

JUSTICE THROUGH BAIL REFORM

Small Group Study

THE PROBLEM WITH BAIL

Kentuckians waiting to go to trial - **presumed innocent by law** - shouldn't have to wait in jail because of the color of their skin, where they live in the state, or if they can afford bail.

But these things do shape who is held pretrial. Kentucky has a disparate justice system that incarcerates far too many people for unjust reasons. Research shows individuals who remain incarcerated pretrial are more likely to plead guilty (even when innocent) and to be found guilty if their case goes to trial. They lose income, employment and are separated from their families.

WHY CHANGE IS NEEDED NOW

COVID-19 created substantial health risks for people who are incarcerated and must live in compact quarters with little access to PPE like masks or in some cases even basic hygiene. Thankfully, Kentucky's Supreme Court took action early in the pandemic to direct the release of many people who were already being held while they were awaiting trial and to prevent new people from being held pretrial by limiting the types of situations subject to cash bail.

Months later, the data show that these important measures to reduce incarceration did not lead to mass re-arrest. This natural experiment provides data that reinforces what communities already know: Many Kentuckians being held pretrial pose little risk and should be released while awaiting trial.

It is time for Kentucky's General Assembly to act and create a more just system for us all.

SYSTEMIC RACISM AND BAIL

Bail decisions reflect systemic racism.

Example: Studies show that Black defendants are often treated more harshly in bail decisions.

Fact

People with assets who can afford cash bail are far less likely to be incarcerated pretrial





OPENING PRAYER

Matthew 13:14-16 (NRSV)

14 With them indeed is fulfilled the prophecy of Isaiah that says: 'You will indeed listen, but never understand, and you will indeed look, but never perceive.

15 For this people's heart has grown dull, and their ears are hard of hearing, and they have shut their eyes; so that they might not look with their eyes, and listen with their ears, and understand with their heart and turn—and I would heal them.'

16 But blessed are your eyes, for they see, and your ears, for they hear.

JUSTICE THROUGH BAIL REFORM BIBLE STUDY

For those of you participating in the *Justice Through Bail Reform* program, we are asking you to come with an open heart and mind so that your eyes and ears might be opened to the experiences of people who are stuck in our jails simply because they cannot afford bail.

We want you to see with your eyes, hear with your ears, and feel with your heart how this affects the individual, the family, the community, and Kentucky as a whole.

"Bail is really just an impact of poverty because if you have the cash you pay the bail. If you have no cash, you stay in jail. And that just is not a fair and equitable system," Steve Durham, Louisville Metro Corrections Assistant Director said.

As of Jan. 30, 2020, a third of the jail population in Kentucky was pretrial. This percentage is higher in some counties, while lower in others.

The purpose of bail reform is to reduce the number of people jailed while awaiting trial simply because they can not afford to pay bail.



Picture the local jail - who do you see? What comes to mind as you visualize the scene?

When you hear the word 'bail,' what comes to mind?

JOHN 11:35 JESUS WEPT

This verse comes in the midst of great sorrow due to the loss of Lazarus, the brother of Martha and Mary and a dear friend.

Jesus wept because He was human and was stricken by the grief of the family who lost their brother through no fault of their own, even though Jesus knew that He was going to bring Lazarus back to this family and restore their happiness.

When an individual is detained because they cannot afford to pay their bail, it is as if they died. There is a hole in the family unit, the local church, and the community. They can no longer work their job. They can no longer secure housing for their loved ones. They can no longer take part in their function as a member of society.

What would happen to YOUR family/career/church/community if you “DIED” or were incapacitated for a long period of time?

FACT: People incarcerated pretrial are more likely to be found guilty and to receive harsher sentences.

FACT: Defendants are also more likely to plead guilty (even when they are innocent) hoping their plea will move quickly to return them to their families.

FACT: Being incarcerated for just two or three days has negative impacts, but it can take months for a case to work its way through the system – time during which one cannot earn income, keep a job or help out at home.

FACT: Even those found not guilty may lose months behind bars, leading to loss of job and/or their home.

How does this make you feel?
Does it make you want to weep?

ACTION STEP

Do some research on your county.

How many people are incarcerated pretrial in Kentucky?

[Click here for more information.](#)



PSALM 69:33

THE LORD HEARS THE NEEDY AND DOES NOT DESPISE HIS CAPTIVE PEOPLE.

There is HOPE! It does not have to BE THIS WAY! In fact, according to this scripture, it is God's Will that there be justice for those in need and in prison.

FACT: How long you stay imprisoned pre-trial in Kentucky is almost completely dependent on which county you are in when arrested. [Dr. Ashley Spalding's report Disparate Justice](#) details exactly what these practices look like across our state.

Please end your time together in prayer.

NON-FINANCIAL PRETRIAL RELEASE OPTIONS

Judges have options other than cash bail when deciding what to do with someone before their trial. They can:

- Release on Recognizance (ROR or OR) — requires only the signature of the defendant and a promise to appear in court as scheduled and to abide by any conditions that may be imposed by the Court.
- Unsecured Release — requires that the defendant sign, promise to appear and abide by any conditions imposed by the Court. There is an uncollected money amount attached to this type of release and a defendant's failure to appear in court, or a defendant's failure to abide by conditions imposed, could lead to a forfeiture that the defendant would be required to pay.
- Third-Party Surety Release — requires a third party to sign with the defendant. The party signing will usually be required to own property but a lien will not necessarily be placed upon the property. These types of bail releases are subject to approval on a local basis. If the defendant does not show up for court appearances or does not abide by conditions that may be imposed by the Court, the third-party surety may be subject to forfeiture by the Court. The amount of the forfeiture would be the amount set as bail.

ACTION

Get to know more about your county's incarcerated people.

Does your county have a support group for families of incarcerated persons?

If so, ask how you can best support them.

Learn more about the people who are in jail and their families. DISCUSS SOLUTIONS that are being proposed by the Bail Reform movement.

Suggested groups: [Kentucky Reentry website](#) had information about different support groups and resources.

[Prison Fellowship](#) is a great place for information as well as several volunteer opportunities.

[Kairos Prison Ministry](#) is doing great work as well.