

Bail Reform in Ohio: A Mixed Methods Approach to Inform Public Policy
Final Report for Priority Area 1

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Executive Summary

Priority Area 1: The ‘Natural Experiment’ of COVID-19

Purpose:

As the research team awarded CJR-2022-001 “Bail Reform in Ohio,” we conducted three rigorous mixed method studies of Ohio bail practices to draw policy-oriented conclusions about bail’s effects on public safety and the lives of Ohio residents. The overall goal of this project is to provide the CJR and AGO with an understanding of three things: 1) the effects of COVID-19 on pre-trial practices, 2) public opinion of bail reform, 3) the life course effects of bail/bond/pre-trial detention. **This report examines this first topic, Priority Area 1.** To address Priority Area 1, we sought to determine the effects of COVID-19 on the use of bond and crime.

Goal: Provide the CJR and AGO with an understanding of how a policy of normalized recognizance release would impact public safety.

Research Question 1: Did the Supreme Court COVID-19 guidelines influence how county courts implemented pre-trial bond practices? Did these counties experience changes in crime during the pandemic and/or under these COVID-19 guidelines encouraging pre-trial release?

Methods:

We collected two types of administrative data to answer these research questions. First, in order to examine if pre-trial practices changed as a result of this guidance, we sought incident-level data from county courts in Ohio, ranging from January 2016 to December 2022. This time period allowed us a sufficient range to examine trends both pre- and post-COVID-19. We utilized a case-study design to explore the pre-trial practices in one urban county (Summit) and one rural county (Columbiana). The second type of administrative data we collected was crime data from the Ohio Incident Based Reporting System, or OIBRS. This data was provided by the Ohio Office of Criminal Justice Services upon request to match the county data we were able to collect.

Findings:

Findings for our urban case study in Summit County indicate that there were no significant changes in pre-trial practices in the county for either total crime, violent crime, or non-violent crime types. In addition, while crime was increasing prior to the COVID-19 pandemic, it experienced an overall decrease in incidents after the pandemic. There were no

changes in Summit County for violent crime after the pandemic, but non-violent crime significantly decreased.

Findings for our rural case study in Columbiana County indicate that the use of pre-trial bonds was increasing prior to the COVID-19 pandemic and continued to increase immediately after the Ohio Supreme Court issuance of COVID-19 guidelines. In the longer term, since April 2020, there has been a decrease in the usage of pre-trial bonds. This might indicate that the county is returning to the norm of practices that existed prior to the pandemic. This pattern was true for total crime incidents, violent crime incidents, and non-violent crime incidents.

In addition, for Columbiana County, crime trends were decreasing prior to the COVID-19 pandemic and immediately after the start of the pandemic across total crime, violent crime, and non-violent crime incidents. In the longer term, since April 2020, there has been an increase in crime in the county. Given the significant decreases in crime both prior to the pandemic and immediately after, this may be attributed to a return to the norm in crime incident trends that existed prior to the COVID-19 pandemic.

Recommendations:

Given the context and results of the study, we provide several policy recommendations. The first set refer to pre-trial practices:

- 1) Ohio counties should continue to consider bail reform practices in line with the COVID-19 pandemic guidelines issued by the Ohio Supreme Court, as there was no evidence of resultant crime increases as a result of this ‘natural experiment’.

The second set of policy recommendations refer to the institutionalization of data practices across the state, which can help to ensure Ohio improves its reliance on data and evidence for making policy decisions in the area of bail reform.

- 2) Establish a centralized database that tracks pre-trial release processes in a standardized format in all Ohio counties.
- 3) Establish a legislative committee composed of legislators, criminal justice practitioners, and criminal justice scholars to study the effects of pre-trial release decisions on crime rates in all Ohio counties.

Priority Area 1 – The ‘Natural Experiment’ of COVID-19

COVID-19 Pandemic Changes

At the end of March 2020, the Ohio Supreme Court issued guidelines¹ for court systems and judges in Ohio to consider as a part of the COVID-19 pandemic. The goal of this was to retain access to the courts while attempting to reduce the risks of COVID-19 transmission. Importantly, this guidance was based on policy the Supreme Court of Ohio had written in 2019 as a part of their Judicial Guide to Public Health.² These Ohio’s Supreme Court guidelines included a range of recommendations across court functions, with several items focused on the pre-trial portion of the judicial process. The guidelines included minimizing physical appearances in courts as much as possible, using discretion to release individuals held in jail, and encouraging the issuance of recognizance bonds at bail hearings unless there is clear and convincing evidence that recognizance release would present a substantial risk of harm.

Current Study

Ultimately, these directives marked a short-term shift in pre-trial practices while under the state of emergency in Ohio. Each jurisdiction within Ohio was able to make choices at their own discretion about how to implement these directives and to what extent. It remains unclear if jurisdictions attempted to implement these guidelines, and if they did, what impacts this had on community risks to public safety. In Priority Area 1, we sought to explore how changes in pretrial guidelines at the start of the COVID-19 pandemic affected both the use of bond and the occurrence of crime in Ohio.

Data and Methods

Two exploratory research questions guided Priority Area 1 of our study. First, we explored if pre-trial practices changed as a result of these guidelines. Second, we examined if changes in crime coincided with an increased application of pre-trial release.

