

Money Bond Process Experiences and Perceptions

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September 9, 2016

Abstract

Purpose: The purpose of this study was to better understand the experiences and perceptions of incarcerated and released pretrial defendants on the bail process, and in particular on the use of money for release. Potential collateral consequences and concepts of procedural justice were also explored.

Method: Self-report data were collected through brief surveys conducted by pretrial defendants with the option of posting a money bond in four jail facilities (220 individuals), and pretrial released defendants in four pretrial supervision agencies (146 individuals) across three states (366 total). Surveys were customized based on detained versus released defendant status, and analyses were presented separately for each group.

Findings: *Jail pretrial defendants:* We found that the majority of the incarcerated pretrial defendants were being held on low-level bonds (below \$5,000), and most participants had been incarcerated for over a month. The most common reason participants noted not posting bond was that they could not afford it, followed by their families could not afford it, although additional reasons not originally listed in the survey emerged as well. Retaining employment appears to be a significant potential collateral consequence for incarcerated defendants, with the vast majority believing they may lose their job. Finally, as the bond amount increased, perceptions of procedural justice decreased for this group.

Released pretrial defendants: The majority of released pretrial defendants were released on a money bond, with the majority of money bonds being between \$1,001 and \$5,000. Most participants on pretrial supervision had been incarcerated for between 1 to 3 days, inclusively. Although the majority of participants with jobs prior to arrest did not lose their job as a result of incarceration prior to release, 30 percent of participants with a job prior to arrest noted losing their job as a consequence of incarceration. In addition, close to a majority of those who did lose their jobs were incarcerated for between 1 and 3 days prior to release suggesting that the job loss was not the result of an extended incarceration period. Finally, participants who are released on recognizance have slightly more favorable views on procedural justice compared to those released on a money bond.

Discussion: This study offers unique insight into the several and interrelated reasons defendants remain in detention despite being offered the opportunity to post a money bond. It also shows the real and potential concerns, particularly related to employment and child living situations, of pretrial defendants both released and in detention. In clarifying the reasons certain defendants do not post bond while others do, and by exploring collateral consequences, this study opens the door to additional research opportunities, including potentially linking self-report survey data with administrative data, to add greater clarity to the pretrial process.

¹ The authors would like to thank undergraduate research assistant Jemily Hayek for her assistance on this project and for providing Spanish translations of the survey tools.

1. Introduction

Objective

The purpose of this study was to better understand the experiences and perceptions of incarcerated and released defendants on the bail process, and in particular on the use of money for release pretrial. That is, why do incarcerated defendants who were offered the option of a money bond not post bond? For incarcerated pretrial defendants, we also sought to understand potential collateral consequences of not posting bond and for defendants who were released pretrial, the consequences of their detention prior to release. Ultimately this study aimed to add to the pretrial literature by providing insights from individuals currently involved in this stage of the criminal justice process, and aimed to better understand defendants' perceptions and decisions around the bond decision. This study was initiated and funded by the Pretrial Justice Institute (PJI) in collaboration with George Mason University's Department of Criminology, Law and Society and the Center for Evidence-Based Crime Policy (CEBCP).²

2. Methods

Overview

Self-report data were collected from two distinct pretrial defendant groups: those incarcerated in jail and those released on pretrial supervision. A brief 10- to 15-minute survey was developed for participants in jail, and questions were slightly modified for participants on pretrial supervision. Both surveys were translated into Spanish for Spanish speaking participants. The survey was administered at four jail facilities and at four pretrial supervision facilities (in the same county as each jail facility) over a roughly two-month period (March to May, 2016). This research took place in three states (two Mid-Atlantic states, and one Mountain West state), and within a total of four jurisdictions (see Table 1 for an overview of facility demographic information). For confidentiality purposes and in keeping with University Institutional Review Board (IRB) protocol, data will be presented in aggregate. A total of 366 pretrial defendants were surveyed in this study, 220 incarcerated defendants and 146 released defendants. Given the different circumstances of incarcerated defendants and those released on pretrial supervision, a more detailed methodology for each unique population will be provided. In addition, the results of this report will be divided according to these respective populations.

² The views and opinions expressed in this report are those of the authors and do not necessarily reflect those of PJI.

Table 1: Facility Demographics

	State	Participants	Percent
Jail 1	Mid-Atlantic State A	41	18.6
Jail 2	Mid-Atlantic State A	5	2.3
Jail 3	Mid-Atlantic State B	60	27.3
Jail 4	Mountain West State	114	51.8
Total		220	100.0
Pretrial Agency 1	Mid-Atlantic State A	29	19.9
Pretrial Agency 2	Mid-Atlantic State A	26	17.8
Pretrial Agency 3	Mid-Atlantic State B	44	30.1
Pretrial Agency 4	Mountain West State	47	32.2
Total		146	100.0

Jail Methodology

Inclusion Criteria

The goal of this study was to conduct a brief survey with incarcerated defendants who were offered a money bond by a judge or magistrate at an initial bond hearing and who at the time of data collection had not posted the bond. Participants were eligible for this study if they had been incarcerated for a minimum of 48 hours. This time frame was chosen due to the fact that most initial bond review hearings happen within 48 hours after arrest. Initially, a maximum bond amount of \$50,000 was set as the cut off for inclusion in this study, and we believed 48 hours was enough time to allow participants to begin considering whether or not they planned to post bond. However, upon discussing inclusion criteria with one jail facility administrator prior to data collection it was brought to our attention that they were unable to identify exact bond amounts for eligible participants and this restriction was therefore removed. There was ultimately no limitation on the maximum bond amount set by the jurisdiction for inclusion of a defendant in this study.

Survey Tool

A 25-question paper-and-pencil survey was created with questions related to understanding participants' experiences and perceptions of the pretrial and bail process. Several questions relating to procedural justice, or perceptions of fairness and whether they felt treated with respect, were also included. Several questions addressed potential collateral consequences as a result of incarceration, including loss of housing, job, and child custody. General demographic questions were also included. Several content experts at PJI in collaboration with George Mason researchers reviewed the survey prior to data collection. The survey was available in both English and Spanish. An initial pilot of the survey was conducted with eligible participants at one of the jail facilities prior to official data collection, feedback from these participants for both the English and Spanish version of the survey was provided, and minor edits were made accordingly. On average, the survey took participants between five and 10 minutes to complete. No identifying information (e.g. name, exact birth date) was collected in order to maintain participant confidentiality.

Data Collection

Data collection method was dependent on the unique nature of each jail facility and took place over a one-day period for Jails 2, 3 and 4, and over a two-day period for Jail 1 (see Table 1). Jails 2, 3 and 4 were able to generate a list of all participants who were eligible for participation, or individuals held pretrial on a money bond, prior to the researchers' arrival. For these facilities, the researchers were either guided to each unit in the jail where participants were eligible, or eligible participants were brought to the researchers (e.g. in classrooms, attorney rooms) based on the security protocol for that jail facility. When the researchers arrived at each housing unit, correctional staff called eligible participants to a common area and the Mason researchers explained the nature of the research and went over Mason IRB research protocols, providing a document of informed consent in either English or Spanish, and obtaining informed consent from each participant. Eligible participants who were brought to the researchers in classrooms or attorney rooms underwent a similar protocol. Participants who were uninterested in participating in the survey were free to decline and staff removed these participants accordingly.

