

Places sampled	Individuals or cases sampled	Years of data	Findings related to racial disparity	Citation
National U.S. sample	People held in jails for any reason	2002	Black and Hispanic defendants were overrepresented in the "unconvicted" (pretrial) jail population compared to their shares of the total U.S. population, and also compared to their shares of the total jail population. See Table 1.	James, D. (Bureau of Justice Statistics) (2004). Profile of Jail Inmates, 2002. Special Report.
Sample of the 75 most populous counties in the U.S.	Felony cases	1990-1996	Finds "a general pattern of Hispanic disadvantage across all stages of the pretrial release process. Hispanic defendants were more likely to be denied bail, more likely to have to pay bail to gain release, required to pay higher amounts of bail, and more likely to be held on bail." (Abstract) Summarized in Crutchfield, Fernandes, and Martinez (2010): "...Latino defendants [were] less likely to be granted release (50%) than white (67%) and African-American (55%) defendants. ... "Only 28% of Latino defendants who are granted bail are released, compared with 40% of African-American defendants and 54% of white defendants." (p. 925-26) Summarized by the Brennan Center (2015): "...African American defendants were 66 percent more likely to be detained before trial and Hispanic defendants 91 percent more likely to be detained, in comparison to white defendants. Hispanics were also 39 percent more likely to be charged a bail amount in exchange for pretrial release...."	Demuth, S. (2003). Racial and Ethnic Differences in Pretrial Release Decisions and Outcomes: A Comparison of Hispanic, Black, and White Felony Arrestees. <i>Criminology</i> , 41 (3), 873-908. (Paywall)
Sample of the 75 most populous counties in the U.S.	Felony cases	1990-1996	"Hispanic defendants are sentenced more similarly to Black defendants than white defendants. Both black and Hispanic defendants tend to receive harsher sentences than white defendants. Also, ethnicity effects are the largest in the sentencing of drug offenders, whereas race effects are largest in the sentencing of property offenders." (Abstract) Black defendants were nearly two times more likely than white defendants to be held on bail. Hispanic defendants were more likely to have monetary bail set and their bail amounts were higher than the those of similar white defendants.	Demuth, S. & Steffensmeier, D. (2004). Ethnicity Effects on Sentencing Outcomes in Large Urban Courts: Comparisons Among White, Black, and Hispanic Defendants, <i>Social Science Quarterly</i> , 85 (4), 991-1011. (Paywall)
Sample of the 75 most populous counties in the U.S.	Felony cases	1990-2000	"First, racial disparity is most notable during the decision to deny bail and for defendants charged with violent crimes. Second, ethnic disparity is most notable during the decision to grant a non-financial release and for defendants charged with drug crimes. Third, when there is disparity in the treatment of Black and Latino defendants with similar legal characteristics, Latinos always receive the less beneficial decisions." (Abstract) Furthermore, "being Black increases a defendant's odds of being held in jail pretrial by 25%." (p. 181)	Schlesinger, T. (2005). Racial and Ethnic Disparity in Pretrial Criminal Processing, <i>Justice Quarterly</i> , 22 (2), 170-192. (Paywall)
Broward County, Fla.; Cook County, Ill.; Dallas County, Texas; Harris County, Texas; and Los Angeles County, Calif.	Felony cases	2000 and 2002	Finds that Black defendants face higher bail amounts than white defendants with similar charges and histories: "Our point estimates suggest that judges value freedom significantly less for blacks than whites in Harris county, and in ... Dallas county as well. Back-of-the-envelope calculations suggest that judges in these counties value lost freedom substantially less for blacks than whites, with \$64 per day being a lower bound." (p. 38) Also, "blacks... face higher bail levels than do whites," with bail amounts \$7,000 higher for violent crimes, \$13,000 higher for drug crimes, and \$10,000 higher for public order crimes. (p. 10-11)	Bushway, S. D. & Gelbach, J. B. (2011). Testing for Racial Discrimination in Bail Setting Using Nonparametric Estimation of a Parametric Model. National Science Foundation, Working Paper No. SES0718955.