Data

¹ https://www.courtnewsOhio.gov/bench/2020/localCourtGuidance_032320.asp ;
<https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-ohio-1489.pdf>

² <https://www.supremecourt.ohio.gov/docs/Publications/JCS/PublicHealthJudicialGuide.pdf>

We collected two types of administrative data to answer these research questions. First, in order to examine if pre-trial practices changed as a result of this guidance, we sought incident-level data from county courts in Ohio, ranging from January 2016 to December 2022. This time period allowed us a sufficient range to examine trends both pre- and post-COVID-19. The second type of administrative data we collected was crime data from OIBRS. This data was provided by the Ohio Office of Criminal Justice Services upon request to match the county court data we were able to collect.

We were able to secure county-level data from two counties in Ohio: Columbiana and Summit. We attempted to design our sample of counties to include both urban and rural counties. In addition, we worked with our grant funder, BGSU's Center for Justice Research, to identify counties for inclusion that were known to collect and store the necessary data. Importantly, because our analysis was dependent on the availability of stable and consistent OIBRS data, our selection of counties across the state was limited. In total, we requested data from seven additional counties: Cuyahoga, Delaware, Franklin, Lorain, Lucas, Montgomery, and Wood. Each of these had various levels of interest and responses to the inquiry of study participation, ranging from no response, to not interested in participation, to interested but not able to share data.

Thus, we ended up with a case study to examine each of the county types: Summit for the urban counties and Columbiana for the rural counties. For each of the two counties, we examined the proportion of cases in which a bond was granted across all incidents of crime (i.e., Total Crime). We additionally examined the effects across two crime types for the highest-level crime per case. These crime types included Violent Crime (excluding crimes of a sexual nature) and Non-Violent Crime (excluding drug-related crimes such as drug use, possession, and sales). Given the nature of data storage among our sample, we had to adjust the scope and specificity of the analysis in order to work with the data available. Specifically, we were unable to collect data on misdemeanors, the type of bond issued (i.e., release on recognizance, secured bond), and the implications of these bonds on court appearances (i.e., rearrest while awaiting trial, failure to appear) as originally outlined in our research proposal.

Figure 1 shows Summit and Columbiana counties colored in black. Summit County, which is the northwest of the two counties, is an urban county with a population of approximately 540,000, with a density of 1,313 people per square mile. The county is 80 percent

White and has a median income of approximately \$48,000. Columbiana County is a rural county on the border of Ohio with Pennsylvania, with a population of approximately 102,000, with a density of 210 people per square mile. This county is 96 percent White and has a median income of approximately \$34,000.



Figure 1: County Map of Ohio. The two counties in our sample are filled in with black. Summit County is further to the Northwest. Columbiana County is further to the Southeast.

Analytic Approach

To conduct this ‘natural experiment’, a quasi-experimental design was applied to evaluate the impact of the COVID-19 recommendations on both the use of pre-trial release and crime. To do this, we ran interrupted time series models with ARIMA (auto-regressive integrated moving average) modeling. This technique estimates the causal impacts of an intervention across time using repeated measurements of an outcome of interest (Lecy & Fusi, 2020; McDowall & McCleary, 2014; Taylor, 1994). When randomized controlled trials are not appropriate or practical, interrupted time series modeling allows for an ideal quasi-experimental design over other forms of quasi-experiments, cross-sectional designs, and simple pre-post analyses (Biglan et al., 2000). One of the strengths of this design is the utilization of a long baseline period of data, which strengthens the internal validity of the ‘natural experiment’ presented here (Shadish et al., 2002).

Through our interrupted time series modeling with ARIMA, we can account for pre-existing or natural trends in longitudinal data (i.e., already decreasing trends in crime; seasonality of crime; trends in pre-trial release practices) separately from the effects of the intervention (i.e., COVID-19 recommendations). For example, as crime may often be seasonal and cyclical (i.e., peaking every year in the summer), the ARIMA modeling accounts for this type of expected peak in crime during the summer months if the trend becomes established in the baseline period. This allows us to parse out the effects of the COVID-19 recommendations on the outcomes of interest (pre-trial release practices and crime) from competing causal factors.

Results

For each crime type in each county, the data was analyzed in two phases to leverage both the longitudinal nature of the natural experiment and the type of data available from county court systems. Thus, for each crime type in each county, a unique interrupted time series model with ARIMA was computed. Results are presented below for the three crime types: Total Crime, Violent Crime (excluding sexual crime), Non-violent Crime (excluding drug crime). Within each type, four models are presented in the following order: the proportion of cases granted bond in Summit County; the crime trends in Summit County; the proportion of cases granted bond in Columbiana County; and the crime trends in Columbiana County.

Each interrupted time series analysis provides us with three points of analysis with a corresponding significance test (Lecy & Fusi, 2020):

- 1) the trends of crime pre-COVID-19,
- 2) the immediate (i.e., short term) change after the issuance of COVID-19 guidelines
- 3) the long-term change after the issuance of COVID-19 guidelines

The first significance test, associated with point one, tells us if our outcome was increasing or decreasing at a statistically significant level prior to the COVID-19 pandemic. This allows us to understand the baseline trend of bond usage and crime prior to the pandemic, from January 2016 to March 2020. Again, because the model is conducted using the ARIMA framework, these significance tests account for the cyclical and seasonal nature of crime.

The second significance test, associated with point two, tells us if there was a significant change in our outcome in the short term (i.e., one month) after to the issuance of the COVID-19 pandemic guidelines. This allows us to understand the short-term effects of these guidelines on bond usage and crime in the month of April 2020, immediately subsequent to the issuance of guidelines.

The third significant test, associated with point three, tells us if there was a significant change in our outcome in the longer term since the issuance of the COVID-19 pandemic guidelines. This allows us to understand the longer term effects of these guidelines on bond usage and crime in the months from April 2020 through December 2022.

