



# RACIAL AND ETHNIC DISPARITIES IN PRETRIAL PROCESSES

Cross-Jurisdiction Patterns, Pathways,  
and Perspectives from the Pretrial  
Justice Collaborative

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# OVERVIEW

Fairness and equal treatment are long-standing ideals in the American legal system. Yet Black and Hispanic communities remain disproportionately affected by the legal system, an issue linked to the country's history of racial discrimination and segregation. Specifically, heavy policing, housing discrimination, and a lack of investment in education and social services in traditionally Black and Hispanic communities have left members of these communities more exposed to involvement in the criminal legal system. Once involved in the system, people of color continue to face unequal treatment at every decision point connected to their cases. In particular, research shows that people of color, compared with White people, are more likely to experience negative outcomes during the pretrial period (the period from the point of arrest up to when a case is resolved in a verdict, plea deal, or dismissal). Decision points during the pretrial period—including arrest, bond setting, and pretrial release and supervision conditions—are particularly important from a policy-change perspective, as these are all opportunities for racially disparate outcomes to emerge.

This report presents findings from a multimethod study of racial and ethnic disparities in the pretrial processes of seven jurisdictions across the country. Specifically, the study aimed to assess racial and ethnic disparities in the jurisdictions' pretrial case flows, explore the extent to which disparities accumulate across pretrial decision points, and illuminate the challenges and opportunities for addressing disparities from the perspectives of people who work in the participating jurisdictions' legal systems. To do so, the team used descriptive quantitative analysis, multivariate logistic and linear regression, path analysis, and discussions and focus groups with stakeholders.

Overall, the study found that racial and ethnic disparities were common across jurisdictions at the point of entry into the legal system (as seen, for example, in disparities in arrest rates) and in charging and release-condition decisions (for example, release with or without supervision while awaiting trial). Even when factoring in individual and case characteristics including charge severity and risk level, as was done in two jurisdictions in this study, disparities persisted. In one jurisdiction where it was possible to analyze the whole course of the pretrial process through path analysis, disparities were found to accumulate across pretrial decision points, culminating in longer incarceration sentences. In particular, disparities emerging at the charging stage appeared to be important mediators that contributed to overall sentence-length disparities. However, even when holding charging factors constant, disparities in bond amounts and pretrial detention continued to contribute to overall sentence-length disparities for Black and Hispanic individuals, compared with White individuals. Taken together, these results suggest that mitigating disparities at earlier stages in the pretrial process may help mitigate disparities at the point of sentencing.

People who work in the jurisdictions' legal systems—in particular, those from the jurisdiction where the research team conducted the path analysis of the complete pretrial process—offered ideas for potential strategies to mitigate disparities in that process. These ideas included reducing the number of people who come into contact with the legal system through arrest reduction/diversion and community-based supportive services, considering a person's full circumstances in making release-condition decisions, diversifying legal system staffing, establishing stronger communication channels between different areas of the legal system, improving translation services for nonnative English speakers, and improving data quality and the monitoring of disparities. As the field and the country at large continue to grapple with racial and ethnic disparities in the criminal legal system, researchers and jurisdictions must shift toward pilot testing and evaluating promising approaches, as well as highlighting evidence-based solutions.



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The goal of PJC is to study pretrial practices in the eight partner jurisdictions to identify the least restrictive conditions of pretrial release that can be employed while maintaining public safety, upholding court appearance rates, and minimizing racial and ethnic disparities. The research team is grateful to the PJC jurisdictions for their continued partnership in carrying out this research, and specifically the pretrial services departments, stakeholders, state agencies, and county agencies that provided data and shared insights into their pretrial systems, which made the analyses presented in this brief possible.

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The Authors



# INTRODUCTION

Fairness and equal treatment are longstanding ideals in the American legal system. Yet Black and Hispanic communities remain disproportionately affected by the legal system, an issue linked to the country's history of racial discrimination and segregation. Specifically, heavy policing, housing discrimination, and a lack of investment in education and social services in traditionally Black and Hispanic communities have left members of these communities more exposed to involvement in the criminal legal system.<sup>1</sup> Once involved in the system, people of color continue to face unequal treatment at every decision point connected to their cases.<sup>2</sup> In particular, research shows that people of color, compared with White people, are more likely to experience negative outcomes during the pretrial period (the point of arrest up to when a case is resolved).<sup>3</sup>

Decision points during the pretrial period (the period from the point of arrest up to when a case is resolved in a verdict, plea deal or dismissal)—including arrest, bond setting, and pretrial release and supervision conditions—are particularly important from a policy-change perspective, as these are all opportunities for racially disparate outcomes to emerge.<sup>4</sup> Some research suggests that negative outcomes experienced early in the pretrial period (such as being detained following arrest) increase the likelihood of a negative outcome at a subsequent decision point (such as a longer incarceration sentence).<sup>5</sup> Similarly, other research suggests that racial or ethnic disparities (defined as racial or ethnic differences in rates of measured outcomes) observed early in the pretrial period can worsen disparities observed later in the pretrial period.<sup>6</sup> Less is known about potential solutions for mitigating disparities from the perspective of stakeholders in jurisdictions, such as judges, prosecutors, public defenders, law enforcement officers, and pretrial services caseworkers (the people who administer pretrial supervision).

This report presents findings from a multimethod study of racial and ethnic disparities in seven jurisdictions across the country. In doing so, it adds to the growing literature on how disparities emerge and operate in pretrial systems and spotlights stakeholder-identified opportunities for improvement. In this study, the research team defines racial and ethnic disparities as differences in rates of key outcomes by race/ethnicity, both with and without adjusting for case and individual characteristics. Specifically, the study aimed to:

- 
1. Hinton and Cook (2021); Sharkey, Taylor, and Serkez (2020); Bryant, Jr. (2019); Ray et al. (2021); Lombardo (2019).
  2. Hinton and Cook (2021); National Conference of State Legislatures (2022).
  3. Nembhard and Robin (2021).
  4. In other words, these are points where discretionary decisions are made. Racially disparate decisions may arise due to many possible reasons, such as bias on the behalf of the decisionmaker or systemic factors (such as policies, practices, or culture).
  5. This phenomenon is commonly referred to as the theory of cumulative disadvantage. Kurlychek and Johnson (2019).
  6. Kutateladze, Andiloro, Johnson, and Spohn (2014); Kramer and Wang (2019); Wooldredge, Frank, Coulette, and Travis (2015).

1. Assess racial and ethnic disparities in the pretrial case flows of seven jurisdictions
2. Explore the extent to which disparities accumulate across pretrial decision points
3. Illuminate the challenges and opportunities for addressing disparities from the perspectives of people who work in the participating jurisdictions' legal systems

Overall, the study found that racial and ethnic disparities were common across jurisdictions at the point of entry into the legal system (as seen, for example, in disparities in arrest rates) and in charging and release-condition decisions (for example, release with or without supervision while awaiting trial). Even when factoring in other individual and case characteristics, as was done for two jurisdictions in this study, disparities persisted. For one jurisdiction where more in-depth, quantitative analysis was possible, disparities were found to accumulate across pretrial decision points, culminating in longer incarceration sentences for people of color. Individuals who work in the jurisdictions' legal systems offered ideas for potential strategies that may help mitigate these disparities.

This study is part of a larger research partnership, supported by Arnold Ventures, among MDRC, Justice System Partners, and eight jurisdictions across the country, called the Pretrial Justice Collaborative. The goal of the Collaborative is to study pretrial practices in the eight partner jurisdictions, to identify the least restrictive conditions of pretrial release that can be employed while maintaining public safety, upholding court appearance rates, and minimizing racial and ethnic disparities.<sup>7</sup>

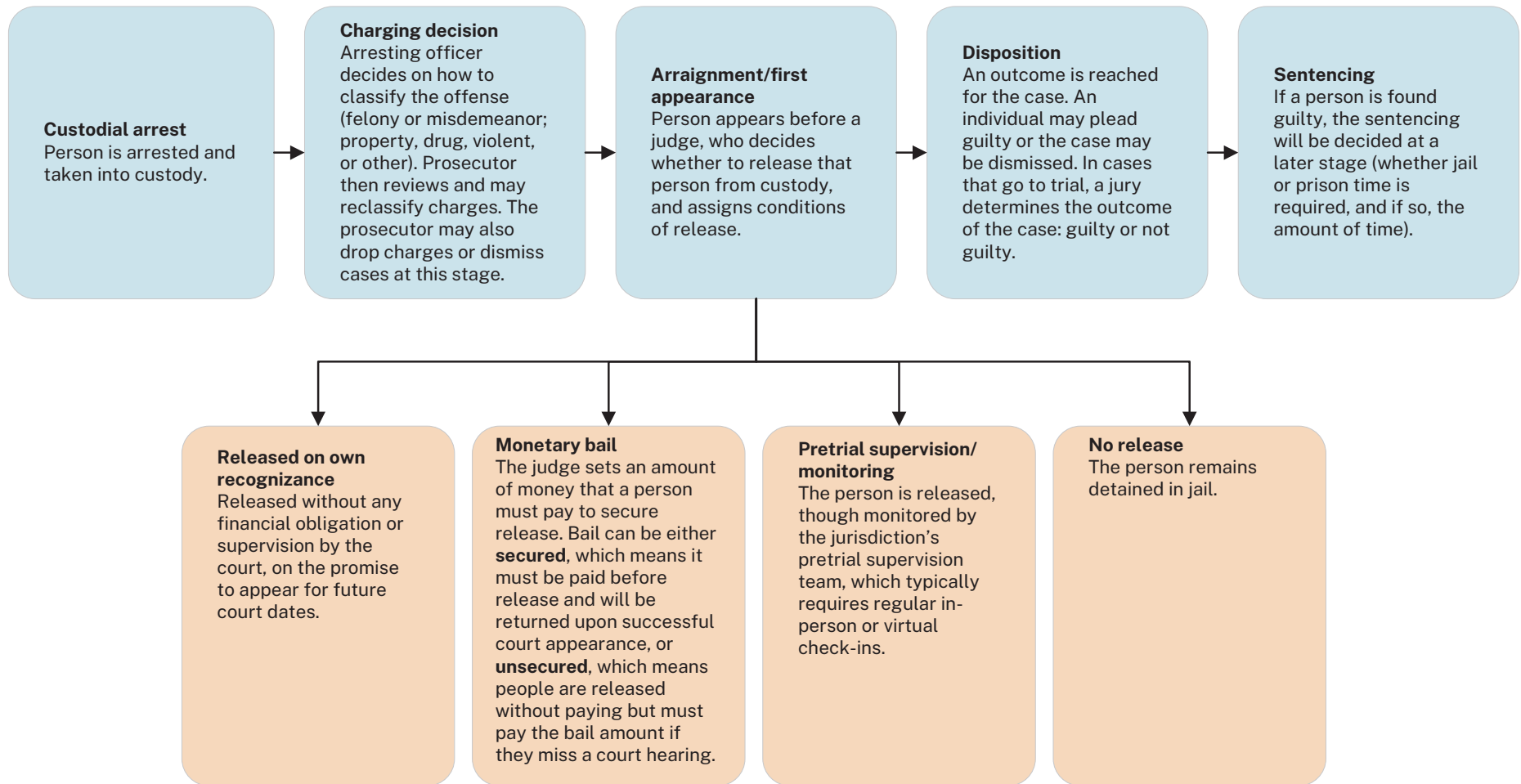
## **BACKGROUND ON THE PRETRIAL SYSTEM AND STUDY SITES**

The pretrial period refers to the period between an arrest and when a case is resolved, which typically occurs either through trial, plea deal, or dismissal. Figure 1 shows a pretrial process with steps that typically occur across jurisdictions. During the pretrial period, criminal justice agencies make several decisions that can affect a person's freedom and ultimately that person's case outcomes. For example, a law enforcement officer must first decide whether to arrest a person charged with a crime or to issue a summons instead. Next, a decision is made about the exact type of charge the person will receive. Then at a first-appearance hearing or arraignment, a judge sets the initial conditions of release, which

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7. While the Pretrial Justice Collaborative involved eight sites in total, one of these sites was the subject of a randomized controlled trial as part of the work and did not participate in other Collaborative research activities. Findings from other components of the Pretrial Justice Collaborative were published separately: (1) a [brief](#) on the comparative effectiveness of pretrial supervision levels (Valentine and Picard, 2023), (2) a [brief](#) on the comparative effectiveness of electronic monitoring (the use of an electronic device to monitor a person's movement and location) and sobriety monitoring (regular drug and alcohol testing—Anderson, Valentine, and Holman, 2023), and (3) a [report](#) with findings from a randomized controlled trial that assessed the effects of remote pretrial supervision compared with hybrid supervision (Skemer and Brennan, 2024).

