

The Public Health Harms of the Money Bail System



All Californians want healthy families and safe communities, and most of us believe our criminal justice system should protect us without putting our health in jeopardy. Yet the state's money bail system damages public health, compromising the safety and well being of those who are held in jail, their families, and the communities they return to. This document provides a brief summary of these public health harms of the money bail system.

Families and children suffer from the current system of money bail

- Frequently, it is family members—most often women—who pay court-related costs like bail, and incur significant debt as a result.¹ Debt in turn is associated with a variety of mental and physical health conditions, including stress, anxiety, severe depression, ulcers, and heart attacks.^{2,3,4}
- When the system jails a parent, a loss of family income can lead to food and housing insecurity for children, along with stress and trauma associated with the separation.⁵

The current systems worsens economic and racial health disparities

- People in jail tend to already struggle to make ends meet—nationally, people in jail have a pre-incarceration income of just over \$15,000.⁶ Pretrial detention disrupts employment and may affect earnings for years after someone is released.⁷
- Income is one of the strongest predictors of health, and few things are more harmful to health than poverty.^{8,9,10} People with very low incomes already experience more health problems, and they are the ones forced to sit in jail because they can't afford to pay bail.
- Racial disparities exist at every step of the criminal justice system, and Black people in particular have greater odds of pretrial detention and are given higher bail amounts than White people with similar charges and criminal histories.¹¹ The over-incarceration of Black people then contributes to poor health outcomes and racial health disparities.¹²

People die needlessly—in large numbers from suicide—while awaiting trial in jail

- Suicide is the leading cause of death in jails, and more than 8 out of 10 people who commit suicide in jail have not been convicted of a crime.¹³ Experts suggest suicides can result from the “shock of confinement,” the traumatic interruption of people's normal lives.¹⁴
- In California, nearly 80% of people who die in in jail have not been convicted of their current charges—a higher percent than across the U.S.¹⁵

People with chronic health issues may be cut off from regular care and held in unhealthy conditions

- About 4 out of 10 people in jails have at least one chronic health condition. People in jail may miss medical treatments, and those receiving medication are less likely to continue receiving it after entering jail.^{16,17}
- People in jail face intense stress, poor food options, and limited opportunities for physical activity, all of which can exacerbate chronic health problems.

Jailing people whose underlying problems are related to substance use can threaten their recovery

- Nearly 70% of all people in jail have a substance use disorder, and most people in jail with serious mental health conditions also have issues with substance use.¹⁶
- The public health approach to drug use prioritizes prevention, treatment, and recovery.¹⁸ Yet jails rarely offer evidence-based medication assisted treatments like methadone for opioid addictions.¹⁶ The lack of appropriate treatment puts people at high risk of relapse and overdose upon release.¹⁶

Money bail disproportionately impacts people with mental health conditions

- The rate of serious mental illness is 4 to 6 times higher for people in jail than in the general population, and people with mental illnesses are less likely to make bail and more likely stay in jail longer.^{19,20}
- Jails are harsh, disorienting, and frequently violent environments—settings that can exacerbate people's existing mental health problems.¹⁹
- While jail offers little-to-no appropriate mental health treatment, people could be diverted to community-based treatment much sooner, resulting in better individual and public safety outcomes.¹⁹

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Money bail undermines community safety

- Community and neighborhood safety are crucial to health, and exposure to community violence is linked to anxiety, adverse birth outcomes, and chronic stress that can cause lifelong health problems.²¹
- Money bail does not promote community safety: studies have found that when low-risk individuals are held in jail pretrial, they may actually be more likely to commit new crimes when they are released.²²
- In addition to the human costs of money bail to individuals and their families, the system puts the wider community at unnecessary risk.

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