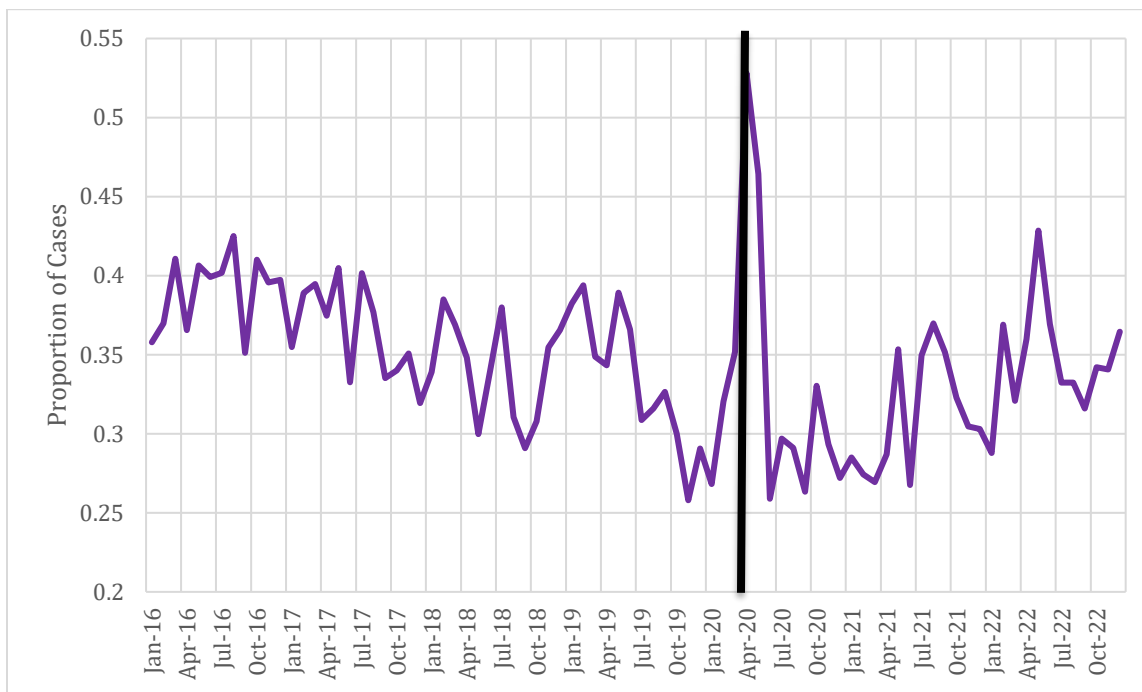
Along with each model, a graph is presented that shows the observed trends for each of the two counties (Summit and Columbiana) across our two outcomes (the proportion of cases granted a pre-trial release and the count of crimes). For each of these trend graphs, a black

vertical line indicates the date of the COVID-19 pandemic and guidelines issued by the Ohio Supreme Court. Importantly, while each of these trend graphs demonstrate the observed data per month, they do not reflect the significance testing associated with the ARIMA models. This is run separately on the data, the results of these are discussed in-text below.

Total Crime

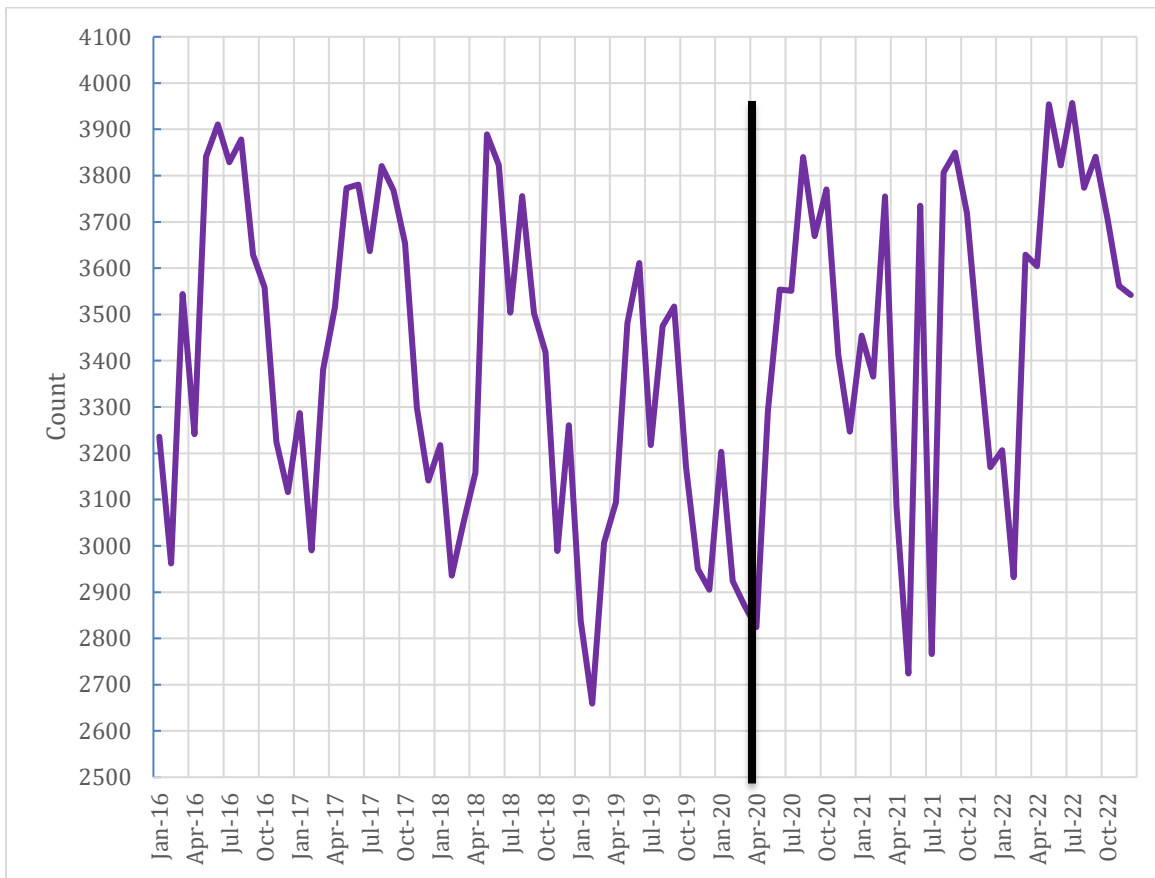
The proportion of cases per month granted bond across all crime types in Summit County are presented in Figure 2. For Summit County, the interrupted time series analysis tells us that the usage of pre-trial release did not change across the baseline period prior to COVID-19. After the issuance of the pandemic guidelines, there was still no statistically significant change in the usage of pre-trial release in the short or long term. Interestingly, while we see a spike in the proportion of cases granted bond in the month after the issuance of the pandemic guidelines, this spike is not large enough to achieve statistical significance from what would have been the expected proportion of cases granted bond in April 2020.