Jail 1 was unable to compile a list of eligible participants (i.e. those with money bonds). As a result, researchers were escorted to each housing unit in the facility and verbally addressed entire units about the eligibility criteria for participation in this study. Willing participants then remained in common areas or were escorted to classrooms where informed consent was reviewed and obtained. Our goal for each jail facility was to collect a census of pretrial defendants on that day (or two-day period) with money bonds and who had been incarcerated for a minimum of 48 hours. We were unable to obtain data on who was eligible to participate from the Mid-Atlantic State A facility. Therefore, of the three jails where the researchers were able to obtain data on eligible defendants asked to participate, 233 participants were asked and 179 participants agreed to participate, with a response rate of 76.8 percent.

Pretrial Supervision Methodology

Inclusion Criteria

There were no specific inclusion criteria for eligible pretrial supervision. Participants only had to be attending the pretrial supervision agency/office as part of their pretrial release requirements on the day of data collection to be eligible.

Survey Tool

A brief 24-question paper-and-pencil survey was created with questions related to understanding participant experiences and perceptions of the pretrial and bail process. In particular for this group of participants, questions surrounding how they were released (e.g. on recognizance or money bond) and how their bond was posted were asked. As with the jail survey, several questions relating to procedural justice, or perceptions of fairness and whether they felt treated with respect, were included. Additional questions addressed potential collateral consequences as a result of pretrial incarceration prior to release. General demographic questions were also included. Several content experts at PJI in collaboration with researchers reviewed the survey prior to data collection. The survey was available in both English and Spanish. On average, the survey took participants between five and 10 minutes to complete. No identifying

information (e.g. name, exact birth date) was collected in order to maintain participant confidentiality.

Data Collection

Data collection took place on a single day for each Pretrial Agency and was essentially the same for each facility. For Pretrial Agencies 2, 3 and 4, researchers recruited pretrial clients into the study before they met with their supervision officer, unless participants specifically asked to complete the survey after their meeting. At Pretrial Agency 1, researchers recruited participants after they completed their meetings, per the request of this facility. At Agency 3 and 4, researchers approached participants in the waiting area and explained the purpose of the study. Willing participants were provided with an informed consent, either in English or Spanish, and an informed consent was obtained. At Agencies 1 and 2, staff escorted clients, either before or after their meeting with pretrial supervision officers, to the researchers where the research study was described and informed consent was obtained. Our goal for each pretrial supervision facility was to collect a census of pretrial released defendants on that day. Of the four pretrial agencies, 242 participants were asked to participate in the study and 146 participants agreed to participate, with a response rate of 60.33 percent.

Overall Analysis for both Jail and Pretrial Supervision Data

Following the data collection period for both jail and pretrial supervision facilities, survey responses were first hand coded with pen-and-paper on the original surveys (i.e., converting check boxes into numeric values), and then entered into EpiData Software program. A method of double coding was used whereby the data for each survey were entered twice into EpiData and any discrepancies between the two entered versions were reconciled. This is a standard data entry process used for ensuring the accuracy of the data. Survey data were then exported into the statistical software program Stata for analysis.

3. Results

Jail Results

Participant Demographics

A total of 220 pretrial incarcerated defendants completed surveys for this study. The majority of participants came from Jail 4 (114 respondents) from the Mountain West State facility. An overview of jail participant demographics is provided in Table 2. Close to a majority of participants (48%) were between the ages of 24 and 40, with the largest group of participants in this study falling in the age range of 31 and 40 (26%). Approximately 15 percent of participants were between the ages of 18 and 21. The vast majority of participants included in the study were male (167 or 76%), with roughly a quarter of the participants female (53 or 24%). The highest level of education for close to half of study participants (44%) was high school or GED followed by less than high school (24%). In terms of race and/or ethnic backgrounds of participants, White represented the largest selected option (31%) followed by African American (26%) and Hispanic (26%).

Pretrial Jail Demographics

A number of questions in the survey aimed to get a better understanding of participants' overall current pretrial situation (e.g. dollar amount of bond, time spent in jail), their experience with posting bond in the past, and their plans for posting or not posting bond in the future. We also aimed to evaluate why incarcerated defendants choose not to post bond. (Table 3 provides an overview of these pretrial demographics for jail participants.) The majority of participants in our study (51%) had a money bond of less than \$5,000, with nearly a third of participants in the study (32%) having a money bond between the \$1,001 and \$5,000 range. Approximately a fifth (21%) of participants included in our study were held on bonds exceeding \$25,001. The majority of participants in this study (52%) were in jail for more than 31 days at the time of data collection, with nearly 30 percent being held for more than 60 days. Nearly half of participants in the study indicated that they had previously posted bond for a prior arrest using a bail bondsman (53%). Nearly 20 percent of participants, however, indicated that they had no prior arrests.

The majority of participants in the study stated that they do not plan to post their bond (60%). Of the minority that does plan to post bond, the vast majority plan to use a bail bondsman (86%). Nearly 10 percent of participants, however, stated that they were not sure of their plans to post bond at the time. Of those participants planning to post bond or those who were not sure at the time (87 individuals), most stated that they plan to post bond by getting help from family (51%). Nearly a third of participants indicated that they would use their own money to post their bond. Participants were also asked why they had not, or will not, post their money bond. The majority of participants indicated that they cannot afford to (56%), or that their family cannot afford to (34%) (note that respondents could have said yes to both of these questions so the percentages reflect some of the same individuals). These were the most commonly indicated reasons chosen by participants. Other reasons included court-related issues keeping participants in jail (including bonds or warrants in other jurisdictions, or immigration issues), or family not wanting to bond out, or family telling study participants not to. One commonly indicated reason noted by participants on the survey was the desire to get time served or time over with (6.5%). In

evaluating only those participants who indicated outright that they did not plan to post bond (128 individuals), we saw roughly the same reasons as the total group of respondents on this question (184 individuals), with 58 percent indicating they cannot afford to and 35 percent indicating that their family cannot afford it.

Table 2: Jail Participant Demographics

<i>Characteristic</i>	Frequency	Percentage
Age		
18-21	30	15.2
22-24	27	13.7
24-30	43	21.8
31-40	52	26.4
41-50	26	13.2
51-60	17	8.6
61+	2	1.0
<i>Total</i>	<i>197</i>	<i>100.0</i>
Gender		
Male	167	76.0
Female	53	24.0
<i>Total</i>	<i>220</i>	<i>100.0</i>
Education		
Less than high school	51	23.7
High school diploma or GED	94	43.7
Some college	44	20.5
Associate degree	9	4.2
College degree	12	5.6
Advanced Degree	2	.9
Other	3	1.4
<i>Total</i>	<i>215</i>	<i>100.0</i>
Racial/Ethnic Group		
<i>(Multiple selections possible and were consolidated into groups accordingly)</i>		
White Only	67	31.2
African American Only	56	26.1
Hispanic Only	56	26.1
Native American or American Indian Only	5	2.3
Asian/Pacific Islander Only	1	.5
White & Hispanic	6	2.8
Hispanic & Other Combinations	7	3.3
White & Native American/American Indian	8	3.7
Asian/Pacific Islander & Other Combination	4	1.9
Other Only	5	2.3
<i>Total</i>	<i>215</i>	<i>100.0</i>

Additional relationships were explored within our pretrial demographic questions. In particular, we were interested in evaluating the relationship between bond amount and jail time. We found that there was a moderately strong and positive correlation between bond amount and jail time.³ As bond amount increased for participants in our study, the time they had spent in jail also increased. Therefore it appears that participants with higher bond amounts are more likely to stay in jail for longer periods of time.