**FIGURE 1**  
**Typical Pretrial Case Flow**



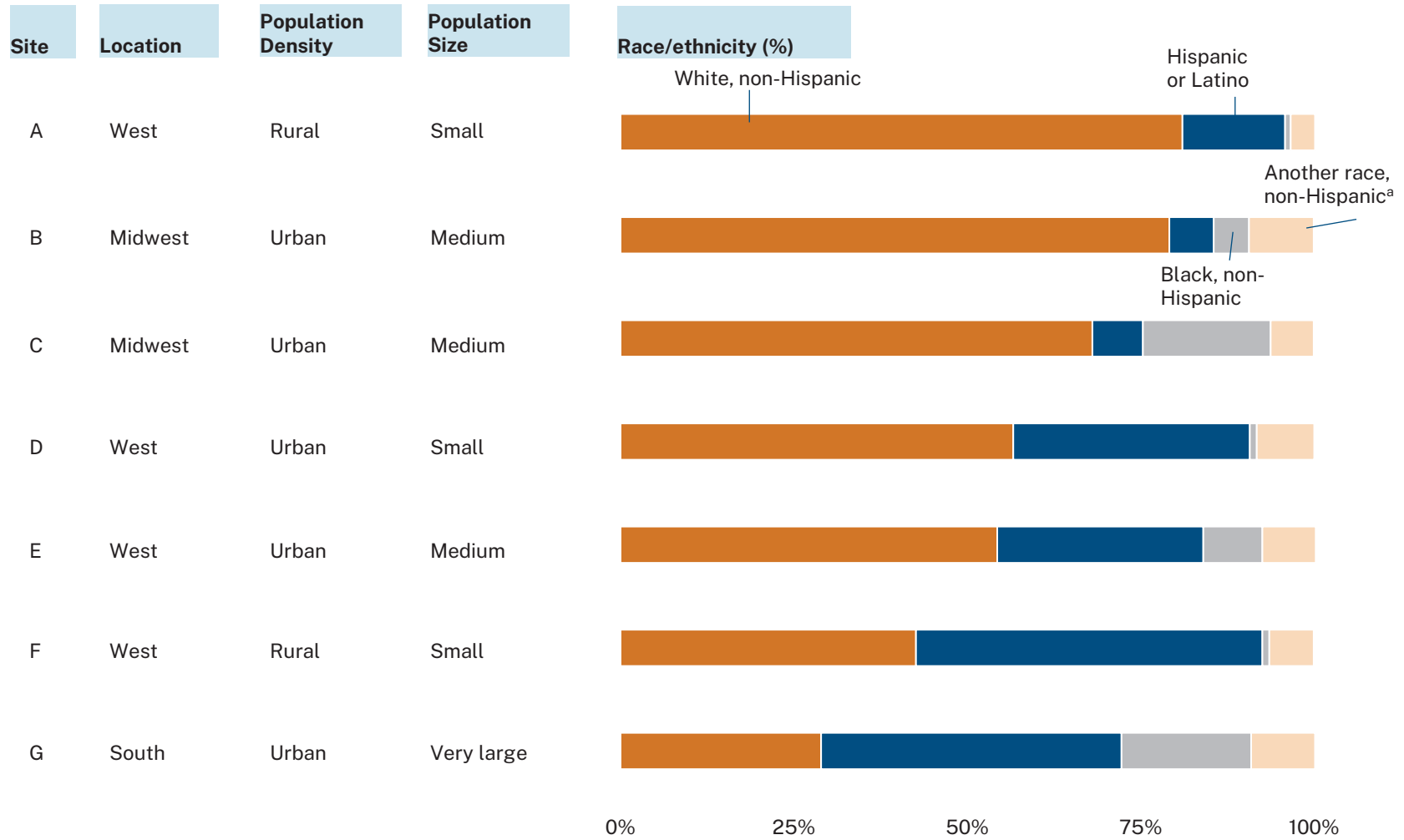
frequently include money bond, release without conditions (known as release on one’s own recognizance), or assignment to pretrial monitoring. (In some jurisdictions, an individual may be remanded, or held in jail, during the pretrial period.) Last, a disposition is reached (the person is found guilty or not guilty or the case is dismissed) and sentencing decisions are made. Tools such as risk assessments and decision matrices are often available to judges or other decision makers to help them use data in their decisions about release following arrests.<sup>8</sup> Motivated by the desire to reduce unnecessary detention, as well as the potential bias that may be associated with discretionary decision-making, many jurisdictions have implemented these tools. Importantly, while risk-assessment tools and their accompanying decision matrices are some of the more commonly used tools for improving pretrial practices, they remain controversial, as there is some evidence that these tools can also produce racially disparate outcomes.<sup>9</sup>

The seven jurisdictions (hereafter referred to as “sites”) included in the current study varied in geography, size, and racial and ethnic makeup. To provide further context for interpreting the study findings, these characteristics are illustrated in Figure 2. While the sites are located across the country, four are concentrated in the western United States, and the Northeast is not represented in the study. Additionally, all but two sites are considered urban areas. At most sites, White people constitute the largest racial/ethnic group; in these places, the Hispanic/Latino group is the second largest. At most sites, Black people make up a relatively small share of the population, particularly in the areas with smaller populations overall.

Notably, participating sites have a history of engagement with pretrial reform efforts, which may mean that they do not represent the typical jurisdiction, although pretrial reform efforts are increasingly common in jurisdictions across the country.<sup>10</sup> All of the sites engaged in the Collaborative use a risk-assessment tool and a risk-informed decision matrix. All study sites also operate pretrial supervision programs designed to ensure compliance with court requirements during the pretrial period.<sup>11</sup> Some of these programs also help clients connect to relevant social services.

- 
8. Risk-assessment tools are validated, actuarial tools that use factors such as criminal history and community ties to estimate the probability that a person will make required court appearances and avoid a new arrest during the pretrial period. Such tools and their accompanying, jurisdiction-specific decision matrices (which produce release-condition recommendations based on the results of the tool and local policies) are widely used to guide release conditions, including in the jurisdictions studied here.
  9. See Goel et al. (2018); Porter, Redcross, and Miratrix (2020).
  10. See Jorgensen and Smith (2021).
  11. These requirements include the universal ones of making all court appearances and avoiding a new arrest, as well as additional requirements that may be set on a case such as sobriety monitoring or electronic monitoring.

**FIGURE 2**  
**Characteristics of PJC Jurisdictions, 2018**



(continued)

## Figure 2 (continued)

SOURCE: American Community Survey (2018); U.S. Census Bureau (2024).

NOTES: Data on race/ethnicity and population are from the American Community Survey, 1-Year Estimates for 2018. Population size categories are defined as follows: small (100,000 to 300,000), medium (300,000 to 800,000), very large (over 4 million). Urban vs. rural designation is based on population per square mile estimates from the U.S. Census QuickFacts. Rural sites are defined as those with a population per square mile of less than 60. Urban sites are defined as those with a population per square mile between 400 and 5,000.

<sup>a</sup>Includes Asian, American Indian, Alaska Native, Native Hawaiian and other Pacific Islander, two or more races, and other race.

## RESEARCH QUESTIONS, DATA SOURCES, AND METHODS

The research team developed the equity study at each partner site to be responsive to both past work in the field of pretrial justice and the specific questions and concerns of the jurisdictions. To accomplish these aims, the team held meetings with site partners at each of the seven sites. When the research team initially approached the sites to gauge their interest in participating in the equity study, all expressed a strong interest. Many people at these sites had been struggling to improve equity in their legal systems for years and had been unable to completely measure and understand the scope of their systems' disparities due to limited resources and complicated data systems. Given these long-standing struggles, the sites were eager to learn more about where disparities exist in their pretrial systems and to identify ways to mitigate them.

This study sought to answer four research questions:

1. To what extent are racial and ethnic disparities observed at important decision points during the pretrial period?
2. To what extent are the racial and ethnic disparities observed at decision points during the pretrial period associated with disparities in the length of sentence to incarceration?
3. How do people who work in the sites' pretrial systems interpret findings from quantitative analyses of racial and ethnic disparities (research questions 1 and 2)?
4. What are some of the challenges of and opportunities for addressing disparities from these people's perspectives?

To address the four research questions, the team used multiple methods: descriptive analysis (research question 1), multivariate logistic and linear regression (research question 1), path analysis (research question 2), and discussions and focus groups with stakeholders (research questions 3 and 4).



For research questions 1 and 2, the study also drew from the following individual-level, quantitative data sources procured from each of the seven sites. For most sites, the study focused on cases initiated between January 2017 and mid-2020.<sup>12</sup>

- Local court data, which typically included information on all arrests, charge types, initial hearings and release conditions, subsequent hearings and outcomes, and final case sentencing
- Case management data from pretrial services programs, which typically included information on the timing of participation in the program, the assigned supervision level, and compliance with program requirements

The remainder of this section describes the research methods in greater detail. Additional details are provided in Appendix A.

## **Descriptive Analyses**

To develop a complete picture of racial disparities at each site, it was first necessary to identify where and to what extent racial and ethnic disparities exist at discrete decision points in each of the seven sites. As described above, for the purposes of this research, racial and ethnic disparities were defined as racial and ethnic differences in rates of measured outcomes. The team worked with pretrial services stakeholders at each site to gauge what racial and ethnic disparities in that jurisdiction should be made a priority (for example, which decision points felt particularly important or ripe for change to that site's stakeholders). The team then conducted descriptive analyses of rates of outcomes for each racial and ethnic group at each step of the pretrial process.<sup>13</sup> Because of variations in sites' priorities and data availability, there were some variations across sites in terms of the outcomes studied. However, disparities when people entered the system (for example, disparities in arrest rates) and in release-condition decision-making were commonly assessed across sites and are thus the focus of the descriptive findings presented in this brief. The sample for each outcome was made up of all people who were eligible for that outcome.<sup>14</sup>

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12. For Site G, the research team received more data from before 2017 (from January 2015) and after 2020 (through October 2021). For Site C, the research team received data from June 2017 through February 2021. For the remaining sites, the data time frame was about 3.5 years beginning in January 2017, with some slight variation in the cutoff date (April through October 2020).

13. The descriptive study reported univariate and bivariate analyses of disparities in outcomes, unadjusted for person and case-level characteristics included in the data.

14. The eligible population for an outcome may change at each point in the pretrial period. For example, to calculate the percentage of Black individuals arrested at a site, the team divided the number of Black people arrested by the total Black adult population in that site. To calculate the percentage assigned money bail in a given racial/ethnic group, the team divided the number of people in a racial/ethnic group who were assigned money bail by the number of people arrested in that same racial/ethnic group.

## Regression and Path Analysis

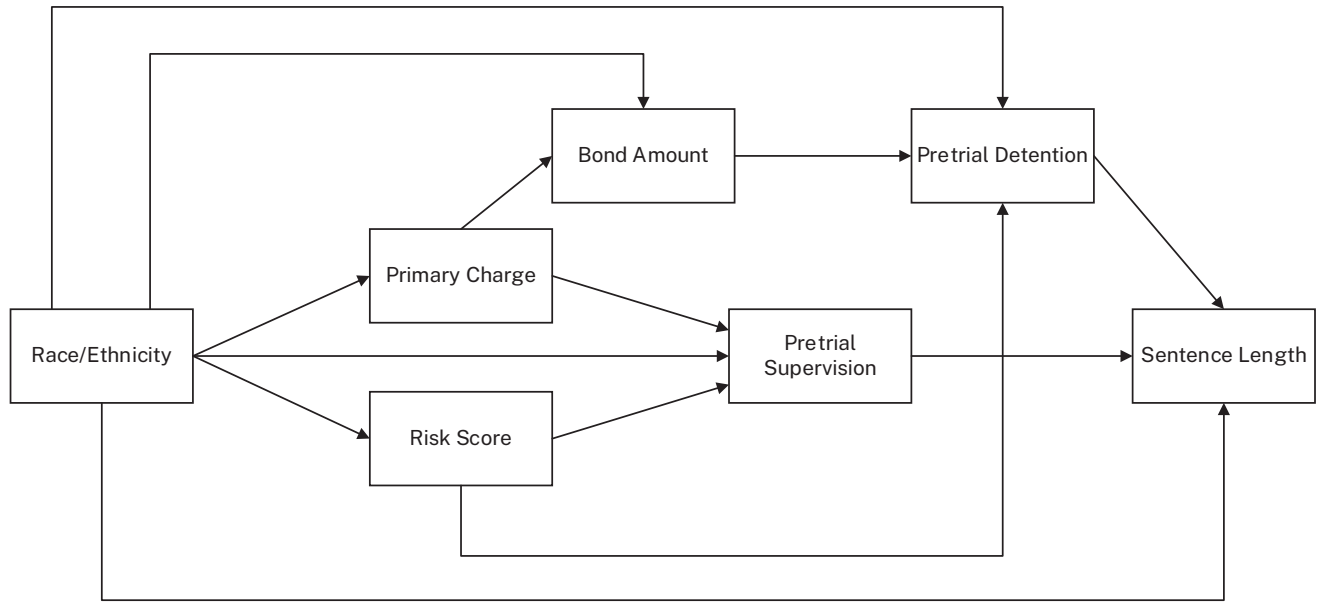
As a next step, the team focused on two specific sites—Sites E and F—to conduct regression analyses designed to assess whether disparities persist and accumulate throughout the pretrial process. Importantly, these analyses accounted for case characteristics such as charge severity and risk level, which were not accounted for in the descriptive work. These two sites were selected based on data quality and site interest.

For Site E, the team used path analysis—described in greater detail in Appendix A—to explore the extent to which disparities observed at early decision points contribute to those observed at subsequent points. This analysis helps illuminate places where changes in policy could be effective by highlighting the intermediate points in the pretrial case flow that may be responsible for the disparities in sentencing. Figure 3 illustrates the two path analysis models (Model A and Model B) used in this analysis, which employ multiple regression to estimate the direct, indirect, and total associations between racial/ethnic identification and the outcome. In this case, a direct association represents the relationship between an individual’s racial/ethnic identification and the final outcome (here, sentence length), while an indirect association represents the relationship between racial/ethnic identification and the outcome that is mediated by additional indicators in the analysis, such as bond amount, pretrial monitoring, or risk score. The term “association” is used instead of “effect” to avoid inadvertently implying that a person’s race or ethnicity *causes* a particular outcome. As an example of an indirect association, if a person’s race affects charging and charging affects sentencing, one can say that a person’s race also affects sentencing indirectly by way of charging. The direct association and the indirect associations sum to the total association among racial/ethnic identification, mediating factors, and the primary outcome (sentence length). The path analysis was conducted to explore the extent to which factors such as primary charge severity, risk score, pretrial detention, and pretrial supervision—as shown in Figure 3—mediate the relationship between the race/ethnicity of a person who has been charged with a crime and the length of sentencing to incarceration. The research team conducted path analyses both with primary charge severity and risk score controlled for (Model B) and with primary charge severity and risk score as mediating factors (Model A).

Model A (see Figure 3) includes primary charge severity and risk score as mediating factors since both are subject to bias, albeit different types of bias. As summarized in Skeem, Montoya, and Lowenkamp (2023), disparities in the criminal legal system can be tied to (a) bias embedded in pretrial policies and practices (for example, guidance that instructs decision makers to consider a person’s socioeconomic status when making release decisions), (b) decision makers’ unconscious racism (for example, associating a person’s race/ethnicity with crime), or (c) both. At Site E, the pretrial system uses a risk-assessment tool to inform release decisions. The tool calculates a risk score based on a range of factors including past and current criminal legal system involvement, past and current behavioral health conditions, and socioeconomic status. At the same time, charge assignments are left to the individual discretion of an arresting officer or prosecutor and judicial officers ultimately have discretion in setting release conditions (that is, the risk score only leads to a recommendation that is not binding), and therefore could be influenced by unconscious

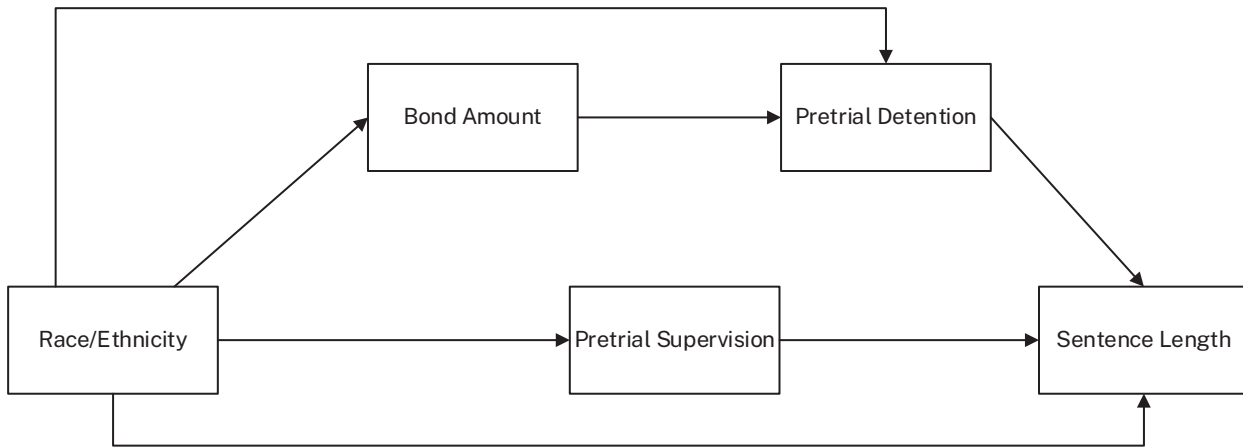
**FIGURE 3**  
**Path Analysis Diagrams**

**Model A**



**Model B**

Covariates in all paths: primary charge severity and risk score



NOTE: The diagrams depict the path analysis models. Specifically, they show the relationships among race/ethnicity, the mediating steps of the pretrial process, and sentence length (the outcome). In the diagrams, each arrow represents a regression relationship between two steps of the path; an arrow starts from the independent variable and points to the dependent variable. The connection from one box directly to another is a “direct association” (for example, the bottom arrow connecting race/ethnicity to sentence length directly in Models A and B). The relationship between two boxes in the diagram that are not directly connected is an “indirect association” (for example, the relationship between race/ethnicity and sentence length by means of pretrial supervision in Models A and B).

racism.<sup>15</sup> It is therefore possible that both of these types of bias are present at Site E, as they are in many jurisdictions.