Figure 2: Summit County – Proportion of Total Crime Cases Granted Bond (per month)



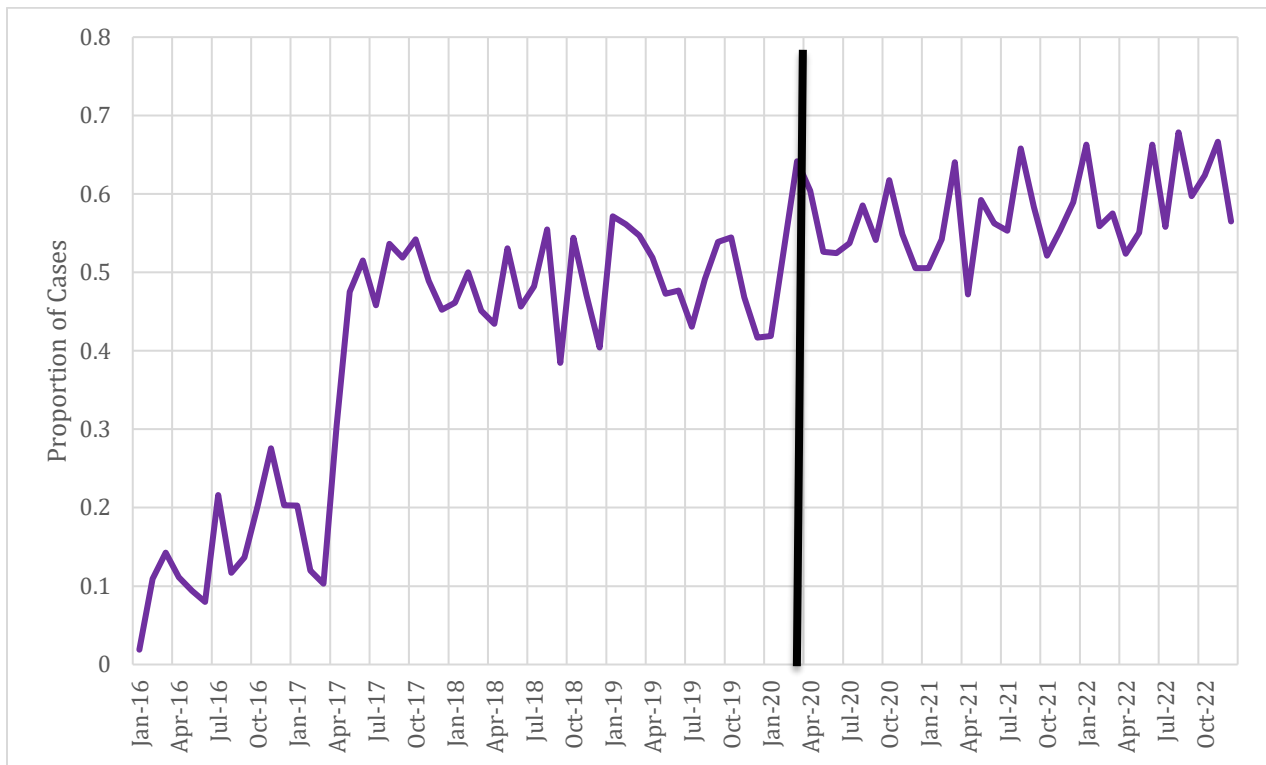
The monthly count of total crime incidents in Summit County is presented in Figure 3. For Summit County, the interrupted time series analysis tells us that the total crime in the county was increasing overall in the total baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant increase in the total crime count in the short term, or immediately after the issuance, compared to the count of crime expected based on the baseline trends of crime prior to the pandemic. In the long term since, there has been a significant decrease in total crime count compared to what would have been expected had the pandemic and associated guidelines not occurred.

