

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

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Data for this analysis come from the Spillman Jail Management System. This is not the data system utilized by the municipal courts or District Court. Therefore, this is not an analysis of judges' decision-making, but instead an analysis of bond amounts at the time of release from the Douglas County Correctional Facility.

Analysis of bonds set for defendants booked into the Douglas County Correctional Facility (DCCF) from 2016 to 2020 found that:

- There are disparities between the cash/surety bonds set for defendants of different racial and ethnic groups in Douglas County District Court. The raw numbers show that the median cash/surety bond that Black defendants were required to pay is \$500 more than that for White defendants. The median bond that Hispanic defendants were required to pay is \$500 less than that for White defendants.
- Those disparities in District Court bonds shrink when the data is subjected to regression analysis that controls for many variables. The regression analysis controlled for gender, age, number of offenses at booking, number of jail bookings in Douglas County, case type (such as traffic, criminal, or other), offense type (such as probation violation or assault), felony or misdemeanor or unknown classification, and judicial status (such as pre-trial). The estimated median cash/surety bond that Black defendants were ordered to pay in District Court is \$133 more than that for White defendants after controlling for these variables. After controlling for these variables, the difference between the amount for Hispanic and White defendants is not statistically significant.
- For Municipal Court cash-only bonds, Hispanic defendants pay a median of \$104 more than White defendants, and Black defendants pay a median of \$47 more than White defendants. A regression analysis found a \$76 statistically significant difference between Hispanic and White defendants, holding all other variables constant.
- A closer analysis of the data shows that controlling for certain variables such as number of bookings may underestimate racial disparities in the criminal justice system. For example, if Black citizens are more likely to be arrested and booked into DCCF, then they will have more significant criminal histories and be subjected to larger bond amounts. Prior data analysis found that Black citizens are arrested and booked into DCCF at three times the rate of White citizens relative to their size in the Douglas County population.
- In short, the data reveal how systemic racism impacts the criminal justice system. Race is related to frequency of contacts with the system, criminal history, and number and types of charges. These variables drive decision-making throughout the system.

- Black defendants (mean of 11.3 days) and Native American defendants (mean of 11.4 days) stay longer in DCCF pre-trial than White defendants (mean of 8.4 days).
- People with higher bonds stay longer in DCCF. The median cash-only bond amount per Municipal Court booking in 2020 is \$363 (the mean is \$631). The median cash/surety bond amount per District Court booking in 2020 is \$2,000 (the mean is \$8,615). Bail is set to address concerns of public safety, risk of flight, and to ensure court appearance.
- More research is required to understand the significance of these numbers.

The District Court handles criminal and civil cases involving state law. The criminal cases heard involve battery, driving under the influence, murder, drug, and other crimes. The criminal cases involve felonies and misdemeanors.

Municipal Court handles alleged violations of city ordinances within the city limits. The cases involve criminal trespass, driving under the influence, and other misdemeanors. “Municipal Court” refers to the Lawrence, Baldwin City, and Eudora municipal courts in this analysis.

Glossary

Cash Bond: A defendant pays the entire amount of bond set by a judge. Once the bond is paid, the defendant is released from jail to await trial. The defendant gets the money back at the end of the case. If the defendant fails to appear the bond is forfeited.

Surety Bond: A defendant contracts with a third party like a bond company to pay the amount of the bond set by a judge. The defendant typically pays about 10% of the amount or a minimum of \$150. The defendant does not get that money back at the end of the case. Once the bond is paid, the defendant is released from jail to await trial.

Clear: A bond clears when one of a variety of factors change. Among other factors, the defendant may have paid the bond, the judge may have lifted the bond and released the defendant or may have placed the defendant on house arrest. The defendant may have been found not guilty or the charge may have been dismissed.

[The Criminal Justice Coordinating Council](#) was established by the Board of County Commissioners of Douglas County in 2016. The Council's purpose is to provide a forum to support communications and collaborative coordination between and among key criminal justice system officials, advisory bodies, agencies, departments and community leaders to promote public health, public safety and an effective, fair and efficient criminal justice system in our community.

The Racial and Ethnic Disparities Work Group is one of six work groups that closely examine criminal justice issues in Douglas County and report their findings to the Criminal Justice Coordinating Council. The work group's members include county officials, city officials, law enforcement officials, and interested members of the community.