. Rather, it attempts to prevent future damage by making it impossible for healing to occur. I believe many people misunderstand what transformative justice and abolition truly mean. Transformative justice and abolition do not remove all law and order from the world. They do not create a system where those who have caused harm have the ability to cause more harm as they choose. They do not threaten the safety of those who have been harmed or of the general public. They are *alternatives* to the carceral state. *Alternatives* to our system of police, courts, jails, and prisons.

Transformative justice systems adopt community-based justice practices that better foster accountability and healing. These are practices that work to address the root cause of the harm that was done, involving behavioral health specialists, community members, social workers, etc. to provide people with the resources and conversations they need in order to take accountability and heal themselves. Patty Krawec explains this well through an example of a young boy who vandalized a store. “Because his action in one place and time does not define him forever, he can admit his wrongdoing and do the work that he needs to do in order to ensure that he does not harm his community this way again” (Krawec, 2022). Once both parties have taken strides in their healing, restorative justice practices are used to foster conversations and further healing between the person who caused harm and the person who was harmed. “It is important for the victim to do the work as well; ‘hurt people hurt people,’ as the saying goes” (Krawec, 2022).

The Anishinaabe peoples see and name the world using the principle that when we look at things, what we observe are not their inherent qualities. In other words, “...we are humans being... In Anishinaabe, my shirt is not blue; it is being blue” (Krawec, 2022). People who have committed crimes are not criminals. The crime they committed is something they did, not who they are, and it does not define them as humans being. This recognition has been lost. Our criminal “justice” system is not just, it is a punishment system that only sees people as “criminals.” It is centered on capitalism and racialized social control. If we are to truly promote justice, we must adopt practices that foster healing and the prevention of harm instead of practices that sweep them aside.

I realize that many people reject this way of thinking as impossible, believing that people will refuse to engage in these practices or that they will not work. It is difficult to fully imagine a world without prisons in a world where they are so heavily relied on. To achieve that world

requires openness, empathy, and perseverance. Most of all, it requires the recognition that people are complex. No one is all good or all bad, and *everyone* has a story. As author Danielle Sered has stated, “No one enters violence for the first time by committing it” (Sered, 2019).

Transformative justice practices *can and do* work, but they require change in our ways of thinking about the world, about ourselves, and about others. In the words of Anishinaabe writer and speaker Patty Krawec, “There is always possibility for change; in fact, this capacity for change is integral to who we are. Humans being” (Krawec, 2022).

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