Figure 3: Summit County – Total Crime Incident Count (per month)



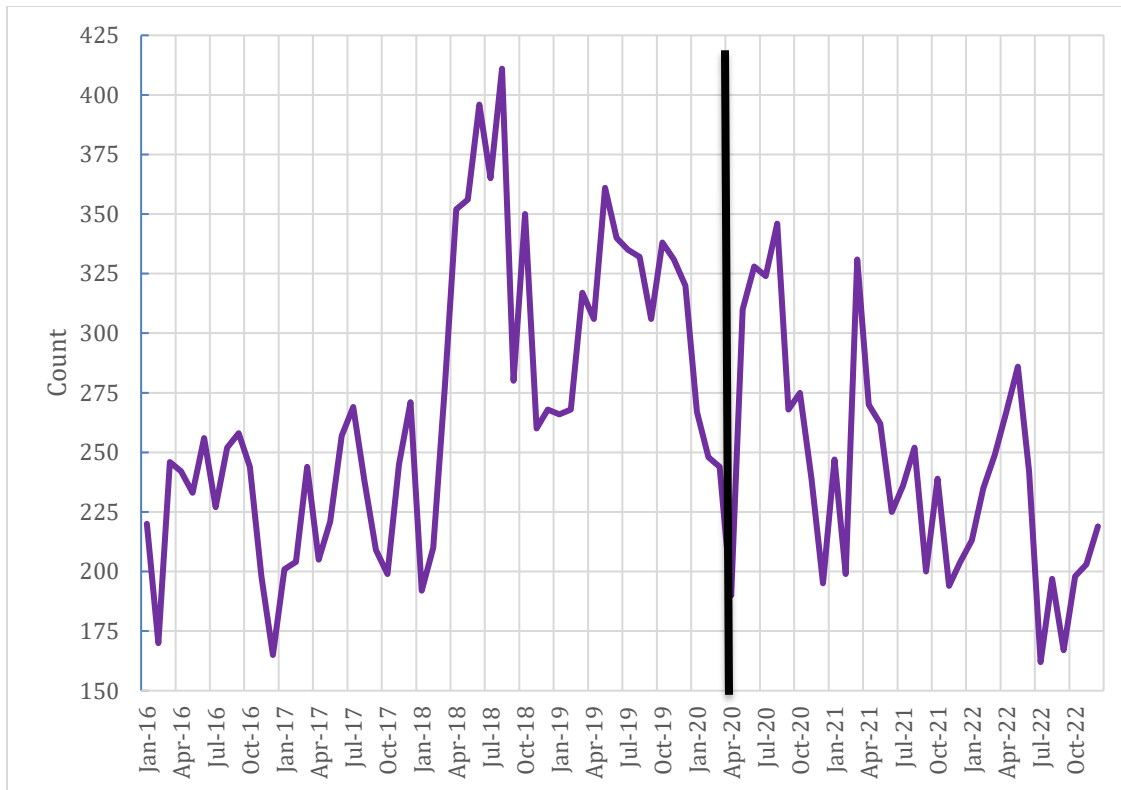
The proportion of cases per month granted bond across all crime types in Columbiana County are presented in Figure 4. For Columbiana County, the interrupted time series analysis tells us that the usage of pre-trial release was significantly increasing during the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant increase in the usage of pre-trial release across all crime types. In the long term since, there has been a significant decrease in the usage of pre-trial release across all crime types compared to what would have been expected based on the significantly increasing baseline trends prior to the pandemic.

Figure 4: Columbiana County – Proportion of Total Crime Cases Granted Bond (per month)



The monthly count of total crime incidents in Columbiana County is presented in Figure 5. For Columbiana County, the interrupted time series analysis tells us that the total crime in the county was decreasing overall in the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant decrease in the total crime count in the short term, or immediately after the issuance in April 2020. In the long term since, there has been a significant increase in total crime count compared to the significantly decreasing crime trends observed prior to the pandemic and in April 2020. This increase may be attributed to the observed spikes in crime since April 2020 that are larger than expected, given the baseline cyclical and seasonal nature of observed crime trends.

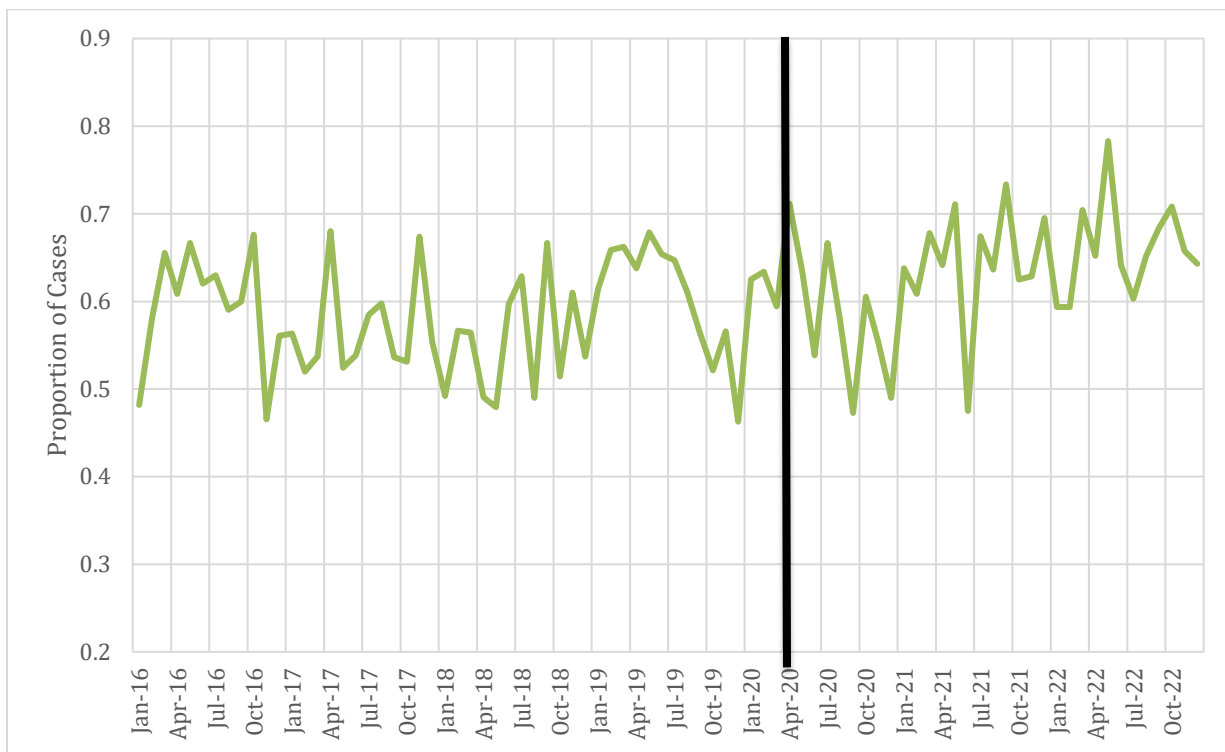
Figure 5: Columbiana County – Total Crime Incident Count (per month)