We were also interested in evaluating the time spent in jail and participant's plans to post. Participants in our study that did not plan to post were incarcerated for the longest amount of time (61 days or more) compared to the other groups (see Table 4). Approximately 86 percent of participants who do not plan to post bond had been incarcerated for more than 15 days, compared to 79 percent of individuals planning to post bond with a bondsman. We also see a statistically significant relationship between the lengths of time in jail and plans to post bond.⁴ In addition, we were also interested in examining the relationship between plans to post bond and bond amounts. In evaluating bond amounts and plans to post bond, we found that there was no consistent or meaningful pattern between the amount of the bond and whether or not participants plan to post or not (see Table 5).⁵

We were also interested in evaluating the relationship between bond amounts and race/ethnicity. Since the majority of participants fit into the categories of White, African American, and Hispanic only, we focused on these three categories. Overall, the distributions of bond amounts are roughly equal across these three groups and the differences observed are not statistically significant.⁶ We can therefore conclude that there is not a meaningful relationship between race/ethnicity and bond amounts. However, when looking more closely at the distributions between race/ethnicity and bond amounts, some potentially interesting differences emerge. While roughly a third of White and Hispanic respondents had bond amounts set at \$1,001 to \$5,000, only a quarter (25%) of African Americans had this bond amount. African American respondents were more likely to have bond amounts between \$5,001 and \$10,000 when compared to White and Hispanic respondents. Conversely, roughly a third of White and Hispanics had bond amounts above \$10,000, but only 27% of African Americans had this bond amount. Thus, the pattern of bond amounts are more similar for White and Hispanic respondents, with bond amounts for African Americans being more spread out. This of course does not consider whether the likelihood of being released on recognizance is higher for White arrestees, other things being equal, but rather only considers the bond amounts of those still in jail at the time of data collection.

We also examined the relationship between plans to post bond and race/ethnicity, as well as the relationship between cannot afford to post bond and race/ethnicity. Hispanic (35 respondents) and White participants (40 respondents) had roughly similar percentages when asked whether they were planning on *not* posting their money bond (66% and 61% respectively). Fewer African American participants (28 individuals) were planning to *not* post their bond (50%). We therefore see that Hispanic and White defendants are more likely to *not* plan on posting their money bonds when compared to African Americans, although this relationship was not

³ $r = 0.33, p < 0.0001$

⁴ $\chi^2 = 28.7, p = 0.018$

⁵ $\chi^2 = 25.3, p = 0.24$

⁶ $\chi^2 = 66.76, p = 0.35$

statistically significant.⁷ The relationship between race and those that selected “I cannot afford it” was however statistically significant. White participants were more likely to say they could not afford bond (37%) when compared to Hispanic (27%) and African American participants (17%).⁸

Table 3: Pretrial Process Jail Demographics

<i>Characteristic</i>	<i>Frequency</i>	<i>Percentage</i>
Bond Amount		
\$1 to \$500	20	9.2
\$501 to \$ 1,000	22	10.1
\$1,001 to \$5,000	69	31.7
\$5,001 to \$10,000	31	14.2
\$10,001 to \$25,000	30	13.8
\$25,001 to \$50,000	17	7.8
\$50,001 to \$100,000	17	7.8
\$100,000 +	12	5.5
<i>Total</i>	<i>218</i>	<i>100.0</i>
Time in Jail		
1 to 3 Days	14	6.4
4 to 7 Days	7	3.2
8 to 14 Days	17	7.8
15 to 30 Days	68	31.1
31 to 60 Days	51	23.3
60 +	62	28.3
<i>Total</i>	<i>219</i>	<i>100</i>
Plan to Post Bond		
Yes – Bondsman	57	26.5
Yes – Court Directly	9	4.2
Not Sure	21	9.8
No	128	59.5
<i>Total</i>	<i>215</i>	<i>100.0</i>
How Planning to Post Bond		
<i>(Applies to 87 participants who answered ‘yes’ or ‘not sure’ to ‘plan to post bond.’ Multiple selections possible; total percentages exceed 100)</i>		
Using own Money	29	33.3
Help from Family	44	50.6
Help from Friends	21	24.1
Other	15	17.2

⁷ $\chi^2 = 30.65$, $p = 0.286$

⁸ $\chi^2 = 17.83$, $p = 0.037$

Table 3: Pretrial Process Jail Demographics (cont.)

	Frequency	Percentage
Why Had Not/Will Not Post Bond		
<i>(A total of 184 participants responded to this question. Multiple selections possible; total percentages exceed 100)</i>		
I Cannot Afford it	103	56.0
My Family Cannot Afford It	63	34.2
I Don't Want to	20	10.9
My Family Doesn't Want to/ Told Me Not to	22	12.0
My Lawyer Told me Not to	6	3.3
Court-Related Issues Keeping me Here (e.g. Other Bond, Warrants, Immigration)*	9	14.5
I'm Sentenced on Another Case	7	3.8
Other	22	12.0
<i>Additional responses based on common write-in responses in 'other' category and have been consolidated accordingly</i>		
Want to Get Time Served/Over With While Pending	12	6.5
Other Court Hearings		
Homeless/Can't Provide Address	3	1.6
Trouble Connecting With Potential Cosigners/No one Willing to Cosign	6	3.3
Bondsmen Won't Bond Out	3	1.6
Personal Beliefs Against Bond/Paying Money For Release	3	1.6
Posted Bond Before and How		
<i>(A total of 216 participants responded to this question. Multiple selections possible; total percentages exceed 100)</i>		
No, I Have No Prior Arrests	40	18.5
No, I Wasn't Offered Bond	9	4.2
No, I Was Released on Recognizance	27	12.5
Yes, I Paid the Court Directly	29	13.4
Yes, I Used a Bail Bondsman	115	53.2
Other	21	9.7

* This option was later added to the original survey after being written in by several respondents and was only available to 62 respondents.

Table 4: Plan to Post Bond and Length of Time in Jail

	Time in Jail (Days)						Total
	1-3	4-7	8-14	15-30	31-60	61+	
	Frequency (%)	Frequency (%)	Frequency (%)	Frequency (%)	Frequency (%)	Frequency (%)	
I Plan to Post Bond							
Yes – Bondsman	7 (12.3)	3 (5.3)	2 (3.5)	23 (40.4)	7 (12.3)	15 (26.3)	57 (100)
Yes – Pay Court	2 (22.2)	0	2 (22.2)	1 (11.1)	2 (22.2)	2 (22.2)	9 (100)
Not Sure	1 (4.8)	1 (4.8)	1 (4.8)	9 (42.9)	7 (33.3)	2 (9.5)	21 (100)
No	3 (2.4)	3 (2.4)	12 (9.5)	34 (26.8)	34 (26.8)	41 (32.28)	127 (100)
<i>Total</i>	<i>13</i>	<i>7</i>	<i>17</i>	<i>67</i>	<i>50</i>	<i>60</i>	<i>214</i>