Model B, however, includes primary charge severity and risk score as covariates instead of mediating factors. By controlling for these characteristics, Model B accounts for any disparities in primary charge severity and risk score that may reflect biased decision-making as well as any differences in primary charge severity and risk score that would merit higher bond amounts, more strict pretrial monitoring, or longer sentence length. Model B therefore illuminates any disparities that exist beyond the initial risk score calculation and charge-assignment processes. These disparities may be the result of systemic factors, individual decision makers’ unconscious biases, or both, as described in the preceding paragraph. The analysis cannot distinguish between these possibilities.

For the other site (Site F), data limitations precluded the use of path analysis, so the team ran adjusted and unadjusted regression models to gauge the association between race/ethnicity and the outcomes. Table 1 lists the outcomes that were examined in these analyses.

**TABLE 1**  
**Outcomes Assessed in Path and Regression Analyses for Sites E and F**

<b>SITE E</b>	<b>SITE F</b>
Primary charge severity	Alignment of release decision with local decision-matrix recommendation based on risk assessment:
Risk score	<ul style="list-style-type: none"> <li>• Assigned the same release condition that was recommended following the risk-assessment process</li> <li>• Assigned a more restrictive release condition than recommended</li> <li>• Assigned a less restrictive release condition than recommended</li> </ul>
Money bond amount	Assigned money bail, as opposed to ROR or pretrial supervision
Assignment to pretrial supervision	Time spent in jail while awaiting trial (in days)
Detention during the entire pretrial period	Secondary outcome: jail sentence length (in days) (misdemeanors only)
Length (in days) of sentence to incarceration in prison or jail	

15. Primary charge severity is measured in this analysis as whether someone’s primary (top) charge on a case was a violent felony as opposed to a nonviolent felony.

## Site Visit and Stakeholder Discussions

Finally, the research team visited Site E to present the path analysis findings to a diverse group of people who work there. Site E was selected for this work due to the strong interest of stakeholders there in the topic and due to its large, urban, and diverse population. Presentation attendees included judges, prosecutors, public defenders, pretrial services caseworkers, local government researchers, and law enforcement leaders. Following this presentation, MDRC held four, 60- to 90-minute focus groups, organized by staff role, with these individuals to brainstorm recommendations and ideas for reducing racial disparities in Site E's pretrial system.<sup>16</sup> Following the visit, the research team analyzed notes from these discussions for themes. At the other six sites, the research team met primarily with pretrial services staff members to share the findings from the site's descriptive analysis (and the regression analyses for Site F) and explore their insights into barriers and areas of promise for increasing racial and ethnic equity in the pretrial process.

## FINDINGS FROM THE DESCRIPTIVE ANALYSES

The descriptive analyses assessed racial and ethnic disparities at early entry points and initial release decisions. Findings from these analyses are summarized in this section.

### Disparities at Early Entry Points

In line with existing literature, the descriptive analysis found that **disparities between Black and White groups were present and the widest at initial entry points into the system at all seven sites**. To assess disparities at the point of entry into the system, the research team measured disparities at the earliest point available in each site's data. This measurement meant looking at disparities in either arrest rates or, if arrest rates were not available in a site's data, in the rate at which prosecutors took up cases following an arrest.<sup>17</sup> The team assessed these rates relative to population size for each racial/ethnic group at the seven sites. Importantly, these analyses did not control for any individual or case characteristics.

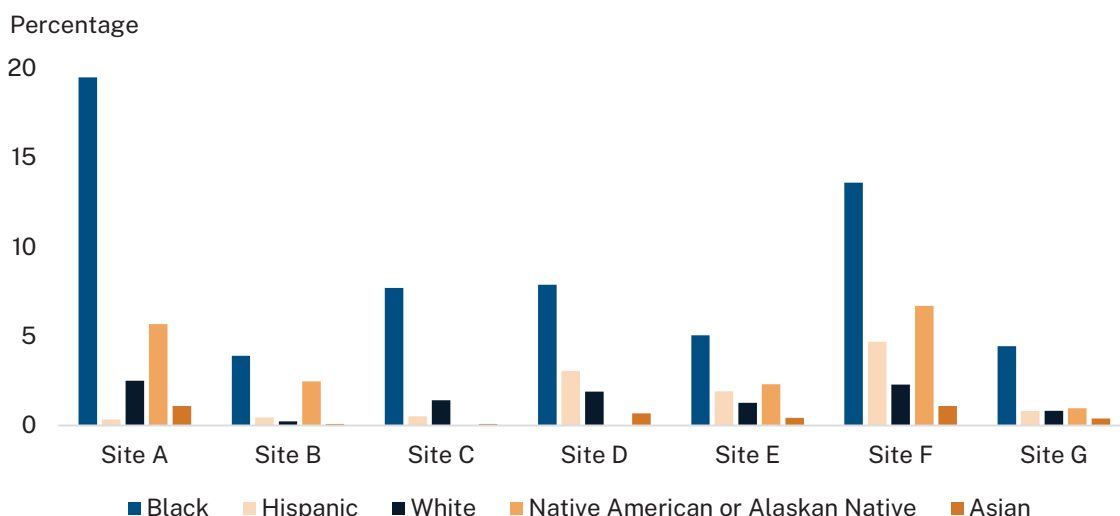
As shown in Figure 4, the research team found that across all sites, Black people entered the criminal legal system at vastly higher rates than both White and Hispanic people. At four sites, Hispanic people entered the legal system at higher rates than White people; however,

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16. The research team was unable to hold focus groups with law enforcement officers and public defenders.

17. After a person is arrested by law enforcement, a prosecutor will typically examine the details of the arrest and determine whether to proceed with prosecuting the case. The prosecutor may also adjust the charges on the case at that point. If the prosecutor decides to proceed with the case, the case will be initiated and tracked in court systems. Sometimes prosecutors decide not to proceed with a case after arrest (for example, if they cannot establish probable cause), which means that a jurisdiction's arrest rate and the rate at which prosecutors proceed with cases can be different.

**FIGURE 4**  
**Rates of Criminal Legal System Entry, by Site and Race/Ethnicity**



SOURCE: Court records from PJC jurisdictions. Time period varies by site: Site A (2019), Site B (June 2017 - February 2021), Site C (2019), Site D (January 2017 - Oct 2020), Site E (January 2017 - July 2020), Site F (January 2017 - July 2020), Site G (January 2015 - October 2021).

NOTES: Rates reflect arrest rates among misdemeanor and felony cases, unless such data were unavailable at a site, in which case the rates reflect the rate at which prosecutors took up a case following arrest.

Sites D, F, and G include both custodial and noncustodial arrests, while rates for the other sites include just custodial arrests.

Racial/ethnic groups are presented depending on what sites reported. Sample sizes are omitted to retain sites' anonymity.

it is important to note that due to potential underreporting of Hispanic ethnicity across sites, true disparities between Hispanic and White people may actually be larger.<sup>18</sup> Overall, higher entry rates among the Black and Hispanic groups may reflect the well-documented heavier policing of communities of color, decision-maker bias at these entry points into the system, or both.<sup>19</sup>

## Disparities in Release-Condition Decisions

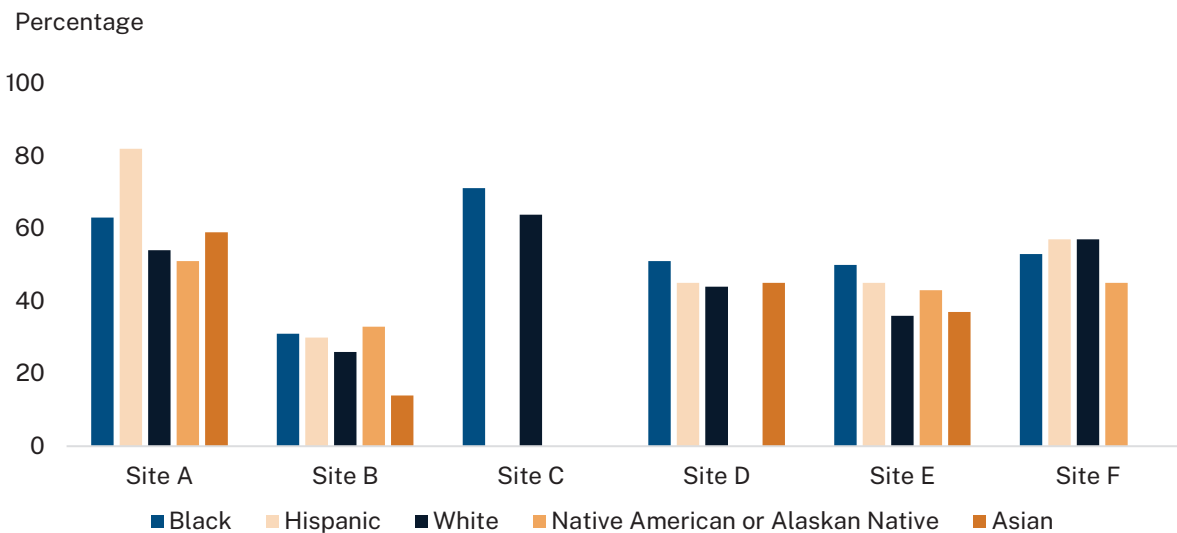
As part of these descriptive analyses, the team assessed the presence of racial and ethnic disparities in decisions made at first-appearance hearings at six sites. These analyses did

18. The underrecording of Hispanic ethnicity is a broader issue in jurisdictions across the country. For an overview of this issue, see Eppler-Epstein, Gurvis, and King (2016).

19. See Hinton and Cook (2021); Kennedy (2015); Jones-Brown and Williams (2021).

not control for underlying individual or case differences.<sup>20</sup> Figure 5 examines sites' use of pretrial detention, or money bail or secured bond (which results in pretrial detention if the individual is unable to pay). **This analysis suggests that racial and ethnic disparities were present in pretrial release conditions. More specifically, at most sites, Black and Hispanic individuals were assigned more restrictive conditions (secured money bond,<sup>21</sup> money bail, or pretrial detention without release) at slightly higher rates than White individuals.**

**FIGURE 5**  
**Rates of Pretrial Detention or Money Bail/Secured Money Bond With or Without Supervision, by Site and Race/Ethnicity**



SOURCE: Court records from PJC jurisdictions. Time period varies by site: Site A (January 2017 - April 2020), Site B (June 2017 - February 2021), Site C (January 2017 - June 2020), Site D (January 2017 - October 2020), Site E (January 2017 - July 2020), Site F (September 2019 - July 2020).

NOTES: The sample from each site includes both misdemeanor and felony cases, with the exception of Site F, whose sample includes only felony cases.

Racial/ethnic groups are presented depending on what sites reported. Sample sizes are omitted to retain sites' anonymity.

Site G was excluded from the analysis due to data limitations.

20. Due to data limitations, this analysis excludes data from one of the seven sites. Also, the types of court cases included in the analysis varied by site.

21. As shown in Figure 1, secured money bonds must be paid before release and will be returned to individuals upon successful appearance at their court hearings. Unsecured money bonds, on the other hand, require people to sign paperwork stating that they are liable to pay the money bail amount if they fail to attend their court hearings. In other words, payment is only required for unsecured money bonds if individuals miss their court hearings; it is not required for their initial release.

The research team also examined the rate at which judicial decision makers' recommendations aligned with the recommendations of the jurisdictions' local decision matrices following the risk-assessment process across five sites (referred to as "concurrency rates").<sup>22</sup> Findings from this analysis are shown in Appendix Figure A.1. There was no consistent pattern in concurrency rates by racial/ethnic group across sites: at some sites, judicial alignment with the local decision matrix's recommendations was very similar across racial/ethnic groups, while in others there was more variation. The team also calculated the rate at which individuals were ordered to a condition more restrictive than what was recommended. At three out of six sites examined, Hispanic or Black individuals had the highest rates of being ordered to a more restrictive condition. The regression analysis discussed in the following section offers additional insights about disparities in concurrency rates.

## FINDINGS FROM THE REGRESSION AND PATH ANALYSIS

The descriptive analyses conducted across all seven sites did not adjust for differences in individual and case characteristics, for example, differences in the severity of the charges on different cases or in the risk profiles of the people facing those charges. To examine whether racial and ethnic disparities in pretrial release conditions persisted after adjusting for these factors, the team conducted additional analyses for Sites E and F. These two sites were selected based on site interest and data availability. As shown in Figure 5 and Appendix Figure A.1, the descriptive analysis found that disparities were present at certain important decision points at Sites E and F: at Site E, Black and Hispanic people were assigned secured money bond or held in pretrial detention at higher rates than White people, and at Site F, Black and Hispanic individuals were more likely to be assigned more restrictive release conditions than recommended by the local decision matrix, when compared with White individuals.

The remainder of this section will discuss findings from regression analyses conducted for Site F and a path analysis conducted for Site E. These analyses offer a more concrete picture of disparities at decision points throughout the pretrial period and whether they remain after factoring in individual and case characteristics. **Overall, the analyses suggest that the racial and ethnic disparities that were observed in the descriptive study for these sites largely persisted even after factoring in individual and case characteristics** such as charge severity (for example, whether the charge was for a violent crime or a property crime) and risk level.

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22. Due to data limitations, this analysis excludes data from two of the seven sites.



## Logistic and Linear Regression Findings on Disparities in Release Conditions

Four outcomes were selected for the logistic and linear regression analyses for Site F: release-decision alignment with the risk-assessment recommendation (referred to as “concurrency”); assignment of money bail; time spent in jail during the pretrial period; and jail-sentence length. Given data availability, the first three outcomes were analyzed among only felony cases, and jail-sentence length was analyzed among only misdemeanor cases. An overview of the findings from this analysis is provided in this section; see Appendix A for more details.