Violent Crime

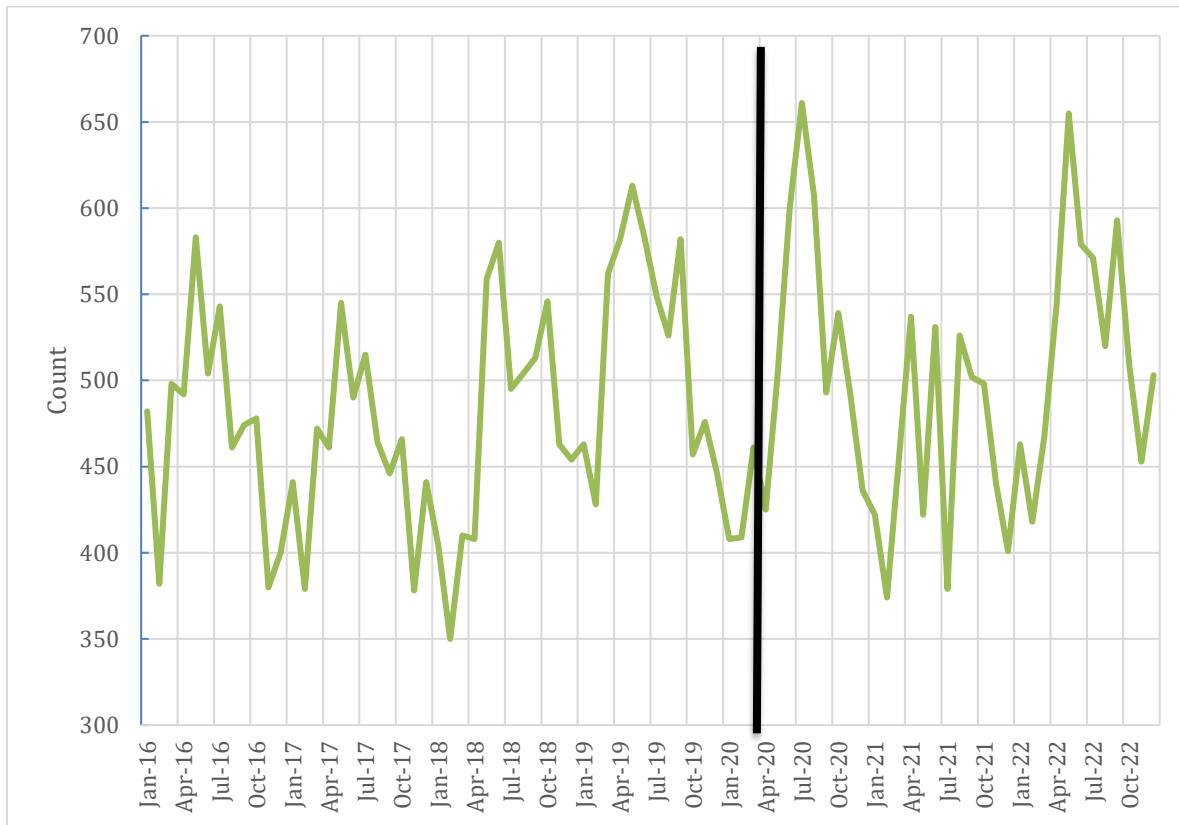
The proportion of cases per month granted bond across violent crime cases (excluding sexual crime) in Summit County are presented in Figure 6. For Summit County, the interrupted time series analysis tells us that the usage of pre-trial release for violent crimes did not change across the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was still no statistically significant change in the usage of pre-trial release in the short-term or long-term through December 2022 for violent crime incidents. While across the time period, we see some spikes and dips in the proportion of cases granted bond, these spikes and dips are not large enough and do not constitute sustained trends that mark these changes as statistically significant.