Sample of the 75 most populous counties in the U.S.	Felony cases	1990-2006	Finds that "...[Nationally,] hold rates are 41.6% for black defendants and 34.4% for white defendants. Thus the national average difference is a little over seven percentage points." But when controlling for differences across counties and time, as well as probability of flight or rearrest, "black defendants are still 9.16 percentage points more likely to be held." (p. 11) However, they conclude that, "that there is not good evidence of a bias against black defendants evident in pretrial detention rates ... once one accounts for the probability of future misbehavior, most notably violent crime." (p. 27)	McIntyre, F. & Baradaran, S. (2012). Race, Prediction, and Pretrial Detention, 7th Annual Conference on Empirical Legal Studies Paper. Also appeared in the <i>Journal of Empirical Legal Studies</i> (2013). (Paywall)
Sample of the 75 most populous counties in the U.S.	Felony cases	1990-2004	This study tests the cumulative effect of race on outcomes in successive stages of the criminal justice process, starting with pretrial release decisions. It finds that "the effect of race varies depending on the specific criminal justice decision point examined, [but finds] a substantive overall race effect in the meta-analysis. Black defendants are more apt to receive a severe criminal sanction than are White defendants." (p. 289/p. 15 of PDF) Specifically, they find that "Black defendants are more apt to receive an incarcerative sentence and a longer incarcerative sentence when applied than are Whites. There is little evidence of a strong race effect on the granting of financial release, the denying of bail, bail amount, held on bail, pretrial incarceration, and whether the defendant was adjudicated as a felon." (p. 286/p. 12 of PDF)	Stolzenberg, L., D'Alessio, S. J., & Eitle, D. (2013). Race and cumulative discrimination in the prosecution of criminal defendants, <i>Race and Justice</i> , 3, 275-299.

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Sample of the 75 most populous counties in the U.S.	Felony cases	2009	While this report is not focused on the 2009 SCPS data, it mentions the 2009 data at several points. It reports that, "There are also significant racial disparities in bail conditions and pretrial detention among seemingly similar defendants.... Controlling again for observable characteristics of defendants, Harris County in Texas, for example, is 34 percent more likely to detain black defendants compared to white defendants with the same observable characteristics, while Baltimore County in Maryland is 1 percent less likely to detain black defendants compared to white defendants." (p. 5) Also, Figure 3B (p. 6) shows 39 counties' "Unexplained Racial Gaps in Pretrial Detention Rates, by Selected County" ("unexplained" after controlling for age, gender, most serious arrest charge, total prior arrests, number of prior felony arrests, number of prior failures to appear in court, total prior convictions, number of prior felony convictions, and county fixed effects). Orange County tops the list with nearly 40% higher rates of pretrial detention for Black defendants compared to similar white defendants. 23 counties show varying degrees of unexplained higher rates of pretrial detention for Black defendants. 14 counties show lower rates of pretrial detention for Black defendants. 2 counties show no racial gap in pretrial detention rates.	Dobbie, W. & Yang, C. (The Hamilton Project/Brookings Institution) (2019). Proposals for Improving the U.S. Pretrial System. Policy Proposal.
Three U.S. District Courts: Minnesota, Nebraska, and the Southern District of Iowa.	Black and white federal defendants convicted of a drug trafficking offense involving powder/crack cocaine, methamphetamine, or marijuana	1998-2000	Finds that Black defendants "were significantly more likely [at 67.7%] than white offenders [44.3%] to be in custody at the time of sentencing." (p. 888/p. 10 of PDF) (These basic figures, however, do not control for legally relevant factors, which the subsequent analysis does.) "...[B]oth the race and the sex of the offender have a significant effect on the likelihood of pretrial detention [after controlling for] the offender's dangerousness, community ties, financial resources, criminal history, and crime seriousness." (p. 889/p. 11 of PDF) Furthermore, "Black offenders—but not white offenders—who were on probation or parole or who were out on bond at the time of the offense faced higher odds of pretrial detention. On the other hand, employment and education affected detention for white offenders but not for black offenders. Among whites, being employed or having some college or a college degree reduced the odds of pretrial detention." (p. 892/p. 14 of PDF)	Spohn, C. (2009). Race, Sex, and Pretrial Detention in Federal Court: Indirect Effects and Cumulative Disadvantage. <i>Kansas Law Review</i> , 57, 879-901.