Table 5: Plan to Post Bond and Bond Amounts

Bond Amount	Plan to Post Bond				
	Yes – bondsman	Yes – court	Not Sure	No	Total
	Frequency (%)	Frequency (%)	Frequency (%)	Frequency (%)	Frequency (%)
\$0 - \$500	4 (21.1)	3 (15.8)	1 (5.3)	11 (57.9)	19 (100)
\$501 - \$1,000	10 (45.5)	1 (4.5)	0 (0)	11 (50)	22 (100)
\$1,001 - \$5,000	16 (23.5)	1 (1.5)	9 (13.2)	42 (61.8)	68 (100)
\$5,001 - \$10,000	9 (29)	2 (6.5)	2 (6.5)	18 (58)	31 (100)
\$10,001 - \$25,000	6 (21.4)	1 (3.6)	2 (7.1)	19 (67.9)	28 (100)
\$25,001 - \$50,000	1 (5.9)	1 (5.9)	3 (17.6)	12 (41.2)	17 (100)
\$50,001 - \$100,000	7 (41.2)	0 (0)	3 (17.6)	7 (41.2)	17 (100)
\$100,001 +	4 (36.4)	0 (0)	1 (9.1)	6 (54.6)	11 (100)
Total	57	9	21	126	213

Potential Collateral Consequences for Jail Participants

An important issue is potential collateral consequences for pretrial detained defendants, including potential disruptions in employment, living situation, and child residency (see Table 6). The majority of participants in this study indicated being employed prior to arrest (~70%). Of those who were employed prior to arrest, the vast majority indicated that they might lose their job as a result of being incarcerated (84%). Although it is unclear as to whether employment will in fact be lost at this point, this appears to be a potential major concern for pretrial incarcerated defendants.

In terms of living situation, living with family or a significant other was the most commonly selected response (~44%), followed by living alone (17%). Nearly 20 percent of participants, however, live in unstable housing (e.g. on the streets, shelter, vehicle, etc.), with 12 percent of participants indicating that they live on the street. Most participants indicated that they have lived in their living arrangement for six months or more (~55%). While many respondents indicated that they plan to live in the same arrangement when they are out of jail (39%), a quarter indicated that they will not (25%), and approximately 36 percent indicated that they are not sure.

In our study population, 122 participants (56% overall) indicated that they are parents or guardians of a child. Of those parents or guardians, nearly 40 percent indicated that being in jail has or will change the living situation for the child/children in their custody, although 43 percent indicated it would not. Approximately 16 percent responded that they are not sure. A fairly significant percentage of participants' children's lives are therefore potentially disrupted as a result of pretrial detention.

We were also interested in evaluating whether participants felt that being incarcerated would help improve their relationship with family. Of the 216 participants who responded to this question, the majority (119 defendants) indicated that they disagreed or strongly disagreed with the belief that incarceration would or had improved their relationship with family. Conversely, 46 participants, or roughly 20 percent, indicated that they strongly agreed with this statement. Thus, there is no clear effect of incarceration on the quality of family relationships.

Table 6: Potential Collateral Consequences for Jail Participants

<i>Characteristic</i>	Frequency	Percentage
Employed Prior to Arrest		
Yes	153	69.9
No	66	30.1
<i>Total</i>	<i>219</i>	<i>100.0</i>
May Lose Job Because of Incarceration <i>(Based on 153 participants who answered 'yes' to employed prior to arrest)</i>		
Yes	128	84.3
No	24	15.7
<i>Total</i>	<i>152</i>	<i>100.0</i>
Living Prior to Arrest		
Living with Family/Significant Other	96	43.8
Living with Roommates	27	12.3
Living Alone	38	17.4
Living in Shelter/Motel	18	3.2
Living on Street	27	12.3
Living in Vehicle	2	.9
Halfway House/Rehab	2	.9
Combination of Above/From Place to Place (e.g. Shelter, Street)	7	3.2
Other	2	.9
<i>Total</i>	<i>219</i>	<i>100.0</i>

Table 6: Potential Collateral Consequences for Jail Participants (cont.)

How Long Living in Arrangement For	Frequency	Percentage
Up to 1 Month	25	11.4
1 to 3 Months	41	18.7
3 to 6 Months	33	15.1
6 or More Months	120	54.8
<i>Total</i>	<i>219</i>	<i>100.0</i>
Will Live in Same Place When out of Jail		
Yes	86	39.1
No	55	25
I Don't Know	79	35.9
<i>Total</i>	<i>220</i>	<i>100.0</i>
Parent or Guardian of Child/Children		
Yes	122	56.0
No	96	44.0
<i>Total</i>	<i>218</i>	<i>100.0</i>
Being in Jail Has or Will Change Living Situation for Child in my Custody (Based on 122 participants who answered 'yes' to parent or guardian)		
Yes	49	40.5
No	52	43.0
I Don't Know	20	16.5
<i>Total</i>	<i>121</i>	<i>100.0</i>
Being in Jail Improved Relationship with my Family		
Strongly Disagree	93	43.1
Disagree	26	12.0
Neither Agree/Disagree	34	15.7
Agree	17	7.9
Strongly Agree	46	21.3
<i>Total</i>	<i>216</i>	<i>100.0</i>

Procedural Justice and Opinion on Money Bond

A final issue we were interested in exploring was participant perceptions of fairness with the pretrial process, or procedural justice. We created a procedural justice scale based on three Likert-scale survey items. These three items measured perceptions of fairness regarding the bond amount, fairness of the bond hearing process, and whether participants felt they were treated with respect during their most recent bond hearing.⁹ The mean of the scale was 2.4 (standard deviation = 1.25) with 2 representing disagree and 3 representing neither disagree nor agree, indicating that overall participants on average tended to disagree slightly with the statements regarding procedural justice. The procedural justice scale was then used to analyze potential relationships to other pretrial and demographic variables evaluated in our study.

A moderate and negative correlation between our procedural justice scale and bond amount was found.¹⁰ In other words, as participants' bond amounts increased, their perceptions

⁹ These items had good internal consistency ($\alpha = 0.83$), suggesting that they are measuring a common latent construct.

¹⁰ $r = -0.25$, $p < 0.001$

of procedural justice decreased. Therefore, it appears that participants with higher bond amounts may believe that the pretrial and bond process is less fair for them. In contrast, no meaningful relationship was seen between jail time and the procedural justice scale.¹¹ In looking at plans to post bond and procedural justice, we see that participants not planning to post bond had a slightly lower score on the procedural justice scale (mean = 2.35, standard deviation = 1.23) compared to those that plan to use a bondsman (mean = 2.43, standard deviation = 1.23) or are not sure (mean = 2.63, standard deviation = 1.35).

In evaluating the education of participants in our study and the procedural justice scale, we found that participants with higher levels of education had lower scores on the scale. Those with less than high school education had the highest score on the scale (mean = 2.7, standard deviation = 1.4) compared to those with Associate Degrees (mean = 1.4, standard deviation = .67), College Degrees (mean = 1.89, standard deviation = .95), and Advanced Degrees (mean = 1.5, standard deviation = .71). This therefore indicates that individuals with higher education in our study may perceive the pretrial process as being unfair towards them. In regards to race/ethnicity, when compared to the Whites (mean = 2.6, standard deviation = 1.13), African American (mean = 2.24, standard deviation = 1.23) and Hispanic (mean = 2.4, standard deviation = 1.3) participants had slightly lower procedural justice scores. African American and Hispanic participants in our study may also feel that they are being treated more unfairly in the pretrial process, although these differences are small. This scale was also evaluated in relation to age, although no meaningful relationship was seen.