Figure 6: Summit County – Proportion of Violent Crime Cases Granted Bond (per month)



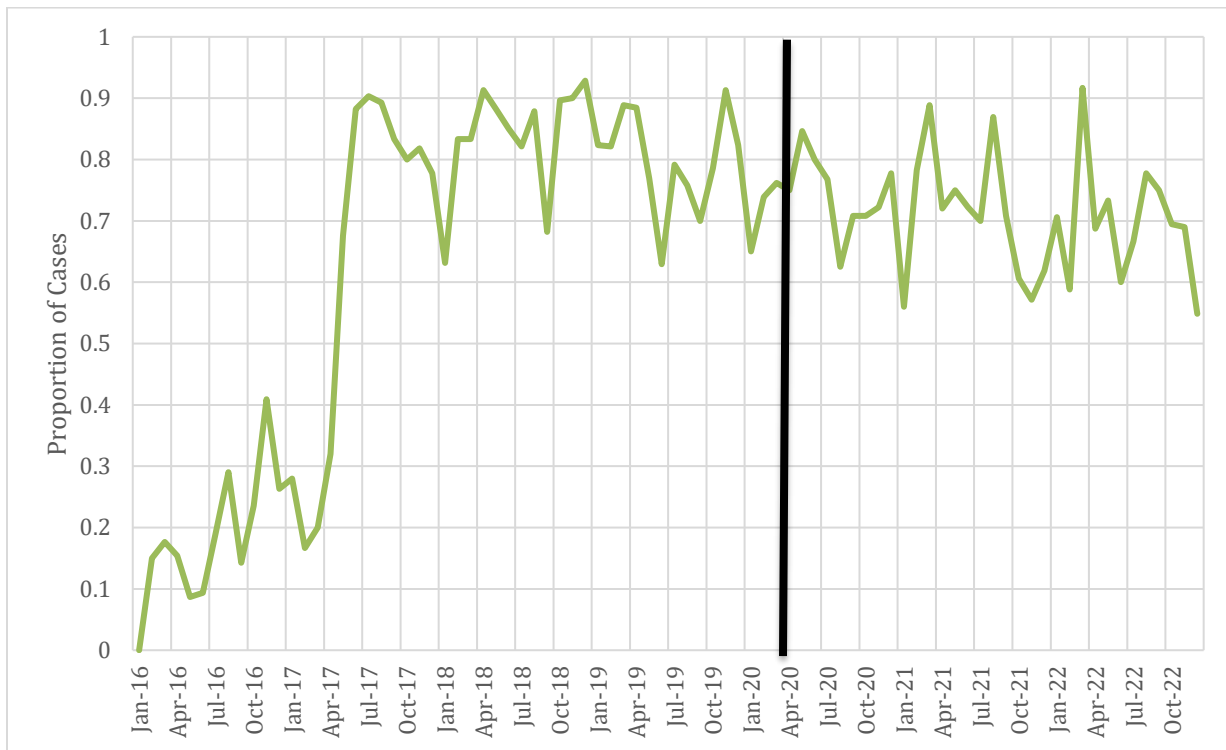
The monthly count of violent crime incidents in Summit County are presented in Figure 7. For Summit County, the interrupted time series analysis tells us that the violent crime in the county did not change at a statistically significant level in the baseline period from January 2016 to March 2020. Again, while we see some spikes and dips in this trend, some of this can be attributed to the seasonal and cyclical nature of crime trends. For example, it is evident in Figure 7 that violent crime tends to peak during the spring and summer months in Summit County from January 2016 through March 2020. The ARIMA model treats these peaks as expected given their reoccurring trends in the same months across years. After the issuance of the pandemic guidelines, there was still no statistically significant change in the incidence of violent crime in the county. Thus, while we see some peaks in crime after April 2020, these are not large enough to establish statistically significant increases in crime trends compared to what would have been expected had the pandemic not occurred.

Figure 7: Summit County – Violent Crime Incident Count (per month)



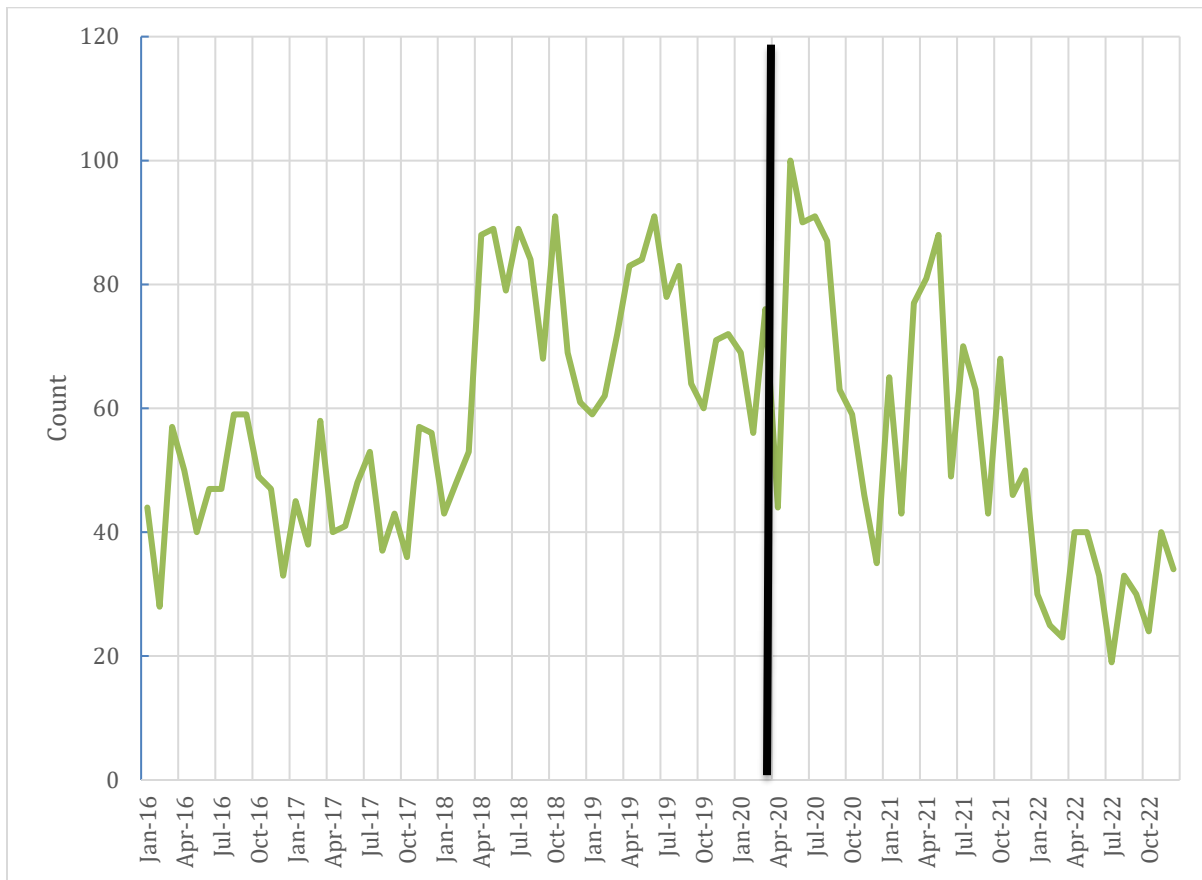
The proportion of cases per month granted bond across violent crime cases (excluding sexual crime) in Columbiana County are presented in Figure 8. For Columbiana County, the interrupted time series analysis tells us that the usage of pre-trial release for violent crime was significantly increasing during the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant increase in the usage of pre-trial release across violent crime incidents in April 2020 compared to the expected trend of the proportions in the baseline period. In the long term since, there has been a significant decrease in the usage of pre-trial release across violent crime incidents compared to what trend would have existed had the pandemic not occurred.