The analysis of concurrency and assignment of money bail controlled for an individual’s age, type of charge associated with the case, and the individual’s risk score, as determined by the local risk assessment. The research team found that Hispanic people at Site F were significantly more likely to be assigned a more restrictive release condition than what was recommended following the risk-assessment process (see Appendix Table A.7).<sup>23</sup> Specifically, the odds of being assigned money bail, as opposed to release on recognizance or pretrial monitoring, were about 34 percent higher for Hispanic people in the sample compared with White people (see Appendix Table A.9, Specification 2). In other words, the racial and ethnic disparities in release-condition decision-making were not the result of differences in charge type and risk score. These findings suggest that decisions about release may be influenced by race, though it is important to note that there are other unmeasured factors—such as more nuanced details of the case and other individual characteristics—that could be influencing differences in outcomes.

Among felony cases, the analysis did not find any significant differences across racial/ethnic groups in the number of days spent in jail while awaiting trial (see Appendix Table A.10), even when controlling for age, charge type, and risk score. Among misdemeanor cases, Hispanic individuals were sentenced to fewer days in jail than White individuals, a statistically significant difference (see Appendix Table A.11). When controlling for charge type, age, and gender, the difference remains statistically significant. It is possible that these results indicate that Hispanic individuals at Site F are arrested more frequently for lower-severity misdemeanors that result in shorter sentences, compared with White individuals. (The frequency of arrest for lower-severity misdemeanors is independent from charge type and was not controlled for.) However, it is difficult to draw conclusions from these analyses due to a limited number of factors controlled for, especially in the misdemeanor analysis where the data did not allow the team to control for risk score.

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23. The unadjusted differences are also statistically significant. The analysis also found higher odds for Black people compared with White people, though both unadjusted and adjusted differences are not statistically significant. The lack of statistical significance for this finding may be related to the Black group making up a very small share of the sample from Site F (about 5 percent).

## Path Analysis Findings on Disparities Across the Pretrial Period

The initial descriptive analyses revealed that racial and ethnic disparities were present at particular points in the sites' pretrial systems. To assess how disparities accumulate across the pretrial period, ultimately leading to differences in sentencing for different racial and ethnic groups, the team conducted a path analysis in Site E for felony cases (see above and Appendix A for more details).

**The analysis found that for both Black and Hispanic individuals in the Site E sample, disparities accumulated across decision points and culminated in longer incarceration sentences.** For Black people in the sample, this accumulation resulted in incarceration sentences that were 192 days longer than those of White people in the sample. Similarly, the accumulation led to a disparity of 165 more days for Hispanic compared with White people in the sample.<sup>24</sup> These numbers represent the total disparities in sentence length and are listed in Table 2 (Model A). They are the sum of the direct and indirect associations between racial/ethnic identification and sentence length—that is, all of the associations depicted in Figure 3. The path analysis also explored the direct associations between race/ethnicity and sentence length. In Model A, both Black and Hispanic identification were directly associated with longer sentence lengths (see Appendix Table A.2).

TABLE 2  
Total Associations Between Race/Ethnicity and Sentence Length,  
Compared with White Individuals

	Model A	Model B
Black individuals	192 days (6.3 months)***	88 days (2.9 months)***
Hispanic individuals	165 days (5.4 months)***	115 days (3.8 months)***

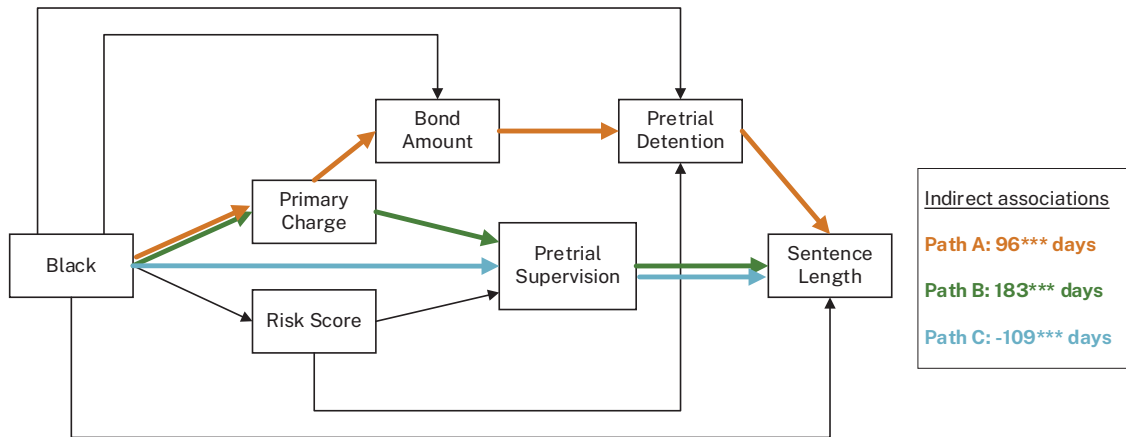
NOTE: The asterisks (\*) next to the estimates in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

Finally, the analysis examined the various pathways by which the disparity in sentencing can emerge. The contributions of these pathways—or indirect associations—to the total sentence length disparities in Table 2 are shown in Figures 6 and 7 for Black and Hispanic individuals (compared with White individuals), respectively. **These findings suggest that primary charge was a major channel through which disparities emerged, which then contributed to disparities at subsequent stages in the pretrial process.** First, Path A's indirect association (Model A) shows that, compared with White individuals, Black and Hispanic individuals on

24. The average sentence length for White individuals was 310 days.

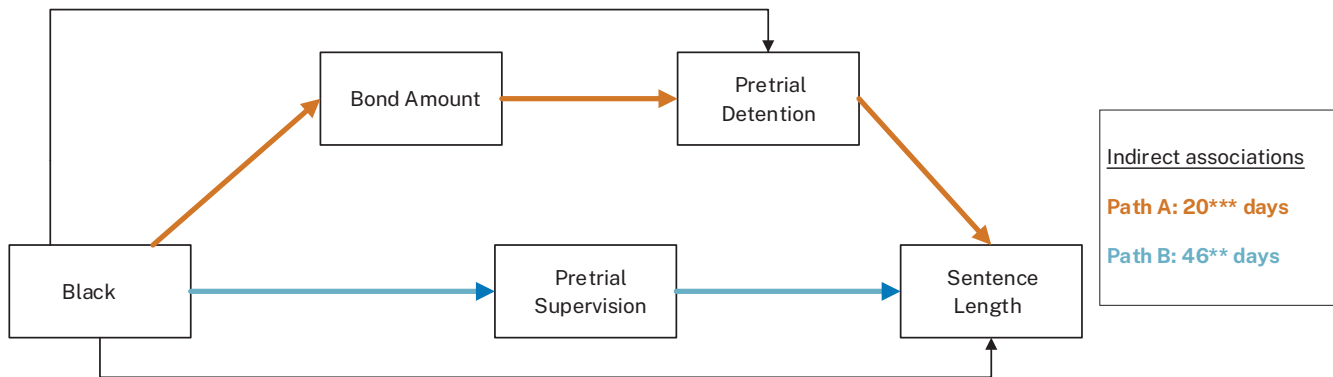
**FIGURE 6**  
**Path Analysis: Indirect Associations for Black Individuals, Compared with White Individuals**

**Model A**



**Model B**

Covariates in all paths: primary charge severity and risk score

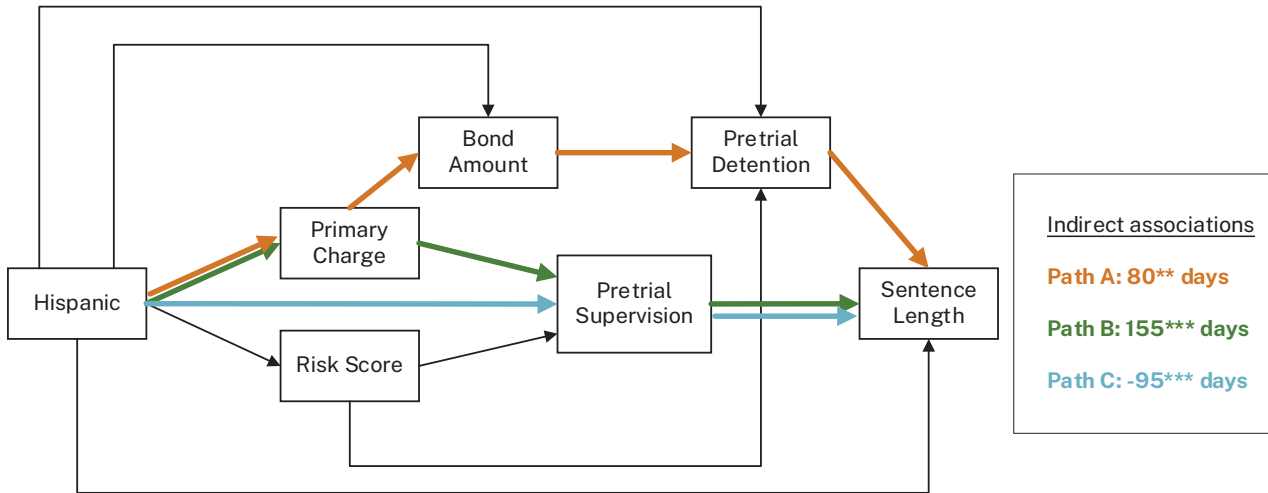


SOURCES: MDRC calculations based on data from Site E’s county court, state judicial department, and pretrial services records.

NOTES: Pretrial detention is a 0/1 binary variable indicating whether a person was detained for the entire pretrial period. Sentence length is in units of days. The asterisks (\*) next to the estimates in the figure indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

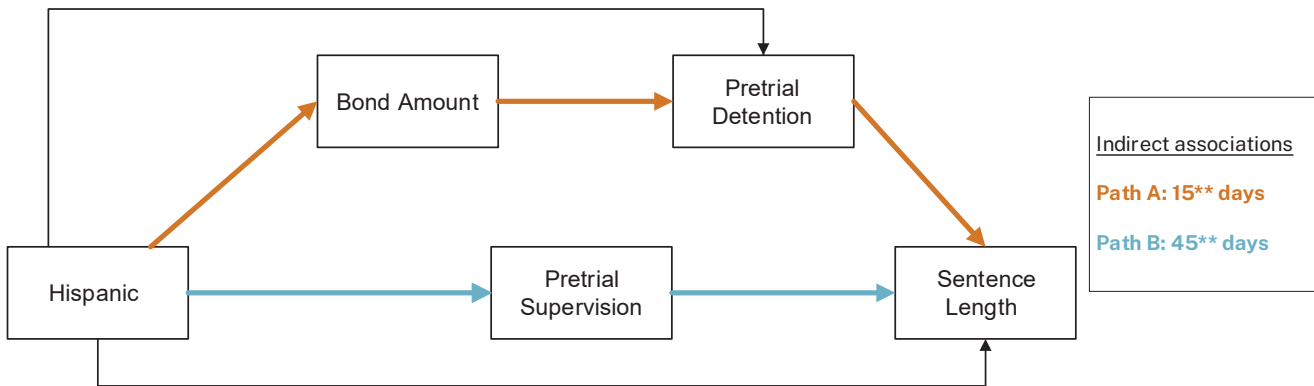
**FIGURE 7**  
**Path Analysis: Indirect Associations for**  
**Hispanic Individuals, Compared with White Individuals**

**Model A**



**Model B**

Covariates in all paths: primary charge severity and risk score



SOURCES: MDRC calculations based on data from Site E’s county court, state judicial department, and pretrial services records.

NOTES: Pretrial detention is a 0/1 binary variable indicating whether a person was detained for the entire pretrial period. Sentence length is in units of days. The asterisks (\*) next to the estimates in the figure indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

average were more likely to receive a more severe charge, which led to the setting of higher bond amounts. Higher bond amounts were then associated with a higher likelihood of being detained for the entire pretrial period. Pretrial detention was then strongly associated with a longer sentence, in keeping with existing research in this area.<sup>25</sup> Path B's indirect association (Model A) shows again that Black and Hispanic individuals were more likely to receive a more severe charge, which made them more likely to be assigned pretrial supervision regardless of the bond amount, which was again associated with a longer incarceration sentence. An examination of Path C, which does not include the charging stage, suggests that assignment to pretrial supervision was associated with shorter sentences for Black and Hispanic individuals. The model also found that these individuals were less likely to be assigned supervision, on average, compared with White people (see Appendix Table A.2).

To further explore the finding that primary charge is a major channel through which disparities may flow and expand at subsequent points, the research team ran Model B, which holds primary charge constant (see Figure 3). This model also controls for risk score, which is probably correlated with other factors, such as pretrial detention, that contribute to disparities. In other words, Model B explores whether racial disparities in sentencing can be observed even after accounting for these legal factors statistically.

**Racial and ethnic disparities in sentence length persisted even after holding primary charge and risk score constant.** As shown in Table 2, Model B found that the total association (or cumulative disparity) between race and sentence length was 88 days for Black individuals and 115 days for Hispanic individuals, both compared with White individuals. The direct association between race/ethnicity and sentence length is positive but no longer statistically significant in this model.

The indirect associations in Model B show that **when primary charge and risk score are held constant, Black and Hispanic individuals had higher bond amounts set, which increased their likelihood of being detained while awaiting trial—ultimately leading to longer sentences.** Interestingly, in Model B, Black and Hispanic individuals were *more* likely to be assigned supervision, and their assignment to pretrial supervision was associated with an increase in sentence length (Path B). These findings are in contrast with the findings from Model A (Path C) described previously. It is important to recognize that individual paths must be understood within the broader context of the models. Extensive testing of stand-alone models revealed a positive and statistically significant relationship between Black and Hispanic identification and assignment of pretrial supervision. This relationship suggests the presence of an omitted variable that could be the subject of future studies.

**Summary of Path Analysis Findings.** In sum, the path analysis findings show that for both Black and Hispanic individuals, compared with White individuals, disparities accumulated across decision points and culminated in longer incarceration sentences. In particular, disparities emerging at the charging stage appeared to be important mediators that contributed

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25. Lowenkamp, VanNostrand, and Holsinger (2013).

to overall sentence-length disparities. However, even when holding charging factors constant, disparities in bond amounts and pretrial detention continued to contribute to overall sentence-length disparities for Black and Hispanic individuals, compared with White individuals. Taken together, these results suggest that mitigating disparities at earlier stages in the pretrial process may help mitigate disparities at the point of sentencing. While the current analysis does not assess the exact source of these disparities, the findings from Model B, which controls for case and individual characteristics, suggest that racial bias—whether at the decision-maker or system level—may have contributed to the disparities measured.

## **STAKEHOLDER REFLECTIONS ON FINDINGS AND OPPORTUNITIES TO MITIGATE DISPARITIES**

Across all sites, the individuals who work in the sites' pretrial systems (referred to as “stakeholders” for simplicity) were generally not surprised by the findings that revealed racial and ethnic disparities in their pretrial systems. This response might have been expected, since all sites were already committed to making their pretrial systems more equitable, showing that they had already come to terms with the fact that racial and ethnic disparities are a pervasive issue in the legal system.