Finally, two questions in the survey focused on participants' perceptions of using money for release, and whether they believed that money encourages individuals to return to court and follow the law (see Table 7). While roughly 50 percent of participants agreed that money bond increased the likelihood that someone will return to court, the other 50 percent were either unsure (had no strong opinion) or disagreed. In terms of whether they believed that money encourages individuals to follow the law, we saw mixed results as well, with nearly equal percentages of participants either strongly disagreeing, strongly agreeing or neither disagreeing or agreeing. Interestingly, however, it appeared that participants were more inclined to either have a strong opinion on the question of following the law (strongly disagree or strongly agree) or were indifferent.

¹¹ $r = -0.06$

Table 7: Jail Participants' Opinions on Use of Money Bond

Paying Money for Release Encourages Individuals to Come to Court		
	Frequency	Percentage
Strongly Disagree	41	18.7
Disagree	13	5.9
Neither Agree/Disagree	50	22.8
Agree	29	13.2
Strongly Agree	86	39.3
<i>Total</i>	<i>219</i>	<i>100.0</i>
Paying Money for Release Encourages Individuals to Follow the Law		
Strongly Disagree	53	24.5
Disagree	13	6.0
Neither Agree/Disagree	59	27.3
Agree	17	7.9
Strongly Agree	74	34.3
<i>Total</i>	<i>216</i>	<i>100.0</i>

Pretrial Supervision Results

Participant Released Defendant Demographics

A total of 146 pretrial incarcerated defendants completed surveys for this study. The majority of participants came from Pretrial Agency 4 (47 participants), located in the Mountain West state, followed by Pretrial Agency 3 (44 participants), located in a Mid-Atlantic state (see Table 1). An overview of pretrial released defendant demographics that participated in this study is provided in Table 8. The majority of participants (64%) were between the ages of 22-40, with the largest group of participants in this study falling in the age range of 31-40 (26.6%). Approximately 19 percent of participants were between the ages of 24 and 30, followed by 18 percent between the ages of 22 to 24. The majority of participants included in the study were male (111, 76%), and 35 female respondents participated (24%). The most commonly selected highest level of education for study participants was high school or GED (35%), followed by some college (33%). In terms of race and/or ethnic backgrounds of participants, White participants represented the largest group (55, 38%), followed by Hispanic participants (35, 24%), and then African American participants (34, 24%).

Table 8: Pretrial Released Defendant Demographics

<i>Characteristic</i>	Frequency	Percentage
Age		
18-21	12	9.4
22-24	23	18
24-30	24	18.8
31-40	34	26.6
41-50	19	14.8
51-60	14	10.9
61+	2	1.6
<i>Total</i>	<i>128</i>	<i>100.0</i>
Gender		
Male	111	76.0
Female	35	24.0
<i>Total</i>	<i>146</i>	<i>100.0</i>
Education		
Less than high school	18	12.4
High school diploma or GED	51	35.2
Some college	48	33.1
Associate degree	12	8.3
College degree	11	7.6
Advanced Degree	3	2.1
Other	2	1.4
<i>Total</i>	<i>145</i>	<i>100.0</i>
Racial/Ethnic Group		
<i>(Multiple selections possible and were consolidated into groups accordingly)</i>		
White Only	55	38.2
African American Only	34	23.6
Hispanic Only	35	24.3
Native American or American Indian Only	1	.7
Asian/Pacific Islander Only	2	1.4
White & Hispanic	4	2.8
White & African American	4	2.8
Hispanic & Other Combinations	5	3.5
Other only	4	2.8
<i>Total</i>	<i>144</i>	<i>100.0</i>

Released Defendant Pretrial Process Demographics

As with the jail survey, a number of questions in the released defendant survey aimed to get a better understanding of participants' overall pretrial process experience and situation (e.g. how they were ultimately released, how long they were in jail for). Table 9 provides an overview of these pretrial demographics. The majority of participants in our study (~60%) were released on a money bond, with the remaining participants being released on recognizance (~40%). Of those participants released on a money bond (87 individuals), the most commonly selected bond amount ranged from \$1,001 to \$5,000 (32 or 37%), followed respectively by \$501-\$1,000 (11 or 13%) and \$10,001 to \$25,000 (11 or 13%). Ten participants were released on bonds ranging from \$1 to \$500. Of those released on a money bond, the vast majority used a bail bondsmen (76%), and 15 percent of participants paid the court directly (13 individuals). Most participants

who paid their money bonds indicated that they received help from a family member or significant other (46 or 58%), or used their own money (29 or 36%).

The vast majority of participants in this study (91 or 66%) were in jail for 1 to 3 days prior to release, followed by 4 to 7 days (19 or 14%). The overall majority of participants in this study were therefore in for less than 7 days prior to release. In addition, there was a moderately strong and positive correlation between bond amounts for those released on a money bond and jail time.¹² As bond amount increased for participants in our study, the amount of time spent in jail prior to release also increased.

When asking about prior experience with bond and arrest history, nearly 43 percent of participants indicated that they have no prior arrests (54 participants). Approximately 30 percent of participants in the study indicated that they had previously posted bond for a prior arrest using a bail bondsman (40 participants), followed by 20 percent indicating they had previously been released on recognizance (27 participants).

Finally, we also asked participants if they felt that pretrial supervision has been helpful for them. This item was fairly polarized, with nearly 31 percent of respondents (45 participants) indicating they strongly disagreed with this statement, compared to 24 percent of participants indicating that they strongly agreed (35 participants), with 26 percent indicating they neither agreed nor disagreed (38 participants).

We also explored the relationship between prior arrest history and/or prior pretrial release history, both self-reported, and how individuals were released for their current pending charges. We found that there was a relationship between whether or not a participant had previously been released on a money bond versus released on recognizance and their current pretrial release status.¹³ Of the 40 participants who had been previously released on a money bond, the majority (30 or 75%) were released on a money bond for their current pending charges in contrast to only 40% (27 individuals) who had previously been released on recognizance being released currently on a money bond. However, there was no meaningful relationship between whether or not individuals had a reported prior arrest history and whether or not they were released on recognizance or a money bond.

¹² $r = 0.35$, $p = 0.001$

¹³ $\chi^2 = 5.83$, $p = 0.016$

Table 9: Pretrial Demographics for Released Defendants

<i>Characteristic</i>	Frequency	Percentage
How Released Pretrial		
On Recognizance	59	40.4
On Money Bond	87	59.6
<i>Total</i>	<i>146</i>	<i>100.0</i>
Bond Amount for those Released on Money Bond <i>(Based on 87 participants who were released on a money bond)</i>		
\$1 to \$500	10	11.5
\$501 to \$ 1,000	11	12.6
\$1,001 to \$5,000	32	36.8
\$5,001 to \$10,000	8	9.2
\$10,001 to \$25,000	11	12.6
\$25,001 to \$50,000	6	7.0
\$50,001 to \$100,000	6	7.0
\$100,000 +	3	3.5
<i>Total</i>	<i>87</i>	<i>100.0</i>
Method for Posting Bond <i>(Based on 87 participants who were released on a money bond)</i>		
Bondsman	66	76.7
Court Directly	13	15.1
Other	7	8.1
<i>Total</i>	<i>86</i>	<i>100.0</i>
Method for Bond Payment <i>(Based on 87 participants who were released on a money bond. Multiple selections possible; total percentages exceed 100)</i>		
Using own Money	29	36.3
Help from Family/Significant	46	57.5
Help from Friends	8	10.0
Other	8	10.0
Time in Jail		
1 to 3 Days	91	65.9
4 to 7 Days	19	13.8
8 to 14 Days	8	5.8
15 to 30 Days	15	10.9
31 to 60 Days	5	10.9
60 +	5	3.6
<i>Total</i>	<i>138</i>	<i>100.0</i>
Pretrial Supervision Has been Helpful for Me		
Strongly Disagree	45	31.3
Disagree	14	9.7
Neither Agree/Disagree	38	26.4
Agree	12	8.3
Strongly Agree	35	24.3
<i>Total</i>	<i>144</i>	<i>100.0</i>

Table 9: Pretrial Demographics for Released Defendants (cont.)