A midsized Pennsylvania county	All individuals charged with a drug offense in the county	2000-2003	Finds that "...[B]lack defendants were less likely than white defendants to be granted ROR by the judge. In fact, black defendants were approximately 80% less likely than white defendants to receive ROR." (p. 7) "This is likely due to judges' perceptions of black defendants as being more dangerous, blameworthy, and better able to serve time incarcerated." (p. 9) On the other hand, "Race was not significant, however, in the decision of bail amount or in the likelihood to post bail." (Abstract)	Freiburger, T.L., Marcum, C.D., & Pierce, M.B. (2010). The Impact of Race on the Pretrial Decision. <i>American Journal Of Criminal Justice</i> , 35 (1), 76-88. Also appeared in the <i>American Journal of Criminal Justice</i> (2010). (Paywall)
An urban Ohio jurisdiction	Felony cases	2005	Finds that direct race effects on pretrial release decisions are no longer significant once offense severity and other factors were considered. However, finds that race interacts with other factors – especially age – and <i>race plus age</i> was a statistically significant predictor of pretrial release decisions: Black male defendants age 18-29 had lower odds of ROR and higher bond amounts. (Abstract)	Wooldredge, J. (2012). Distinguishing Race Effects on Pre-trial Release and Sentencing Decisions. <i>Justice Quarterly</i> , 29 (1), 41-75. (Paywall)
St. Louis County (Deluth), Minnesota	felony cases	2009-2010	Discusses a study sponsored by the ABA's Racial Justice Improvement Project, which the author directed from 2010-2012. That study found that "whites were at least twice as likely as other racial categories to be released on their own recognizance, and minority defendants were more likely to have a money bond imposed." (Jones p. 950/p. 33 of PDF) Specifically, 32.2% of white defendants were ROR, compared to 11.4% of Black and 14.8% of Native American defendants. "The report also disclosed the fact that the money bond imposed on African American defendants was higher than the bond amount set for white defendants. In fact, the median bond amount imposed on African American defendants [\$20,000] was double the bond amounts set for white defendants [\$10,000]. These racial disparities remained even when controlling for offense severity level, number of felony charges, and the defendants' criminal history (i.e., whether the arrestee was on probation at the time of arraignment)." (p. 950/p. 32 of PDF) A 2015 follow-up study was conducted after the county implemented several changes to the pretrial process. Using similar data from 2009-2014, it found that the racial disparities in ROR and bail setting were no longer statistically significant, and median bail amounts for "more severe" or multiple charges were equal between white and "minority" defendants.	Jones, C. (2013). "Give Us Free": Addressing Racial Disparities in Bail Determinations. <i>Articles in Law Reviews & Other Academic Journals</i> , 301. Also appeared in <i>Legislation and Public Policy</i> (2013).
New York City	Cases involving misdemeanors, violations, infractions, and felonies pertaining to drug offenses, weapons offenses, domestic violence, burglaries, and robberies. (Other felonies were excluded.)	2010-2011	Finds that "...[B]lacks were 10 percent more likely, Latinos 3 percent more likely, and Asians 21 percent less likely to be detained when compared to similarly situated white defendants. Racial disparities in pretrial detention were particularly large for misdemeanor person offenses, where blacks were 20 percent more likely than whites to be detained, and for misdemeanor property offenses, where Asians were 33 percent less likely than whites to be detained." (p. 5)	Kutateladze, B., Tymas, W., & Crowley, M. (Vera Institute of Justice). (2014). Race and Prosecution in Manhattan. Research Summary. Related technical report by Kutateladze and Andiloro is also available on the Vera Institute of Justice website. See also: Kutateladze, B.L., Andiloro, N.R., Johnson, B.D., & Spohn, C.C. (2014). Cumulative Disadvantage: Examining Racial and Ethnic Disparity in Prosecution and Sentencing. <i>Criminology</i> , 52 (3), 514-551. (Paywall)

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San Francisco	The report does not include a detailed methodology describing the data.	2013	Finds that "Black adults are less likely to be released at all process steps: Black adults are less likely to receive an "other" release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment." (p. 8) However, "The data indicate there was no disproportionality between White and Black adults who met criteria for pretrial release and were interviewed by SFPDP (both 85%)." (p. 19)	W. Haywood Burns Institute. (2015). San Francisco Justice Reinvestment Initiative: Racial and Ethnic Disparities Analysis for the Reentry Council.