At the same time, many stakeholders felt disheartened to learn that disparities had persisted in their systems despite the pretrial changes that they had already made with the hopes of reducing disparities. For example, all sites employed local risk-assessment-informed decision matrices with the purpose of increasing objectivity in decision-making and the effectiveness of release conditions. Importantly, the scope of this study's data did not make it possible to compare disparities before and after the implementation of risk-assessment tools and local decision matrices. Therefore, it is possible that the implementation of these tools reduced disparities without eliminating them.

Despite feeling frustrated by the slow pace of change, stakeholders highlighted four areas and processes that, if changed, might improve racial equity in their jurisdictions. **These opportunities for change are discussed in the text that follows and are drawn largely from discussions with stakeholders from Site E**, with whom the research team held more extensive conversations about the quantitative findings. Topics that were commonly discussed across sites are also noted. Insights and examples from the literature are included below for each topic area.

### **1. Reducing the Number of People Who Enter the Criminal Legal System**

As this study and numerous others have shown, there are often pronounced racial and ethnic disparities at early entry points into the legal system—that is, stemming from ar-

rest and prosecutorial decisions.<sup>26</sup> Some stakeholders argued that reducing the number of people who come into contact with the legal system could also reduce racial disparities based on conscious or unconscious bias that arise later in the pretrial process. The path analysis findings support the idea that reducing disparities earlier in the pretrial process could prevent them from accumulating at subsequent stages. There was also widespread agreement among stakeholders that important reasons people come into contact with the legal system include substance use disorders, untreated mental health issues, and housing instability—all factors that could be addressed through community-based programs and services specific to these issues.

Existing research suggests that there are several avenues for achieving this type of structural change, including:

- **Community-based services and alternatives to arrest.** Racial and ethnic disparities in the legal system can be in part the result of inequities in other social systems, such as health care, housing, and education. For example, the presence of racial and ethnic disparities in access to and the use of mental health care is well researched and documented,<sup>27</sup> as is the disproportionate representation of people with mental illness in the criminal legal system.<sup>28</sup> Thus, strategies to reduce racial disparities in the criminal legal system may be more successful if they incorporate adjacent systems and community approaches.<sup>29</sup> Existing types of partnerships between law enforcement and mental health care providers include Crisis Intervention Team (CIT) programs, mobile crisis teams, coresponder units, and 911 dispatch diversion.<sup>30</sup> Supportive housing, which provides people with housing in addition to support services, is another intervention usually implemented outside of the criminal legal system that may reduce legal system involvement. More evidence on the

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26. Decisions at arrest may involve deciding whether to arrest people and take them into custody as opposed to issuing them a citation and releasing them, as well as which charges to set initially. Prosecutorial decisions may involve whether to drop, downgrade, or change the initial charges on a case based on a review of the evidence.

27. Maguire and Miranda (2008).

28. One survey found that 15 percent of people held in state or federal prison and 26 percent of people held in jail had a mental health problem—rates that are about three and five times that of the general population. See Bronson and Berzofsky (2017).

29. National Academies of Sciences, Engineering, and Medicine (2022).

30. 911 dispatch diversion is a policy by which call centers can divert relevant calls to a mental health crisis line, promoting the use of clinical over law enforcement responses. CIT programs, which have been widely adopted, train law enforcement officers in how to respond to people experiencing mental health crises, with the goal of helping those people obtain treatment rather than placing them in the criminal legal system. Mobile crisis teams are groups composed solely of mental health professionals that respond to mental health crises—at the request of either law enforcement officers or community members—and that are designed to promote diversion from arrest. Coresponder units are groups composed of mental health professionals and CIT-trained law enforcement officers that respond to mental health crises, and that are designed to promote diversion from arrest. See the following for more information and examples of mental health diversion programs: CIT International (n.d.); U.S. Department of Justice, Bureau of Justice Assistance (n.d.); Justice Center, Council of State Governments (2021); Lovins (2020); Kirley, Neil, Fitzgerald, and Bartley (2023); Climer and Gicker (2021); Beck, Reuland, and Pope (2020); Bach (2020).

effectiveness of community-based programs is needed,<sup>31</sup> but a large randomized controlled trial of one supportive housing initiative found that the program led to reduced time spent in shelters, reduced police interactions, reduced jail time, and fewer visits to detox facilities.<sup>32</sup> The availability of mental health services in communities has also been linked to lower arrest and crime rates.<sup>33</sup> Site E stakeholders suggested that cultivating stronger relationships with housing and behavioral health providers could help them take better advantage of these services, including by helping them connect clients to services in a more integrated fashion. Notably, some stakeholders also felt that a shift toward greater reliance on social services and community organizations could only be successful with additional public funding for those services and organizations.

- **Reducing arrests and prosecution of low-level misdemeanors.** The practice of stopping and arresting people for low-level misdemeanors (such as resisting arrest, loitering, trespassing, and drug possession) disproportionately entangles people of color in the legal system, as misdemeanor arrests are discretionary and disproportionately made in areas under heavier police surveillance.<sup>34</sup> Some jurisdictions have implemented changes to how they handle these types of charges, with district attorneys in some jurisdictions across the country pledging to stop prosecuting these types of misdemeanors.<sup>35</sup> Given the large racial and ethnic disparities observed in rates at which people were arrested and entered the legal system across the seven sites, efforts to curtail certain types of arrests may be an effective strategy for reducing disparities at those sites.

## 2. Mitigating Racially Disparate Decision-Making

The descriptive, regression, and path analyses in this study found that racial and ethnic disparities were apparent at many pretrial decision points. Specifically, compared with White people, Black and Hispanic people were more likely to be: arrested and enter the legal system, given more severe charges and higher risk scores, assigned money bail and more restrictive release conditions, detained in jail while awaiting trial, and sentenced to greater lengths of incarceration. Therefore, the topic of addressing racially disparate decision-making was the focus of the research team’s conversations with stakeholders from Site E.

Prosecutors from Site E described encountering inconsistent charging practices at the arrest stage that may be fueling some racial disparities in pretrial decision-making. One prosecutor reported observing racial disparities in the use of attempted homicide charges as opposed to assault charges. To improve charge accuracy—and address disparities in

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31. Cadoff, Jones, Chauhan, and Rempel (2023).

32. Gillespie et al. (2021).

33. Heller et al. (2017); Bondurant, Lindo, and Swensen (2018); and Jacome (2021).

34. Natapoff (2018); National Academies of Sciences, Engineering, and Medicine (2021).

35. See Agan, Doleac, and Harvey (2002), who suggest that this type of prosecution reform in Suffolk County, MA, decreased the likelihood of legal system involvement. See also ABC7 News (2020) for an overview of a similar prosecution reform effort in Los Angeles County, CA.



charge severity—prosecutors from Site E suggested additional training for law enforcement officers about the assignment of charges. They also suggested greater standardization of arrest reports, which could include requiring more detailed information from law enforcement officers about the circumstances of an arrest, such as the presence of weapons, as relevant to shaping charges. It is worth noting that the research team was not able to speak in depth with police officers on this topic. The perspectives of police officers on disparities at the arrest stage may offer additional, valuable information and should be considered in future research.

In addition to racially disparate arrest and charging decisions, Site E stakeholders also described how the court’s incomplete understanding of an individual’s circumstances and needs could lead to disparities in release-condition decision-making. Decision makers, including judges, prosecutors, and defense attorneys, felt that the risk-assessment scores and matrix recommendations provided to them were insufficient for making effective release decisions, which often led them to want to seek additional background information about individuals and their circumstances. For example, was the individual in question working? Did the person have stable housing? Was the person a parent or caregiver that others depended on? Some felt that sharing needs assessments (distinct from the risk-assessment process) during or before the first court hearing might be a way of helping stakeholders set fairer release conditions. However, others raised concerns about this potential solution since more information could also lead to more biased decision-making. With that said, a pilot study in Philadelphia found that the use of “bail advocates”—people who interviewed individuals following arrest to gather information that could be used to advocate for their release from jail—led to a reduction in racial disparities in pretrial detention in that jurisdiction.<sup>36</sup>

Additionally, the research team heard from numerous stakeholders that risk aversion is a major contributor to judicial decision-making, with judges concerned about releasing people to the community whom they believe pose even the smallest risk to public safety. The Site E path analysis found that racial and ethnic disparities in bond amounts and assignment to pretrial supervision persisted even after controlling for risk score and charge severity (see Appendix Table A.3). Taken together, these findings may suggest that unconscious bias regarding race and public-safety risk is influencing release decisions. However, it is important to note that the current study was not an explicit test of bias in any stakeholder’s decisions, and these findings deserve further research.

While the current analysis does not measure the extent to which disparities are explained by race-based decision-making, versus other systemic and institutional factors that could inform decision-making, other recent research sheds light on some of these questions. For example, a recent study of federal cases found that disparities in pretrial-detention decisions operate mostly through racial differences in accumulated criminal history (which may result from differential enforcement, as per the first section of this report), and that un-

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36. Heaton (2020).

conscious stereotypes play a much smaller role in these disparities.<sup>37</sup> The authors suggest policies to reduce the weight of criminal history in decision-making processes. This finding aligns with other studies showing that unconscious bias training has only weak effects, at best, on legal system outcomes.<sup>38</sup> Some research supports diversification of legal system staff as a way to lessen racial disparities, which provides further support for systemic approaches to disparity mitigation.<sup>39</sup> Therefore, strategies to diversify staff, change internal policies or practices, or shift the culture of legal system agencies, including tempering a risk-averse culture, may be more effective in reducing disparities than targeting individual bias. Assessing how disparities in decision-making operate—whether through unconscious bias or systematic factors—would help jurisdictions better target mitigation efforts.

### **3. Improving Communication Among Stakeholders and Enhancing Court Services**

Stakeholders from Site E suggested that stronger communication and coordination between different stakeholders throughout the pretrial period—such as between arresting officers and prosecutors, or between pretrial services staff members and judges—could make it more likely for important details about cases to be considered fully. Some described how different types of stakeholders tended to be isolated from one another in the current system, which meant that information could get lost or not be fully considered. For example, pretrial services staff members described a case in which a judge—not knowing that an individual lacked stable housing—required that individual to wear an electronic monitoring device that required daily charging. This requirement was virtually impossible for someone to meet without stable housing, and as a result, the individual was repeatedly out of compliance with the release conditions. Site E stakeholders suggested regular meetings among judges, prosecutors, defense attorneys, and pretrial services workers in order to review case details and ensure information is not lost.

Additionally, several different types of stakeholders from Site E reported that language barriers could sometimes hinder nonnative English speakers and immigrants from obtaining and understanding information about their cases. As these stakeholders suggested, the availability of high-quality translation services in courts may improve the experiences of

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37. Skeem, Montoya, and Lowenkamp (2023).

38. Worden et al. (2020).

39. For example, studies found that law enforcement agencies in which people of color and women make up larger shares of the staff—including at leadership levels—are associated with lower arrest rates in Black communities and fewer instances of police drawing their weapons. Additionally, a study of staff diversification among judges found that as the share of Black judges increased, the Black-White gap in probability of incarceration fell by up to 7 percentage points; this change was not the result of the decisions of Black judges, but rather of changes in decisions among White judges as their peer group became more diverse. See Ba, Knox, Mummolo, and Rivera (2021); Legewie and Fagan (2016); Donohue and Levitt (2001); Hoekstra and Sloan (2022); Bulman (2019). See also Harris (2023).

people whose first language is not English, including many Hispanic people. The literature supports this suggestion.<sup>40</sup>

## 4. Improving Data Quality and Monitoring

Last, a common theme across nearly all seven jurisdictions as well as in the field at large is that there is a need for higher-quality race and ethnicity data to be collected and analyzed routinely for disparities. After all, no action can be taken to reduce disparities without information about where and to what extent they exist. Data on race, and especially ethnicity, are often recorded inconsistently or are inaccurate.<sup>41</sup> Additionally, data within jurisdictions are often housed in separate agencies' systems. For example, police, jail, court, pretrial services, corrections, and probation data are typically gathered and housed separately. Without better interagency data integration and designated staff to analyze data, it is difficult and inefficient to monitor racial and ethnic disparities across the pretrial system as is needed. Finally, as the path analysis findings in this study indicate, the availability of high-quality data covering more points in the pretrial process could improve the precision of disparity analyses and allow for better identification of factors responsible for those disparities. PJC stakeholders suggested that they and others should consider integrating data systems across different criminal justice agencies (establishing data-sharing agreements as a first step), creating research agendas and designating staff members responsible for tracking disparities, and improving data quality and collection procedures.<sup>42</sup>

## FUTURE RESEARCH DIRECTIONS

Implementing the types of changes described in the previous section with the goal of improving racial equity will require investment and commitment from those who work in the legal system, those who have been directly affected by the system, and the public. To help shore up support for these types of reforms, Site E stakeholders suggested a public relations strategy or education campaign geared to educate stakeholders and the public about reform efforts and any available data supporting their effectiveness. Creating broader culture change may be necessary. This suggestion underscores a further need for more rigorous research evaluating the effectiveness of the strategies discussed above. As the field and the country at large continue to grapple with racial and ethnic disparities in the criminal legal system, researchers and jurisdictions must shift toward pilot testing and evaluating promising approaches, as well as highlighting evidence-based solutions.

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40. Beitsch (2016).

41. See Eppler-Epstein, Gurvis, and King (2016).

42. Often, race and ethnicity data are not collected by all criminal justice agencies within a jurisdiction, as was commonly the case among these seven jurisdictions. However, these data may be collected by other agencies within a jurisdiction. Therefore, sharing data across agencies could make it possible for stakeholders to assess disparities throughout the jurisdiction's pretrial processes, even in data retrieved from agencies that do not collect race/ethnicity data routinely.



## APPENDIX

# A

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## Quantitative Methods



This appendix describes the quantitative methods and data used in the analyses described in the body of this report and provides a more detailed description of findings for the two sites for which regression analyses were used. Given the differences in available data from each jurisdiction, the methods and findings for each are presented separately. It is important to note that the analyses for both sites are exploratory analyses meant to inform subsequent stages of the equity research on this project. The findings do not imply causality.