	Frequency	Percentage
Posted Bond Before and How		
<i>(Multiple selections possible; total percentages exceed 100)</i>		
No, I Have No Prior Arrests	54	43
No, I Wasn't Offered Bond	2	1.5
No, I was Released on Recognizance	27	20.0
Yes, I Paid the Court Directly	8	5.9
Yes, I Used a Bail Bondsman	40	29.6
Other	7	5.2

Potential Collateral Consequences for Released Pretrial Defendants

Another aim of this study was to unravel potential collateral consequences for pretrial released defendants, including any disruptions to employment, living situations or child residency as a result of incarceration prior to release (see Table 10). The majority of participants in this study indicated being employed prior to arrest (99 or 72%). Of those previously employed, the vast majority indicated that they did not lose their job as a result of being incarcerated (67 or 70%). However, 30 percent of participants indicated that they had in fact lost their job as a result of being incarcerated prior to release.

In terms of living situation, the majority of participants indicated living with family or a significant other (72 or 52%), followed by living alone (28 or 20%), and living with roommates (24 or 17%) prior to arrest. Very few participants were living on the street, shelter/motel, or combination of these options (8 or 6%). Most participants had been living in this arrangement prior to arrest (57%), and most indicated that they currently live in the same place as before arrest (75%). Slightly more than half of the participants in this study are parents or guardians of a child/children (76 or 54%). Of those, the majority indicated that being in jail did not disrupt the living situation for the child/children in their custody (46 or 61%). However, nearly a quarter (18 or 24%) of participants indicated that it had. We can therefore see that a fairly significant percentage of participants' children's living arrangements were not disrupted for those released pretrial in contrast to what we saw for incarcerated defendants.

We also evaluated whether participants felt that being incarcerated helped improve their relationship with family. Nearly half of participants indicated that they either disagreed with this statement; with a quarter indicating they neither agreed nor disagreed. Most participants released pretrial, therefore, did not believe jail helped improve their relationship with their family.

Finally, we explored the relationship between several pretrial processes and potential collateral consequences. In particular, we were interested in evaluating the relationship between length of time in jail and job loss, particularly for those who indicated they had lost a job (see Table 11). Although the majority of participants released pretrial did not lose their job, of those who indicated they had (28 individuals), roughly half of those who lost their job had been incarcerated within the 1 to 3 day range (13 or 46%). This indicates that even short periods of confinement appear to still have a negative effect on employment status for those who are employed prior to arrest.

Another relationship we examined was how participants were released and their job status prior to arrest (see Table 12). We found that the majority of participants who had a job prior to arrest were released on a money bond compared to recognizance (65 or 66%). In

addition, the majority of those who were released on recognizance did not have a job prior to arrest (22 or 58%). It is important to note that a causal relationship between employment status and pretrial release decision was not established. It appears, however, that decision-makers within the pretrial process may be taking into account employment status when setting the financial terms for pretrial release.

Table 10: Pretrial Collateral Consequences

<i>Characteristic</i>	Frequency	Percentage
Employed Prior to Arrest		
Yes	99	72.3
No	38	27.7
<i>Total</i>	<i>137</i>	<i>100.0</i>
Lost Job Because of Incarceration <i>(Based on 99 participants who were employed prior to arrest)</i>		
Yes	29	30.2
No	67	69.8
<i>Total</i>	<i>96</i>	<i>100.0</i>
Living Prior to Arrest		
Living with Family/Significant Other	72	52.2
Living with Roommates	24	17.4
Living Alone	28	20.3
Living in Shelter/Motel	3	2.2
Living on Street	3	2.2
Combination of Above/From Place to Place (e.g. Shelter, Street)	2	1.5
Other	6	4.4
<i>Total</i>	<i>138</i>	<i>100.0</i>
How Long Living in Arrangement For		
Up to 1 Month	18	12.7
1 to 3 Months	15	10.6
3 to 6 Months	24	16.90
6 or More Months	81	57.0
Other	4	2.8
<i>Total</i>	<i>142</i>	<i>100.0</i>
Live in Same Place as Before Jail		
Yes	109	75.2
No	36	24.8
<i>Total</i>	<i>145</i>	<i>100.0</i>
Parent or Guardian of Child/Children		
Yes	76	54.3
No	64	45.7
<i>Total</i>	<i>140</i>	<i>100.0</i>

Table 10: Pretrial Collateral Consequences (cont.)

	Frequency	Percentage
Being in Jail Changed Living Situation for Child in my Custody (Based on 76 participants who are parents/guardians)		
Yes	18	23.7
No	46	60.5
I don't know	12	15.8
<i>Total</i>	<i>76</i>	<i>100.0</i>
Being in Jail Improved Relationship with my Family		
Strongly Disagree	49	34.5
Disagree	17	12.0
Neither Agree/Disagree	36	25.4
Agree	13	9.2
Strongly Agree	27	19.0
<i>Total</i>	<i>142</i>	<i>100.0</i>

Table 11: Length of Time In Jail Prior to Release and Job Loss

Days in Jail Before Release	Lost Job Because of Jail	
	Yes <i>Frequency (%)</i>	No <i>Frequency (%)</i>
1-3	13 (46.4)	48 (71.6)
4-7	5 (17.9)	9 (13.4)
8-14	1 (3.6)	9 (13.4)
15-30	7 (25.0)	4 (6.0)
61+	2 (7.1)	3 (4.5)
<i>Total</i>	<i>28 (100.0)</i>	<i>67 (100.0)</i>

$$\chi^2 = 8.7, p = 0.07$$

Table 12: Job Before Arrest and Pretrial Release Decision

Job before arrest	Pretrial Release Decision		Total <i>Frequency</i>
	Yes <i>Frequency (%)</i>	No <i>Frequency (%)</i>	
How released			
Recognizance	34 (34.3)	22 (57.9)	56
Money Bond	65 (65.5)	16 (43.1)	81
<i>Total</i>	<i>99</i>	<i>38</i>	<i>137</i>

$$\chi^2 = 6.3, p = 0.012$$

Procedural Justice and Opinions on Money Bond

We were also interested in evaluating released defendant perceptions of fairness with the pretrial process, or procedural justice. We created a procedural justice scale based on three Likert-scale survey items. These three items measured perceptions of fairness regarding the bond amount, fairness of the bond hearing process, and whether participants felt they were treated with

respect during their most recent bond hearing.¹⁴ The mean of the scale was 3.07 (standard deviation = 1.28) with 3 representing neither disagree nor agree.

The procedural justice scale was used to analyze relationships to other important pretrial concepts. We found a relationship between how individuals were released pretrial and their perceptions of procedural justice. Participants who were released on recognizance had a higher score on the pretrial scale (mean = 3.57, standard deviation = 1.12, 56 individuals) compared to those released on a money bond (mean = 2.72, standard deviation = 1.28, 81 individuals).¹⁵ Thus, participants released on recognizance appear to feel that the pretrial process is more fair compared to those released on a money bond.