A large, northern U.S. jurisdiction "ranking among the largest 50 cities in the country as of 2013, with Blacks constituting one third of the metropolitan area."	Felony cases	2009	This is another study of cumulative race effects. It finds that "the probability of being detained prior to trial was 0.68 [68%] for young Black men [age 18 to 29] versus 0.22 [22%] for all other suspects. These figures were 0.24 [24%] and 0.18 [18%] for Blacks and Whites, respectively." (p. 207/p. 29 of PDF) Concludes that "The indirect effects altogether accounted for a 75% increase in the odds of pretrial detention for Blacks relative to Whites, whereas the direct effect accounted for a 25% rise in the odds ratio. For young Black males, these figures were 63% and 48%, respectively." (p. 215/p. 37 of PDF) Indirect effects were via higher bond amounts, inability to hire private attorneys, and history of imprisonment.	Wooldredge, J., Frank, J., Goulette, N., & Travis, L. (2015). Is the Impact of Cumulative Disadvantage on Sentencing Greater for Black Defendants? <i>Criminology & Public Policy</i> , 14 (2), 187-223.
Yakima County, Wash.	Bookings into the Yakima County jail that would be going to first appearance for bond setting and would be eligible for a pretrial risk assessment	2014-2017	This study compares outcomes of Yakima County's pretrial justice system before and after Feb. 2016 changes, which included implementing an actuarial pretrial assessment tool for newly charged defendants booked into the county jail, establishing a dedicated docket for first appearances, providing a public defense attorney at first appearances, and creating a pretrial services agency responsible for pretrial assessment and management. It finds that before the changes, 64% of white defendants in custody at first appearance were released compared to 49% of Latinx/Hispanic defendants, and 41% of "other" (Native American, Black, Asian, Pacific Islander). After implementing the system changes, 73% of white defendants, 75% of Latino/Hispanic defendants, and 65% of "other" defendants were released pretrial. The greatest increases in pretrial release were therefore among Latino/Hispanic defendants (a 26 percentage point difference) and "other" defendants (a 24 percentage point difference). (p. 7-8/p. 9-10 of PDF, Figures 2a and 2b)	Brooker, C.M.B. (Pretrial Justice Institute). (2017). Yakima County, Washington Pretrial Justice System Improvements: Pre- and Post-Implementation Analysis.
Harris County (Houston), Texas	Misdemeanor cases	2008-2013	Racial disparities were not the focus of this study, although it provides some relevant data. Table 1 shows that 38.9% of the sample were Black, but 45.6% of the detained sample were Black, and only 31.3% of those released were Black. (Comparison data for white defendants was not presented in this table.) Table 4 shows that 48.1% of white defendants in a subgroup analysis were detained, compared to 60.3% of non-white defendants.	Heaton, P., Mayson, S. & Stevenson, M. (2017). The Downstream Consequences of Misdemeanor Pretrial Detention. <i>Stanford Law Review</i> , 69, 711-794.
Miami-Dade County	All criminal defendants	2010-2015	Finds that "Black defendants, regardless of ethnicity, are more likely to be detained pretrial. Black Hispanic defendants are detained at four and a half times the rate as their population share, and Black non-Hispanic defendants are detained at over twice the rate as their population share. This trend holds true for all crime types, suggesting that pretrial disparities are not the result of differential offending patterns by race and ethnicity." (p. 21/p.11 of PDF, see also Figures 16-24)	ACLU Florida Greater Miami. (2018). Unequal Treatment: Racial and Ethnic Disparities in Miami-Dade Criminal Justice.