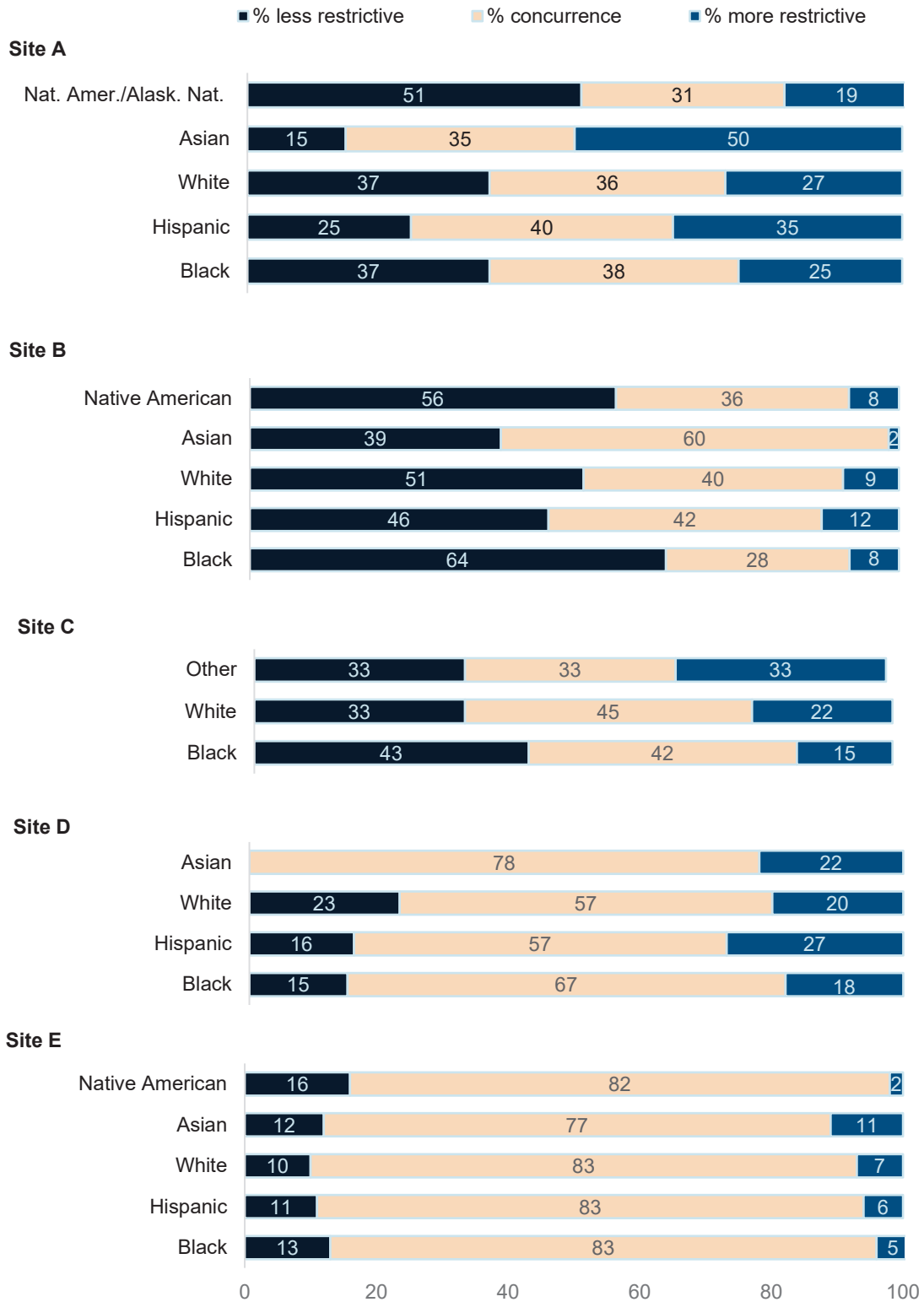
## METHODS OVERVIEW

### Descriptive Analysis

To develop a complete picture of racial equity for each site, it was first necessary to document and map the pretrial process and decision points at each site, and to identify where and to what extent there were racial/ethnic disparities in this process. In this study, the research team defines racial and ethnic disparities as differences in rates of measured outcomes by race/ethnicity.<sup>1</sup> First, for each of the seven partner sites, the research team combined information gathered from interviews with site staff members and a review of documents and systems to develop a detailed map of that site’s pretrial process, which was reviewed with site stakeholders. The team then worked with stakeholders from each site to gauge their priorities for understanding racial and ethnic equity in that jurisdiction (that is, which decision points felt particularly important or ripe for change to that site’s stakeholders). Finally, the team conducted descriptive analyses of average rates or counts of outcomes for each racial and ethnic group at each step of the pretrial process, with an emphasis on the decision points and case outcomes displayed in Figure 1. These decision points and outcomes were drawn from the stakeholder engagement above. The sample for each average outcome was made up of all people who were eligible for that outcome.<sup>2</sup> Because data availability and time frames were different from site to site, versions of the descriptive analysis plan were developed for each site. The descriptive findings, including both univariate and bivariate analyses of disparities in outcomes unadjusted for person and case-level characteristics included in the data, are summarized in Figure 4, Figure 5, and Appendix Figure A.1.

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1. This definition aligns with the definition of “disparity” used by the University of Minnesota Center for Antiracism Research for Health Equity: “A ‘disparity’ is any difference, regardless of cause.” For more information, see University of Minnesota School of Public Health, Center for Antiracism Research for Health Equity (2024).
  2. The eligible population for an outcome may change at each point in the pretrial period. For example, to calculate the percentage of Black individuals arrested in a jurisdiction, the team divided the number of Black people arrested by the total Black adult population in that jurisdiction. To calculate the percentage assigned money bail in a given racial/ethnic group, the team divided the number of people in a racial/ethnic group who were assigned money bail by the number of people arrested in that same racial/ethnic group.

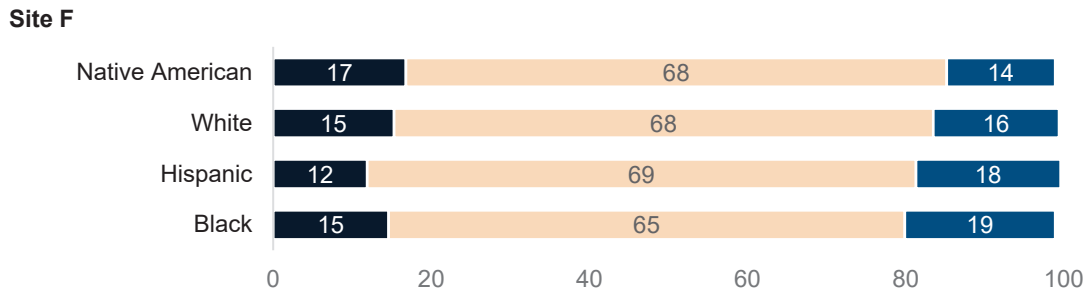
**APPENDIX FIGURE A.1**  
**Concurrence Rates by Site and Race/Ethnicity**



(continued)



## Appendix Figure A.1 (continued)



SOURCE: Court records from PJC jurisdictions. Period of the data varies by site: Site A (January 2017 - April 2020), Site B (June 2017 - February 2021), Site C (October 2018 - June 2020), Site D (January 2019 - Oct 2020), Site E (January 2017 - July 2020), Site F (January 2017 - July 2020).

NOTES: Site G was excluded from this analysis due to data availability. Racial/ethnic groups are presented depending on what sites reported. Sample sizes are omitted to retain sites' anonymity. Numbers in each bar may not sum to 100 due to rounding. At Site F, a small share of cases (<1%) that were released on recognizance or dismissed at the preliminary hearing were excluded from this chart.

## Regression and Path Analyses

For two of the seven sites (Site E and Site F, as per Figure 1 described in the section above), the research team conducted regression analyses designed to assess whether disparities persisted and accumulated throughout the pretrial process. These two sites were selected based on data quality and site interest. For one of these sites (Site E), the research team used path analysis—described in greater detail in the next paragraph—to explore the extent to which disparities observed at early decision points contribute to those observed at subsequent points. For the other site (Site F), data limitations precluded the use of path analysis, so the team ran adjusted and unadjusted regression models to gauge the association between racial/ethnic bias and the outcomes. Table 1 lists the outcomes for both sites.

The technique employed for Site E, path analysis, is helpful for highlighting the relationship between a predictor and an outcome, while also allowing researchers to determine whether this relationship is mediated by additional factors. Here, the research team used path analysis to examine the extent to which the racial/ethnic disparities observed at early decision points in the pretrial process contribute to those observed at subsequent points, such as sentence length. Figure 3 illustrates the two path analysis models (Model A and Model B) used in this analysis, which employ multiple regression to estimate the direct, indirect, and total associations between racial/ethnic identification and the outcome. In this case, a direct association represents the relationship between an individual's racial/ethnic identification and the final outcome (here, sentence length), while an indirect association represents the relationship between racial/ethnic identification and the outcome that is mediated by ad-

ditional indicators in the analysis, such as bond amount, pretrial supervision, or risk score. The direct association and the indirect associations sum to the total association among racial/ethnic identification, mediating factors, and the primary outcome (sentence length).

Last, it is important to note that these quantitative analyses are all exploratory in nature. The goal of the path analysis for Site E was to gain a nuanced understanding of the relationships among racial/ethnic disparities observed at different decision points, and how these disparities accumulate through the pretrial process. The regression analyses for Site F were intended to assess whether racial/ethnic disparities observed in the descriptive analyses persist after controlling for individual and case characteristics. These analyses are not meant to make any causal inferences.

## SITE E

### Path Analysis

Descriptive analyses of the racial disparities for Site E describe differences in the rates of release conditions assigned at arraignment,<sup>3</sup> including assignment of secured money bond and pretrial detention, for Black and Hispanic individuals compared with their White counterparts. To further examine these disparities, the team conducted path analysis to measure (1) the direct association between a person's race/ethnicity and that person's sentence length, and (2) the indirect association between a person's race/ethnicity and that person's sentence length mediated by:

- The person's intermediate case and individual characteristics, including assignment of primary charge and risk score
- Stakeholders' pretrial decisions, including money bond amount, assignment to pretrial supervision, and detention during the entire pretrial period (that is, detention without release)

Model A in Figure 3 in the body text illustrates these associations.

Model B is differentiated from Model A in that it includes primary charge severity and risk score as covariates instead of mediating factors. By controlling for these characteristics, Model B accounts for any disparities in primary charge severity and risk score that may reflect biased decision-making in primary charge and risk score, as well as any differences in primary charge severity and risk score that would merit higher bond amounts, more strict pretrial supervision, or longer sentence length. In this way, it represents the net effect of

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3. In this jurisdiction, arraignment refers to the initial court hearing in the pretrial case flow when release conditions are set, for example, unsecured personal recognizance bond, secured money bond, pretrial supervision, and special conditions (such as electronic and sobriety monitoring).

race on sentence length after controlling for two channels through which disparities flow: primary charge severity and risk score.

Figure 3 in the body text depicts the path analyses. Specifically, Model A shows the relationships among race/ethnicity, the mediating steps of the pretrial process (assignment of primary charge, assessment by risk score, money bond amount, assignment to pretrial supervision, and detention during the entire pretrial period [not being released]), and sentence length (the outcome). Model B shows the relationships among race/ethnicity, the mediating steps of the pretrial process (money bond amount, assignment to pretrial supervision, and detention during the entire pretrial period), and sentence length (the outcome), while controlling for the assignment of primary charge and assessment by risk score.

In Figure 3, each arrow represents a regression relationship between two steps of the path; an arrow starts from the independent variable and points to the dependent variable. The connection from one box directly to another is a “direct association.” The relationship between two boxes in the diagram that are not directly connected is an “indirect association.” Multiple pathways can be traced through the diagram to evaluate the indirect associations between race/ethnicity and sentence length, as mediated by intermediate steps of the pretrial process. For example, in Model A, race/ethnicity and sentence length are indirectly related through one path from (1) race to primary charge, (2) primary charge to pretrial supervision, and (3) pretrial supervision to sentence length.

Here is an example of how the research team calculated these direct and indirect associations. To determine the indirect association of race/ethnicity with sentence length as mediated by pretrial supervision (one of the paths in Figure 3), the research team first used regression modeling to calculate the relationship between race and being placed on pretrial supervision. Then the team multiplied that value by the relationship between pretrial supervision and the amount of incarceration time to which someone was sentenced. This series of steps was then repeated for each path depicted in Figure 3 for the sample. The “total associations” are the combination of both the direct associations of race/ethnicity with the outcome variables, and the sum of all the indirect associations of race/ethnicity.

The path analysis models were estimated in the R package *Lavaan* (version 0.6-11).

## Data

The analyses for Site E drew on local court case records and case management data from the pretrial services program. The data cover the period from January 2017 through July 2020. The analysis focuses on non-driving under the influence (DUI) felony cases with nonmissing race and ethnicity data, risk-assessment data, and disposition information that were assigned a primary charge of 2 or 5, which represent non-Victim Rights Act felonies (primary charge 2) and Victim Rights Act felonies, felony domestic violence, burglary of a

dwelling, and level 1 drug felonies (primary charge 5).<sup>4</sup> (These represent 11,600 cases in total.) Cases with DUI charges were excluded from the analysis since they undergo a slightly different set of pretrial processes that were not compatible with the path analysis model. Appendix Table A.1 shows descriptive statistics for the sample used in the analysis. As the table shows, the sample in this county is racially and ethnically diverse, with Black, Hispanic, and non-Hispanic White groups making up large shares of the sample.

## Findings

- **On average, Black and Hispanic individuals were charged with more severe crimes and sentenced to longer incarceration periods than their White counterparts.**
- **In addition to the direct associations, the association between race/ethnicity and sentence length for Black and Hispanic people also operated through mediating factors in Model A, including bond amounts and pretrial detention.**
- **Even after statistically accounting for differences in primary charges and risk scores in Model B, Black and Hispanic individuals received higher bond amounts, which led to a higher likelihood of pretrial detention, and ultimately longer sentence lengths, on average, compared with White individuals.**

Overall, the analysis found that Black and Hispanic people in this jurisdiction received longer incarceration sentences compared with White individuals, and that disparities compounded across decision points and culminated in longer incarceration sentences. White individuals, on average, received sentences of approximately 310 days (results not shown). However, for Black people in the sample, the disparities across decision points compounded, resulting in incarceration sentences that were 192 days longer than those of White people in the sample. Similarly, the compounding led to a disparity of 165 more days for Hispanic people compared with White people in the sample. These numbers represent the total disparities in sentence length.

### Model A

The path analysis also explored the direct associations between race/ethnicity and sentence length. In Model A, both Black and Hispanic identification were directly associated with longer sentences. For both groups, the link between race/ethnicity and sentence length was also associated with several intermediate outcomes. Specifically, Black and Hispanic individuals were charged with more severe crimes, which led to higher bond amounts and a

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4. Examples of crimes that fall under the Victim Rights Act include certain murder, manslaughter, assault, and sexual assault charges, among others. Cases that include charges for these crimes have additional court requirements and specifications regarding the victim's rights during the pretrial process, with the intention of securing adequate protection for the victim from law enforcement, prosecutors, and judges. Due to model convergence issues, primary charge 6 felonies (felony sex offenses) were dropped from the analyses.