A moderate and negative correlation was also found between the amount of money bond participants were released on and the procedural justice scale.¹⁶ In other words, as the money bond amount increased for participants in our study, procedural justice perceptions decreased. Participants who have to pay more money for release may therefore perceive unfairness. A small but negative relationship was also seen between jail time and the procedural justice scale.¹⁷ As time in jail increased for our participants, their perceptions of procedural justice decreased based on our scale. As with spending more money for release, potentially spending more time in jail decreases participant's sense of fairness with the pretrial process.

As in the jail survey, two questions focused on released defendants' perceptions of using money for release, and whether they agreed that money encourages individuals to return to court and follow the law (see Table 13). As was seen in these questions with the jail participants, responses were fairly polarized, with participants leaning more heavily towards the strongly disagree category. Approximately 32 percent of participants strongly agreed with this statement (44 participants), compared to roughly 22 percent of participants strongly disagreeing (29 participants), although nearly a quarter of participants neither agreed nor disagreed with the statement. Similar results were also found when asking opinions of using money for release and encouraging individuals to follow the law.

Table 13: Released Defendants' Opinions on Use of Money Bond

Paying Money for Release Encourages Individuals to Come to Court	Frequency	Percentage
Strongly Disagree	29	21.5
Disagree	8	5.9
Neither Agree/Disagree	33	24.4
Agree	21	15.6
Strongly Agree	44	32.6
<i>Total</i>	<i>135</i>	<i>100.0</i>

¹⁴ These items had good internal consistency ($\alpha = 0.84$), suggesting that they are measuring a common latent construct.

¹⁵ $t = 4.05$, $df = 135$ $p = .0001$

¹⁶ $r = -0.27$, $p = 0.0025$

¹⁷ $r = -0.16$, $p = 0.066$

Table 13: Released Defendants' Opinions on Use of Money Bond (cont.)

Paying Money for Release Encourages Individuals to Follow the Law	Frequency	Percentage
Strongly Disagree	29	20.7
Disagree	17	12.1
Neither Agree/Disagree	36	25.7
Agree	16	11.4
Strongly Agree	42	30.0
<i>Total</i>	<i>140</i>	<i>100.0</i>

4. Discussion and Future Implications

The results of this study provide insights into the perceptions and experiences of individuals directly involved and impacted by the pretrial stage of the criminal justice process. For those incarcerated pretrial who have the option of posting a money bond, this study explored reasons why these individuals choose not to post bond. Not being able to afford bond was the most commonly indicated reason. However, this study also uncovered other potentially complex reasons why incarcerated defendants may be choosing not to post bond, including wanting to accrue or serve time, issues with having an address to provide pretrial services, or finding a cosigner. Future research should continue exploring the additional reasons keeping pretrial defendants in jail.

This study also provided information on potential and actual collateral consequences of incarceration for both released defendants and detained pretrial defendants. Although detained participants' concerns about potential collateral consequences were not certain to take place (e.g. may not necessarily lose job), their responses still provided useful information on their perceptions of these issues (e.g. employment, child residency) – and potential challenges they may face upon leaving jail. For example, the vast majority (84.3%) of detained defendants with jobs prior to incarceration believed that incarceration would negatively impact their employment.

In terms of actual consequences, 30 percent of released defendants with a job prior to arrest lost their job as a result of incarceration prior to release. In addition, of those released defendants who lost their jobs, nearly half had only been in jail for 1 to 3 days. Future research investigating this finding could provide insights into what if any factors could potentially help individuals maintain jobs during this 1 to 3 day period (e.g., research on shortening time to release to within hours rather than within 1 to 3 days). In addition, longitudinal data following participants in both jail and on pretrial supervision could provide a better understanding of the impact of pretrial detention on employment and additional potential collateral consequences.

Although this study provided data directly from participants currently involved in the system on their pretrial and money bond experiences, future research should aim to link participant responses with administrative data. This could help fill potential gaps participants may be unaware of or flag inconsistencies provided by respondents. In addition, one limitation of the current study for jail participants was that we did not obtain specific information on participants with multiple bonds. A more comprehensive analysis including administrative data would help provide for a more holistic picture of potential constraints that may keep pretrial defendants detained. In addition, this study did not measure income. Although measuring income may be challenging (e.g. gaining meaningful data on legal and illegal income), this could be an area to further explore for the topic of pretrial release and money bonds.

Finally, another interesting contribution from this study was the exploration of procedural justice within the pretrial process. Here we saw that those released on recognizance appear to have slightly higher perceptions of fairness compared to those released on a money bond. In addition, for those in jail, higher bond amounts also lead to slightly lower levels of perceptions of procedural justice. Research further exploring this concept and refining our procedural justice scale specifically within pretrial is encouraged.

5. Appendices

Appendix A: Jail Survey

Appendix B: Released Defendant Survey

Appendix C: Informed Consent

Appendix A

Jail Survey

Please answer all questions honestly. Ask a George Mason researcher for clarification if you do not understand a question.

1. Inmate ID number

.....

2. The court set a bond amount that I must pay before being released.

Mark only one oval.

- Yes
- No (please stop filling out this survey)

3. Today the amount of my bond in this jurisdiction is set at:

Mark only one oval.

- \$0 to \$500
- \$501 to \$1,000
- \$1,001 to \$5,000
- \$5,001 to \$10,000
- \$10,001 to \$25,000
- \$25,001 to \$50,000
- \$50,001 to \$100,000
- \$100,001 or more

4. I have been in jail:

Mark only one oval.

- 1 to 3 days
- 4 to 7 days
- 8 to 14 days
- 15 to 30 days
- 31 to 60 days
- 61 days or more

5. I plan to post bond.

Mark only one oval.

- Yes - I will use a bondsman
- Yes - I will pay the court directly
- Not sure yet
- No (skip to question # 7)

6. I will pay by:

Check all that apply.

- Using my own money
- Getting help from family
- Getting help from friends
- Other:

7. I did not or will not post bond because:

Check all that apply.

- I cannot afford it
- My family cannot afford it
- I don't want to
- My family doesn't want to help
- My lawyer told me not to
- I have a bond or warrant in another jurisdiction
- I'm sentenced on another case
- Other:

8. I had a job before I was arrested.

Mark only one oval.

- Yes (please answer next question)
- No (skip to question # 10)

9. I may lose my job because I am in jail.

Mark only one oval.

- Yes
- No

10. Before being arrested, I was:

Mark only one oval.

- Living with my family
- Living with roommates
- Living alone
- Living in a shelter or motel
- Living on the street
- Other:

11. I had been living in this arrangement for:

Mark only one oval.

- Up to 1 month
- 1 to 3 months
- 3 to 6 months
- 6 or more months

12. I will live in the same place when I get out of jail.

Mark only one oval.

- Yes
- No
- I don't know

13. Being in jail has or will improve my relationship with my family.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

14. Are you a parent or guardian of one or more children?

Mark only one oval.

- Yes (answer next question)
- No (skip next question)

15. Being in jail has or will change the living situation for a child in my custody.

Mark only one oval.

- Yes
- No
- I don't know

16. I have posted bond for a prior arrest.

Check all that apply.

- No, I have no prior arrests
- No, I wasn't offered bond
- No, I was released on recognizance
- Yes, I paid the court directly
- Yes, I used a bail bondsman
- Other:

Please tell us your opinion on the following statements.