Miami-Dade County (Miami), Fla. and Philadelphia County, Pa.		2006-2014 (Miami-Dade) and 2010-2014 (Philadelphia)	Finds that "Racial disparities are particularly prominent in the setting of bail: in our data, black defendants are 3.6 percentage points more likely to be assigned monetary bail than white defendants and, conditional on being assigned monetary bail, receive bail amounts that are \$9,923 greater." (p. 1) "Conversely, black defendants are 2.0 percentage points and 1.6 percentage points less likely to be released on their own recognizance or to be assigned non-monetary conditions compared to white defendants, respectively. As a result, black defendants are 2.4 percentage points more likely to be detained pre-trial compared to white defendants." (p. 18)	Arnold, D., Dobbie, W., & Yang, C.S. (2018). Racial Bias in Bail Decisions. <i>The Quarterly Journal of Economics</i> , 133 (4), 1885-1932. Also available on <i>The Quarterly Journal of Economics</i> site. (Paywall)
Miami-Dade County, Fla. and Philadelphia County, Pa.	All defendants arrested and charged	2006-2014 (Miami-Dade) and 2007-2014 (Philadelphia)	Finds that "black defendants... and defendants from zip codes with below-median incomes are substantially more likely to be initially detained before trial than their respective counterparts." (p. 214) "Black defendants are 4.0 percentage points less likely to be released [within 3 days] compared to white defendants, a 7.1 percent decrease from the mean." (p. 220)	Dobbie, W., Goldin, J. & Yang, C.S. (2018). The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges. <i>American Economic Review</i> , 102 (8), 1031-79.
Jefferson County (Louisville), Ky.	Cases in which defendants were granted pretrial release by a judge following an arrest for a new criminal offense	2014-2017	Finds that "being Black, having committed a felony offense, possessing a moderate or high qualitative risk score (failing to appear and committing a new offense), and possessing a high risk of committing a new violent offense increases the likelihood of receiving a financial bond requirement for release...." (Abstract) And "Specifically, Black individuals who were arrested were 10% more likely to receive a financial bond, while those with a felony were 15% more likely to receive a financial bond." (p. 54/p. 8 of PDF)	Schaefer, B.P. & Hughes, T. (2019). Examining Judicial Pretrial Release Decisions: The Influence of Risk Assessments and Race. <i>Criminology, Criminal Justice, Law & Society</i> , 20 (2), 47-58.

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Kentucky	Cases originating with an arrest for a new criminal offense (65% were misdemeanor cases). The sample is also compared to the 2009 State Processing Court Statistics data.	2009-2016	This study focuses on changes in outcomes after Kentucky enacted HB 463 in 2011 (requiring the use of the pretrial assessment tool) and the adoption of the PSA tool in 2013. It finds that the racial gap in the granting of non-financial release between Black and white defendants increased after HB 463 “from about 2 percentage point to 10 percentage point” (p. 363/p. 61 of PDF). Similarly, the racial gap in the pretrial release rate (within 3 days of booking) increased after HB 463 to about 5 percentage points. In Jan. 2016, about 52% of Black defendants were released pretrial, compared to about 57% of white defendants (To be clear, this is my interpretation of Figure 11; exact figures are not given.) “[A]bout half of the [5 percentage point] racial gap in release rates disappears once gender, age, detailed information about the charge, and recent criminal history is accounted for.... [B]lack defendants are still about 2-3 percentage point more likely to be detained than white defendants.” (p. 368/p. 66 of PDF)	Stevenson, M. (2019). Assessing Risk Assessment in Action. <i>Minnesota Law Review</i> , 103 (1), 303-384.
New Jersey	Does not specify, but likely all criminal defendants	2012-2018	This report discusses the effects of New Jersey’s Criminal Justice Reform that took effect in Jan. 2017, which essentially ended the use of money bail for most defendants in favor of non-financial conditions of pretrial release. It finds that “the average time to initial release dropped most significantly for black defendants, from 10.7 days to 5.0 days. For white defendants, the number of days to initial release dropped from 5.3 days to 2.9 days.” (p. 20) “The [average] time in jail [pretrial] was reduced by 10.3 days, and time in jail for white defendants was reduced by 5.2 days.” (p. 22) However, while the overall pretrial population fell, the changes did not much impact the racial/ethnic composition of the pretrial jail population: As of Oct. 2018, 54% of the pretrial jail population was Black, 30% was white, and 16% was Hispanic – very similar to pre-reform rates in 2012. (p. 29) The only notable difference in racial composition was among women: Between 2012-2018, Black females went from composing 44% to 34% of the pretrial population, while white females went from 44% to 54% of the pretrial population. (p. 28)	Grant, G.A. (Acting Administrative Director of the Courts). (2019). New Jersey Criminal Justice Reform Report 2018. Report to the Governor and the Legislature.