**APPENDIX TABLE A.1**  
**Analysis Sample Descriptive Statistics, Site E**

<b>Measure</b>	<b>Number of Cases (Percentage of Cases)</b>
<b>Race/ethnicity</b>	
Asian	118 (1.0%)
Black	2,832 (24%)
Hispanic	3,527 (30%)
Native American	88 (0.8%)
Other	22 (0.2%)
White	5,009 (43%)
Missing race information	4 (<0.1%)
<b>Gender</b>	
Female	2,423 (21%)
Male	9,177 (79%)
<b>Age</b>	
Sample size	11,598
Mean±(SD)	35±(11)
Range	18, 79
Missing	2
<b>Charge type</b>	
Violent	2,831 (24%)
Property	2,094 (18%)
Drug	5,301 (46%)
Public order/other	1,374 (12%)
<b>Primary charge</b>	
Primary charge 2	7,768 (67%)
Primary charge 5	3,832 (33%)
<b>Risk score (final)</b>	
1 (lowest risk)	813 (7.0%)
2	3,378 (29%)
3	3,653 (32%)
4 (highest risk)	3,745 (32%)
Missing	11
<b>Risk score (raw)</b>	
Sample size	11,589
Mean±(SD)	42±(15)
Range	0, 82
Missing	11

Sample size = 11,600 cases

SOURCES: MDRC calculations based on data from Site E's county court, state judicial department, and pretrial services records.

higher likelihood of being detained for the entire time they were awaiting trial, on average, compared with White individuals. These intermediate outcomes were in turn associated with longer sentences. Appendix Table A.2 lists the direct, indirect, and total associations that were estimated in the path analysis for Model A.

APPENDIX TABLE A.2

**Model A Path Analysis Findings: Direct, Indirect, and Total Associations, Site E**

<b>Black → Sentence Length (Days)</b>		<b>Hispanic → Sentence Length (Days)</b>	
<b>Path</b>	<b>Estimate</b>	<b>Path</b>	<b>Estimate</b>
Black → Sentence	43.77*	Hispanic → Sentence	94.84***
Black → Pretrial Detainment (PD)	0.122***	Hispanic → Pretrial Detainment (PD)	0.072*
Black → Bond Amount (BA)	-0.828***	Hispanic → Bond Amount (BA)	-0.713***
Black → Primary Charge (PC)	0.137***	Hispanic → Primary Charge (PC)	0.116***
Black → Pretrial Supervision (PS)	-0.388***	Hispanic → Pretrial Supervision (PS)	-0.334***
Black → Risk Score (RS)	0.177***	Hispanic → Risk Score (RS)	-0.071**
Black → PD → Sentence	20.06***	Hispanic → PD → Sentence	11.86*
Black → BA → PD → Sentence	-78.43***	Hispanic → BA → PD → Sentence	-67.48***
Black → RS → PD → Sentence	9.12***	Hispanic → RS → PD → Sentence	-5.47**
Black → PC → BA → PD → Sentence	95.75***	Hispanic → PC → BA → PD → Sentence	80.25***
Black → PS → Sentence	-109.43***	Hispanic → PS → Sentence	-94.84***
Black → PC → PS → Sentence	183.30***	Hispanic → PC → PS → Sentence	155.03***
Black → RS → PS → Sentence	24.62***	Hispanic → RS → PS → Sentence	-10.03**
<b>Total Associations</b>			
<b>Path</b>	<b>Estimate</b>	<b>Path</b>	<b>Estimate</b>
Black → Sentence	192.42***	Hispanic → Sentence	165.06***

SOURCES: MDRC calculations based on data from Site E’s county court, state judicial department, and pretrial services records.

NOTES: Primary charge is processed as a continuous variable from 1 to 6. Risk score is the continuous raw risk score, not the categorical score. Bond amount is in units of \$1,000. Pretrial supervision (monitoring) is calculated from pretrial supervision categories as a binary variable with two values: (0) those not assigned to pretrial supervision or assigned to the lowest supervision level, and (1) those assigned to three higher levels of supervision. Pretrial detainment is a 0/1 binary variable for being detained for the entire pretrial period.

The asterisks (\*) next to the estimates in the table indicate statistical significance as follows: \* indicates p < 0.05, \*\* indicates p < 0.01, and \*\*\* indicates p < 0.001.

## Model B

Model A suggests that a more severe primary charge is a major channel through which disparities may flow and culminate at subsequent points. To explore this possibility in more depth, Model B holds primary charge constant. Model B also controls for risk score, which is probably correlated with other factors, such as pretrial detention, that contribute to disparities. This model explores whether racial disparities in sentencing can be observed even after statistically accounting for these legal factors. Appendix Table A.3 lists the direct, indirect, and total associations that were estimated in the path analysis for Model B. After controlling for primary charge and risk score in Model B, the direct association between race/ethnicity and sentence length is positive but no longer statistically significant. However, after controlling for risk score and primary charge, Black and Hispanic individuals continued to have higher bond amounts set, which increased their likelihood of being detained for the entire time they were awaiting trial—ultimately leading to longer sentences. Additionally, Black and Hispanic individuals were more likely to be assigned high levels of pretrial supervision, and their assignment was associated with an increase in sentence length.

APPENDIX TABLE A.3

### Model B Path Analysis Findings: Direct, Indirect, and Total Associations, Site E

Black → Sentence Length (Days)		Hispanic → Sentence Length (Days)	
Path	Estimate	Path	Estimate
Black → Sentence	4.56	Hispanic → Sentence	48.33
Black → Pretrial Detainment (PD)	0.049	Hispanic → Pretrial Detainment (PD)	0.023
Black → Bond Amount (BA)	0.086***	Hispanic → Bond Amount (BA)	0.061**
Black → Pretrial Supervision (PS)	0.126**	Hispanic → Pretrial Supervision (PS)	0.123**
Black → PD → Sentence	17.33	Hispanic → PD → Sentence	8.21
Black → BA → PD → Sentence	20.06***	Hispanic → BA → PD → Sentence	14.59**
Black → PS → Sentence	45.60**	Hispanic → PS → Sentence	44.68**
Total Associations			
Path	Estimate	Path	Estimate
Black → Sentence	87.55***	Hispanic → Sentence	114.90***

SOURCES: MDRC calculations based on data from Site E’s county court, state judicial department, and pretrial services records.

NOTES: This model controls for primary charge and risk score. Primary charge is processed as a continuous variable from 1 to 6. Risk score is the continuous raw risk score, not the categorical score. Bond amount is in units of \$1,000. Pretrial supervision (monitoring) is calculated from pretrial supervision categories as a binary variable with two values: (0) those not assigned to pretrial supervision or assigned to the lowest supervision level, and (1) those assigned to three higher levels of supervision. Pretrial detainment is a 0/1 binary variable for being detained for the entire pretrial period.

The asterisks (\*) next to the estimates in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

## SITE F

### Logistic and Linear Regression

Descriptive analyses for the second site, Site F, found that Black, Hispanic, and Native American people had higher arrest rates than White and Asian people. Concurrence rates between release recommendations following risk assessment and release-condition assignment were similar for all racial/ethnic groups, but when decisions did not concur, Black and Hispanic individuals were more likely to receive more restrictive conditions than recommended by the local decision matrix, compared with White individuals. To examine whether these disparities persisted after controlling for individual and case characteristics, the team used regression modeling to estimate the association between race/ethnicity and the following outcomes:

- Primary outcomes (felony cases)
  1. Alignment of release decision with local decision matrix recommendation based on risk assessment
    - a. Assignment to the same release condition that was recommended following the risk-assessment process
    - b. Assignment to a more restrictive release condition than recommended
    - c. Assignment to a less restrictive release condition than recommended
  2. Being assigned money bail, as opposed to release on recognizance (ROR) or pretrial supervision
  3. Time spent in jail while awaiting trial (in days)
- Secondary outcome (misdemeanor cases)
  4. Secondary analysis: jail sentence length (in days)

Due to data availability and process differences between Superior and District Courts, the outcomes analyzed for felony cases are different from those analyzed for misdemeanor cases.

The team ran adjusted and unadjusted models to gauge the association between race/ethnicity and the outcomes. The unadjusted models provide a raw estimate of the association between race/ethnicity and an outcome without controlling for underlying person or case characteristics. The adjusted models control for such characteristics. For the felony cases, the models controlled for the individual's age, the type of charge associated with the case, and the individual's risk score, as determined by the local risk assessment. For



the misdemeanor cases, the models controlled for the individual's age and gender and the type of charge associated with the case. These covariates are important given that charging decisions and risk scores—which draw on an individual's criminal history—may reflect prior biased decision-making.

## Data

Data include local court case records, jail records, and case management data from the pretrial services program. The data cover the period from January 2017 through July 2020. The primary analysis includes all felony cases that had a risk assessment run during this time period. The secondary analysis includes all misdemeanor cases. Appendix Tables A.4 and A.5 show descriptive statistics for both samples. As these tables show, (1) Hispanic and (2) non-Hispanic White were the largest racial/ethnic groups in the sample; there was also a substantial portion of the sample missing race/ethnicity information in the secondary analysis of misdemeanors.

## Findings

Overall, the analysis found that Hispanic people in the study sample were significantly more likely to be assigned a more restrictive release condition (and less likely to be assigned a less restrictive release condition) than what was recommended following the risk-assessment process. In line with that finding, the analysis also revealed that Hispanic people in the sample were significantly more likely to be assigned money bail, as opposed to ROR or pretrial supervision, compared with White people in the sample. There are no statistically significant differences between other racial groups and the White group with respect to these outcomes.

The analysis did not find robust associations between race/ethnicity and days spent in jail while awaiting trial. Among people charged with a misdemeanor, there was evidence that Hispanic individuals received shorter jail sentences compared with White individuals, yet the reasons for this finding are unknown and the size of the association decreased after adjusting for other case and individual characteristics. The analysis also found—unsurprisingly, given the processes that inform release decision-making in the county—that charge type and risk score were positively associated with days spent in jail while awaiting trial. These findings are described in greater detail in the text that follows.

APPENDIX TABLE A.4  
**Descriptive Statistics**  
**Primary Analysis: Felony Cases, Site F**

Measure	Number of Cases (Percentage of Cases)
Race/ethnicity	
American Indian/Alaska Native	333 (4.9%)
Asian	30 (0.4%)
Black	337 (5.0%)
Hispanic of all races	3,361 (49%)
Other	1 (<0.1%)
White	2,711 (40%)
Missing race/ethnicity information	21 (0.3%)
Gender	
Female	1,190 (18%)
Male	5,374 (82%)
Missing	230
Age	
Sample size	6,787
Mean±(SD)	33±(11)
Range	16, 88
Missing	7
Charge type	
Violent	2,256 (38%)
Property	1,862 (31%)
Drug	1,036 (17%)
Public order/other	848 (14%)
Missing	792
Risk score (failure to appear)	
1 (lowest risk)	801 (12%)
2	926 (14%)
3	1,550 (23%)
4	1,264 (19%)
5	1,318 (19%)
6 (highest risk)	935 (14%)
Risk score (new criminal activity)	
1 (lowest risk)	474 (7.0%)
2	847 (12%)
3	958 (14%)
4	1,908 (28%)
5	1,223 (18%)
6 (highest risk)	1,384 (20%)

Sample size = 6,794 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTE: Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

**APPENDIX TABLE A.5**  
**Descriptive Statistics**  
**Secondary Analysis: Misdemeanor Cases, Site F**

<b>Measure</b>	<b>Number of Cases (Percentage of Cases)</b>
Race/ethnicity	
American Indian/Alaska Native	329 (1.9%)
Asian	5 (<0.1%)
Black	304 (1.8%)
Hispanic of all races	8,379 (48%)
Native Hawaiian/Pacific Islander	3 (<0.1%)
White	2,261 (13%)
Missing race/ethnicity information	5,999 (35%)
Gender	
Female	4,789 (28%)
Male	12,474 (72%)
Missing	17
Age	
Sample size	17,278
Mean±(SD)	33±(11)
Range	15, 91
Missing	2
Charge type	
Violent	1,315 (7.6%)
Property	3,290 (19%)
Drug	227 (1.3%)
Public order/other	12,448 (72%)

Sample size = 17,280 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTE: Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

- **Compared with their White counterparts, Hispanic people charged with felonies were significantly more likely to be assigned a release condition that was more restrictive than the local decision matrix recommendation based on risk-assessment scores.**

Appendix Tables A.6, A.7, and A.8 show adjusted and unadjusted regression results for the association between race/ethnicity and the following three outcomes among those charged with felonies, respectively: assignment to the same release condition that was recommended following the risk-assessment process (Appendix Table A.6), assignment to a more restrictive release condition than recommended (Appendix Table A.7), and assignment to a less restrictive release condition than recommended (Appendix Table A.8). The tables show odds ratios for the outcome being modeled. Odds ratios higher than 1.0 indicate the outcome is more likely for the group in question than it is for the comparison group, while odds ratios less than 1.0 indicate the outcome is less likely for the group in question than it is for the comparison group. The farther away the odds ratio is from 1.0 in either direction, the greater the magnitude of the association with the outcome. An odds ratio of 1.5 indicates that the outcome is 1.5 times, or 50 percent, more likely for the group in question than it is for the comparison group; an odds ratio of 0.6 indicates that the outcome is 40 percent less likely for the group in question than it is for the comparison group (or 0.6 times the likelihood of the comparison group). The asterisks (\*) next to the p-values in the tables indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

While race/ethnicity was not a significant predictor of being ordered to the *recommended* release condition (that is, concurrence), it was a significant predictor of being ordered to a release condition that differed from the recommendation (that is, a more restrictive release condition or a less restrictive release condition). Specifically, the odds of being ordered a more restrictive release condition than recommended were about 24 percent higher for Hispanic individuals, compared with White individuals (see Appendix Table A.7 Specification 1). Conversely, the odds of being ordered a less restrictive release condition than recommended were about 24 percent lower for Hispanic individuals, compared with White individuals (see Appendix Table A.8, Specification 1). These associations remain statistically significant even after adjusting for individual and case characteristics such as age, charge type, and risk-assessment score. The analysis also found that age, charge type, and risk score are significantly associated with the outcomes studied in Appendix Tables A.6 through A.8.

- **Hispanic people charged with a felony were significantly more likely to have money bail set, compared with their White counterparts.**

Appendix Table A.9 shows adjusted and unadjusted regression results for the association between race/ethnicity and being assigned money bail as a release condition, as opposed to being released on recognizance or ordered to pretrial supervision, among those charged with a felony. As with Appendix Tables A.6 through A.8, Appendix Table A.9 shows odds ratios. See above for an explanation of how to interpret odds ratios and statistical significance.

APPENDIX TABLE A.6

**Racial Disparities in Release-Condition Alignment with Local Decision Matrix  
Based on Risk Assessment (0/1)  
Among People Charged with a Felony, Site F**

Measure	Specification 1 (Unadjusted)		Specification 2 (Adjusted)	
	Odds Ratio	P-Value	Odds Ratio	P-Value
Race (Comparison: White)				
Native American	1.029	0.825	1.016	0.908
Asian	1.105	0.822	1.113	0.834
Black	0.909	0.454	0.825	0.163
Hispanic	1.027	0.639	1.009	0.887
Age			0.989	0.000***
Charge type (Comparison: public order/other)				
Violent			1.730	0.000***
Property			1.009	0.926
Drug			1.028	0.788
Risk score (Comparison: failure to appear [FTA] 1)				
FTA 2			0.693	0.025*
FTA 3			0.751	0.102
FTA 4			1.115	0.556
FTA 5			0.987	0.946
FTA 6			1.000	0.998
(Comparison: new criminal activity [NCA] 1)				
NCA 2			1.113	0.521
NCA 3			1.102	0.633
NCA 4			1.034	0.869
NCA 5			2.177	0.000***
NCA 6			4.600	0.000***
Concurrence (0/1)	2.326	0.000 ***	1.976	0.000***
Sample size = 6,510 cases				

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: The sample excludes cases that were dismissed or did not have charges filed.

Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

The table shows odds ratios for the outcome being modeled (in this case, alignment of release decision-making with the local decision-making framework based on risk assessment). Odds ratios higher than 1.0 indicate the outcome is more likely for the group in question than it is for the comparison group, while odds ratios less than 1.0 indicate the outcome is less likely for the group in question than it is for the comparison group. The farther away the odds ratio is from 1.0, the greater the magnitude of the association with the outcome.

Concurrence with the local decision matrix is measured with a 0/1 binary variable, where 0 indicates non-concurrence (the release decision did not align with the local decision matrix recommendation) and 1 indicates concurrence (the release decision aligned with the local decision matrix recommendation).

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

APPENDIX TABLE A.7

**Racial Disparities in Assignment to a More Restrictive Release Condition Than Recommended (0/1) Among People Charged with a Felony, Site F**

Measure	Specification 1 (Unadjusted)		Specification 2 (Adjusted)	
	Odds Ratio	P-Value	Odds Ratio	P-Value
Race (Comparison: White)				
Native American	0.903	0.617	0.787	0.286
Asian	0.688	0.536	1.094	0.898
Black	1.426	0.064	1.442	0.079
Hispanic	1.235	0.013*	1.257	0.016*
Age			0.990	0.019*
Charge type (Comparison: public order/other)				
Violent			1.335	0.049*
Property			0.650	0.002**
Drug			0.697	0.017*
Risk score (Comparison: failure to appear [FTA] 1)				
FTA 2			1.256	0.241
FTA 3			1.594	0.026*
FTA 4			0.976	0.915
FTA 5			0.678	0.235
(Comparison: new criminal activity [NCA] 1)				
NCA 2			1.029	0.883
NCA 3			1.775	0.016*
NCA 4			3.180	0.000***
NCA 5			1.573	0.284
More restrictive release (0/1)	0.646	0.000***	0.508	0.006**
Sample size = 2,580 cases				

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: The sample excludes cases where money bail (with or without pretrial supervision) was recommended, and cases that were dismissed or did not have charges filed.

Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

The table shows odds ratios for the outcome being modeled (in this case, assignment to a more restrictive release condition than recommended). Odds ratios higher than 1.0 indicate the outcome is more likely for the group in question than it is for the comparison group, while odds ratios less than 1.0 indicate the outcome is less likely for the group in question than it is for the comparison group. The farther away the odds ratio is from 1.0, the greater the magnitude of the association with the outcome.

Assignment to a more restrictive release condition than recommended was measured as a 0/1 binary variable, where 0 indicates that a person was not assigned to a more restrictive release condition (that is, was assigned to a release condition that was the same or less restrictive than recommended) and 1 indicates that a person was assigned a more restrictive release condition than recommended by the local decision matrix.

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

APPENDIX TABLE A.8

**Racial Disparities in Assignment to a Less Restrictive  
Release Condition Than Recommended (0/1)  
Among People Charged with a Felony, Site F**

Measure	Specification 1 (Unadjusted)		Specification 2 (Adjusted)	
	Odds Ratio	P-Value	Odds Ratio	P-Value
Race (Comparison: White)				
Native American	1.139	0.439	1.239	0.237
Asian	1.027	0.967	1.005	0.995
Black	0.892	0.516	1.005	0.977
Hispanic	0.758	0.001***	0.825	0.033*
Age			1.024	0.000***
Charge type (Comparison: public order/other)				
Violent			0.713	0.020*
Property			1.507	0.003**
Drug			1.439	0.017*
Risk score (Comparison: failure to appear [FTA] 1)				
FTA 2			2.166	0.013*
FTA 3			1.247	0.507
FTA 4			1.167	0.657
FTA 5			2.117	0.029*
FTA 6			1.937	0.067.
(Comparison: new criminal activity [NCA] 1)				
NCA 2			0.681	0.233
NCA 3			0.220	0.000***
NCA 4			0.198	0.000***
NCA 5			0.193	0.000***
NCA 6			0.085	0.000***
Less restrictive release (0/1)	0.266	0.000***	0.351	0.001***

Sample size = 4,534 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: The sample excludes cases where the lowest release-condition level was recommended and cases that were dismissed or did not have charges filed.

Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

The table shows odds ratios for the outcome being modeled (in this case, assignment to a less restrictive release condition than recommended). Odds ratios higher than 1.0 indicate the outcome is more likely for the group in question than it is for the comparison group, while odds ratios less than 1.0 indicate the outcome is less likely for the group in question than it is for the comparison group. The farther away the odds ratio is from 1.0, the greater the magnitude of the association with the outcome.

Assignment to a less restrictive release condition than recommended was measured as a 0/1 binary variable, where 0 indicates that a person was not assigned to a less restrictive release condition (that is, was assigned to a release condition that was the same or more restrictive than recommended) and 1 indicates that a person was assigned a less restrictive release condition than recommended by the local decision matrix.

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

APPENDIX TABLE A.9

**Racial Disparities in Being Assigned Money Bail (0/1)  
Among People Charged with a Felony, Site F**

Measure	Specification 1 (Unadjusted)		Specification 2 (Adjusted)	
	Odds Ratio	P-Value	Odds Ratio	P-Value
Race (Comparison: White)				
Native American	0.999	0.991	0.928	0.597
Asian	0.589	0.153	0.932	0.884
Black	1.212	0.105	1.026	0.855
Hispanic	1.204	0.000***	1.335	0.000***
Age			0.984	0.000***
Charge type (Comparison: public order/other)				
Violent			2.280	0.000***
Property			0.540	0.000***
Drug			0.633	0.000***
Risk score (Comparison: failure to appear [FTA] 1)				
FTA 2			0.882	0.449
FTA 3			1.218	0.267
FTA 4			1.313	0.148
FTA 5			1.273	0.212
FTA 6			1.429	0.106
(Comparison: new criminal activity [NCA] 1)				
NCA 2			1.296	0.123
NCA 3			2.226	0.000***
NCA 4			5.900	0.000***
NCA 5			12.001	0.000***
NCA 6			25.003	0.000***
Release on money bail (0/1)	1.298	0.000***	0.392	0.000***

Sample size = 6,794 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

The table shows odds ratios for the outcome being modeled (in this case, the assignment of money bail). Odds ratios higher than 1.0 indicate the outcome is more likely for the group in question than it is for the comparison group, while odds ratios less than 1.0 indicate the outcome is less likely for the group in question than it is for the comparison group. The farther away the odds ratio is from 1.0, the greater the magnitude of the association with the outcome.

Release on money bail is measured with a 0/1 binary variable, where 0 indicates that a person was not released on money bail and 1 indicates that a person was released on money bail.

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates p < 0.05, \*\* indicates p < 0.01, and \*\*\* indicates p < 0.001.



The table shows that Hispanic people were significantly more likely to have money bail set, compared with White people. Specifically, the odds of having money bail set were about 20 percent higher for Hispanic people compared with White people (see Appendix Table A.9, Specification 1). This association remains statistically significant even after adjusting for individual and case characteristics such as age, charge type, and risk-assessment score (see Appendix Table A.9, Specification 2). In fact, the odds of having money bail set increased after this adjustment, to being about 34 percent higher for Hispanic people compared with White people in the sample. The analysis also found that age, charge type, and risk score are significant predictors of being assigned money bail.

- **Among people charged with a felony, race/ethnicity was not a significant predictor of days spent in jail while awaiting trial.**

Appendix Table A.10 shows adjusted and unadjusted regression results for the association between race/ethnicity and days spent in jail while awaiting trial. Shown in the “Estimate” columns in the table, the regression coefficients in the table indicate the nature of the relationship between the independent variables listed in the table and the outcome being modeled (in this case, days spent in jail while awaiting trial). Positive coefficients indicate that as the independent variable increases (or in the case of categorical variables, comparing a categorical value against the comparison value—for example, being Black compared with being White), the mean outcome increases by the size of the coefficient. Negative coefficients indicate that as the independent variable increases (or a categorical value is compared against the comparison value), the mean outcome decreases by the size of the coefficient. The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

As shown in the last row of Appendix Table A.10, among people charged with a felony offense at Site F, White individuals spent 38 days in jail while awaiting trial, on average. Compared with White individuals, Black individuals spent 5 more days in jail while awaiting trial, on average (shown in the first set of rows of the table); Native American people spent 4 more days in jail while awaiting trial, on average; Asian people spent 30 fewer days in jail while awaiting trial, on average; and Hispanic individuals spent 3 fewer days in jail while awaiting trial, on average. This association between race/ethnicity and days in jail while awaiting trial is not statistically significant in the unadjusted model (see Appendix Table A.10, Specification 1). When controlling for age, charge type, and risk score, the association between race and the number of days spent in jail while awaiting trial remained unchanged in terms of statistical significance (see Appendix Table A.10, Specification 2). However, charge type and risk score (in particular, the “NCA” or new criminal activity risk score) are both statistically significant predictors of days in jail while awaiting trial.

APPENDIX TABLE A.10

**Racial Disparities in Average Days Spent in Jail While Awaiting Trial  
Among People Charged with a Felony, Site F**

Measure	Specification 1 (Unadjusted)			Specification 2 (Adjusted)		
	Estimate	Standard Error	P-Value	Estimate	Standard Error	P-Value
Race (Comparison: White)						
Asian	-30	16	0.058	-31	19	0.097
Black	5	5	0.275	2	5	0.700
Hispanic	-3	2	0.144	-5	2	0.067
Native American	4	5	0.390	3	5	0.562
Age				0	0	.253
Charge type (Comparison: public order/other)						
Violent				27	4	0.000***
Property				-3	4	0.368
Drug				-8	4	0.039*
Risk score (Comparison: failure to appear [FTA] 1)						
FTA 2				-13	7	0.059
FTA 3				-3	7	0.631
FTA 4				-8	7	0.290
FTA 5				-12	8	0.108
FTA 6				-20	8	0.019*
(Comparison: new criminal activity [NCA] 1)						
NCA 2				7	7	0.274
NCA 3				25	8	0.003**
NCA 4				46	8	0.000***
NCA 5				55	9	0.000***
NCA 6				75	9	0.000***
Days in jail while awaiting trial	38	2	0.000***	6	7	0.366

Sample size = 6,590 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: Days in jail include days detained while awaiting trial, for any reason.

Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

Shown in the “Estimate” columns in the table, the regression coefficients indicate the nature of the relationship between the independent variables listed in the table and the outcome being modeled (in this case, days spent in jail while awaiting trial). Positive coefficients indicate that as the independent variable increases (or in the case of categorical variables, comparing a categorical value with the comparison value—for example, being Black as compared with being White), the mean outcome increases (by the size of the coefficient). Negative coefficients indicate that as the independent variable increases (or a categorical value is compared with the comparison value), the mean outcome decreases (by the size of the coefficient).

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

- **Among people charged with a misdemeanor, Hispanic individuals were sentenced to 187 fewer days in jail than White individuals, on average. The difference remains significant when controlling for charge type, age, and gender, though the magnitude of the relationship decreased.**

Appendix Table A.11 shows adjusted and unadjusted regression results for the association between race/ethnicity and jail sentence length among people with misdemeanor cases. The table contains regression coefficients in the “Estimate” columns in the same way as Appendix Table A.10 (see above for an explanation of how to interpret these figures). As the table shows, among people charged with a misdemeanor offense in the county, Hispanic individuals were sentenced to 187 fewer days in jail compared with White individuals, on average, a statistically significant difference. Asian individuals also had shorter jail sentences, though the relationship is not statistically significant. Black people, Pacific Islanders, and Native Americans had longer jail sentences than White people, on average, though these differences are not statistically significant (see Appendix Table A.11, Specification 1). When controlling for charge type, age, and gender, Hispanic individuals were still sentenced to fewer days in jail, on average, yet the magnitude of the relationship decreased from 187 days to 84 days (see Appendix Table A.11, Specification 2). The reasons for this finding remain unclear to the research team at present.

APPENDIX TABLE A.11

**Racial Disparities in Average Jail Sentence Length (Days)  
Among People Charged with a Misdemeanor, Site F**

Measure	Specification 1 (Unadjusted)			Specification 2 (Adjusted)		
	Estimate	Standard Error	P-Value	Estimate	Standard Error	P-Value
Race (Comparison: White)						
Asian	-107	201	0.596	-211	178	0.234
Black	20	27	0.463	1	24	0.974
Hispanic	-187	11	0.000***	-84	10	0.000***
Pacific Islander	141	260	0.586	186	229	0.418
Native American	43	27	0.104	-3	23	0.888
Missing	-190	11	0.000***	-107	10	0.000***
Charge type (Comparison: public order/other)						
Violent				585	12	0.000***
Property				433	8	0.000***
Drug				103	27	0.000***
Age				0	0	0.356
Female				-74	7	0.000***
Jail sentence (days)	579	9	0.000***	385	13	0.000***

Sample size = 17,262 cases

SOURCES: MDRC calculations based on state court and pretrial services data from Site F from January 2017 through July 2020.

NOTES: Sample sizes for regression analyses vary due to missing data on relevant variables. For this reason, sample sizes may not match across the descriptive statistics and regression tables (Appendix Tables A.4-A.11).

Shown in the “Estimate” columns in the table, the regression coefficients indicate the nature of the relationship between the independent variables listed in the table and the outcome being modeled (in this case, jail sentence length in days). Positive coefficients indicate that as the independent variable increases (or in the case of categorical variables, comparing a categorical value with the comparison value—for example, being Black as compared with being White), the mean outcome increases (by the size of the coefficient). Negative coefficients indicate that as the independent variable increases (or a categorical value is compared with the comparison value), the mean outcome decreases (by the size of the coefficient).

The asterisks (\*) next to the p-values in the table indicate statistical significance as follows: \* indicates  $p < 0.05$ , \*\* indicates  $p < 0.01$ , and \*\*\* indicates  $p < 0.001$ .

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Founded in 1974, MDRC builds and applies evidence about changes in policy and practice that can improve the well-being of people who are economically disadvantaged. In service of this goal, we work alongside our programmatic partners and the people they serve to identify and design more effective and equitable approaches. We work with them to strengthen the impact of those approaches. And we work with them to evaluate policies or practices using the highest research standards. Our staff members have an unusual combination of research and organizational experience, with expertise in the latest qualitative and quantitative research methods, data science, behavioral science, culturally responsive practices, and collaborative design and program improvement processes. To disseminate what we learn, we actively engage with policymakers, practitioners, public and private funders, and others to apply the best evidence available to the decisions they are making.

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