17. My most recent bond hearing was fair.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

18. I was treated with respect during my most recent bond hearing.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

19. The current bond amount set for me is fair.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

20. Paying a money bond encourages people to come to court.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

21. Paying a money bond encourages people to follow the law.

Mark only one oval.

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

22. In what year were you born?

.....

23. Please check the boxes that best reflect your racial and ethnic identity.

Check all that apply.

- White
- African American
- Hispanic
- Asian/Pacific Islander
- Native American or American Indian
- Other:

24. Please select the option below that best reflects your education level.

Mark only one oval.

- Less than high school
- High school diploma or GED
- Some college
- Associate degree
- College degree
- Advanced degree (e.g. Masters, Doctorate)
- Other:

Additional Future Interview

We will be randomly selecting willing participants to complete an additional interview on the topic of bail and money bond. This interview will last roughly 20 to 30 minutes and be conducted within the next week or two.

25. Would you be willing to complete an additional interview on the topic of bail and money bond?

Mark only one oval.

- Yes, I am willing to complete an interview.
- No, I do not want to complete an interview.

Thank you for completing this survey!

Appendix B

Released Defendants Survey

Please answer all questions honestly. Ask a George Mason researcher for clarification if you do not understand a question.

1. ID number

.....

2. I was released:

Mark only one oval.

- On recognizance
 On a money bond

**Answer Questions # 3 - 5 if you paid a money bond.
Otherwise, please skip to Question # 6.**

3. The amount of my most recent bond was set at:

Mark only one oval.

- \$1 to \$500
 \$501 to \$1,000
 \$1,001 to \$5,000
 \$5,001 to \$10,000
 \$10,001 to \$25,000
 \$25,001 to \$50,000
 \$50,001 to \$100,000
 \$100,001 or more

4. How was your bond posted?

Mark only one oval.

- Paid the court directly
 I used a bail bondsman
 Other:

5. How was the bond paid for?*Check all that apply.*

- I paid
- My family paid
- My friends paid
- Other:

6. Before being released, I was in jail for:*Mark only one oval.*

- 1 to 3 days
- 4 to 7 days
- 8 to 14 days
- 15 to 30 days
- 31 to 60 days
- 61 days or more

7. I had a job before I was arrested.*Mark only one oval.*

- Yes
- No (skip to question # 9)

8. I lost my job because I was in jail.*Mark only one oval.*

- Yes
- No

9. Before being arrested, I was:*Mark only one oval.*

- Living with my family
- Living with roommates
- Living alone
- Living in a shelter or motel
- Living on the street
- Other:

10. I have been living in this arrangement for:

Mark only one oval.

- Up to 1 month
- 1 to 3 months
- 3 to 6 months
- 6 or more months
- Other:

11. I live in the same place as before I was in jail.

Mark only one oval.

- Yes
- No 32
- I don't know

12. Being in jail improved my relationship with my family.

Mark only one oval.

1 2 3 4 5

Strongly disagree Strongly agree

13. Pretrial Supervision has been helpful for me.

Mark only one oval.

1 2 3 4 5

Strongly disagree Strongly agree

14. Are you a parent or guardian of one or more children?

Mark only one oval.

- Yes
- No (skip to question 16)

15. Being in jail changed the living situation for a child in my custody.

Mark only one oval.

- Yes
- No
- I don't know

16. I have posted bond for a prior arrest.*Check all that apply.*

- No, I have no prior arrests
- No, I wasn't offered bond
- No, I was released on recognizance
- Yes, I paid the court directly
- Yes, I used a bail bondsman
- Other:

Please tell us your opinion on the following statements.**17. My most recent bond hearing was fair.***Mark only one oval.*

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

18. I was treated with respect during my most recent bond hearing.*Mark only one oval.*

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

19. The most recent bond amount set for me was fair.*(Only answer if you had a money bond)**Mark only one oval.*

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

20. Paying a money bond encourages people to come to court.*Mark only one oval.*

	1	2	3	4	5	
Strongly disagree	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Strongly agree

21. Paying a money bond encourages people to follow the law.

Mark only one oval.

1 2 3 4 5

Strongly disagree Strongly agree

22. In what year were you born?

.....

23. Please check the boxes that best reflect your racial and ethnic identity.

Check all that apply.

- White
- African American
- Hispanic
- Asian/Pacific Islander
- Native American or American Indian
- Other:

24. Please select the option below that best reflects your education level.

Mark only one oval.

- Less than high school
- High school diploma or GED
- Some college
- Associate degree
- College degree
- Advanced degree (e.g. Masters, Doctorate)
- Other:

Thank you for completing this survey! We appreciate your time and insight. When you are finished, please put the survey inside the folder and return it to one of the researchers.

Appendix C

MONEY BAIL PROCESS EXPERIENCES AND PERCEPTIONS

INFORMED CONSENT FORM

RESEARCH PROCEDURES

This research is being conducted to understand the reasons behind why defendants do not post money bond, and what potential consequences arise from not posting this bond. For those defendants who have been released, we are interested in understanding perceptions of bail and money bond, and the potential consequences of the bail process. If you agree to participate, you will be asked to complete a brief survey lasting roughly 10 minutes and/or will be asked to participate in an interview with a researcher. Interviews will be semi-structured and will focus on understanding your experiences with money bail, and the perceptions you have of this process. Interviews should last no more than 30 minutes. Interviews may be audio-recorded based on subjects' permission.

RISKS

There are no foreseeable risks for participating in this research.

BENEFITS

There are no benefits to you as a participant other than to help further research on the bail process in general, and money bond in particular. Participation in this research will in no way influence the outcome of your pending case. This study will help researchers understand experiences and perspectives of bail, as well the decisions made around bail.

CONFIDENTIALITY

The data collected in this study will be confidential. Surveys and interviews will not include information that can be used to identify you (such as your name and locations). Interviews may be audio recorded on a device that is password protected and can be accessed only by the graduate research student, undergraduate student and Principal Investigator. You may choose not to have the interview audio recorded, in which case notes of the interview will be taken during the interview. Audio-recorded interviews will be transferred to a password-protected computer, at which point they will be deleted from the audio recorder. Transcripts of the recordings will be made and interview notes will be typed up and kept on a password protected computer, accessible also only by the graduate research student. After transcripts are made, the audio recordings will be deleted from the password-protected computer. Transcripts will be deleted from the password-protected computer following a 5-year time period. Study data will also be accessible to the Principal Investigator, Dr. David Wilson and undergraduate student. Overall findings from the project will potentially be disseminated through various academic outlets, such as conference presentations and scholarly journals.

PARTICIPATION

Your participation is voluntary, and you may withdraw from the study at any time and for any reason. If you decide not to participate or if you withdraw from the study, there is no penalty or loss of benefits to which you are otherwise entitled. There are no costs to you or any other party.

CONTACT

This research is being conducted by Dr. David Wilson, Catherine Kimbrell and Jemily Hayek at George Mason University. They may be reached at 703-993-4701 for questions or to report a

research-related problem. You may contact the George Mason University Office of Research Integrity & Assurance at 703-993-4121 if you have questions or comments regarding your rights as a participant in the research.

This research has been reviewed according to George Mason University procedures governing your participation in this research.

CONSENT

I have read this form, all of my questions have been answered by the research staff, and I agree to participate in this study.

If you will be participating in an interview, please let the researcher know whether or not you agree to have your interview audio recorded.