Figure 8: Columbiana County – Proportion of Violent Crime Cases Granted Bond (per month)



The monthly count of violent crime incidents in Columbiana County is presented in Figure 9. For Columbiana County, the interrupted time series analysis tells us that violent crime in the county was decreasing overall in the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant decrease in the violent crime count in the short term, or immediately after the issuance. In the long term since, there has been a significant increase in the violent crime count compared to what would have been expected if the pandemic had not occurred. This may be attributed to a return to the norm in crime incident trends that existed prior to the COVID-19 pandemic, as the pattern of incidents begins to increase after periods of trending decreases in crime prior to and immediately after the start of the pandemic. Notably, these counts of increased crimes seemed to have been sustained largely in 2020 and 2021, with largely lower counts of violent crime incidents per month in 2020, even during normal periods of seasonal peaks in violent crime expected in the spring and summer months in Columbiana County.

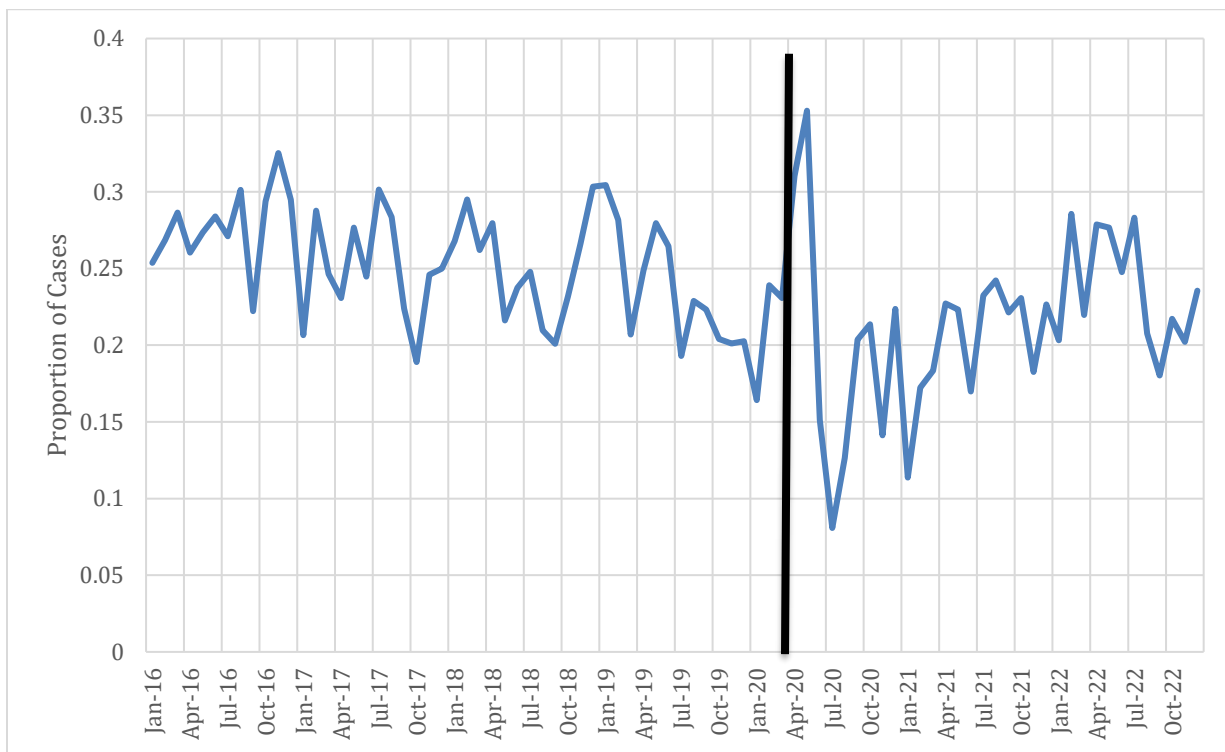
Figure 9: Columbiana County – Violent Crime Incident Count (per month)



Non-Violent Crime

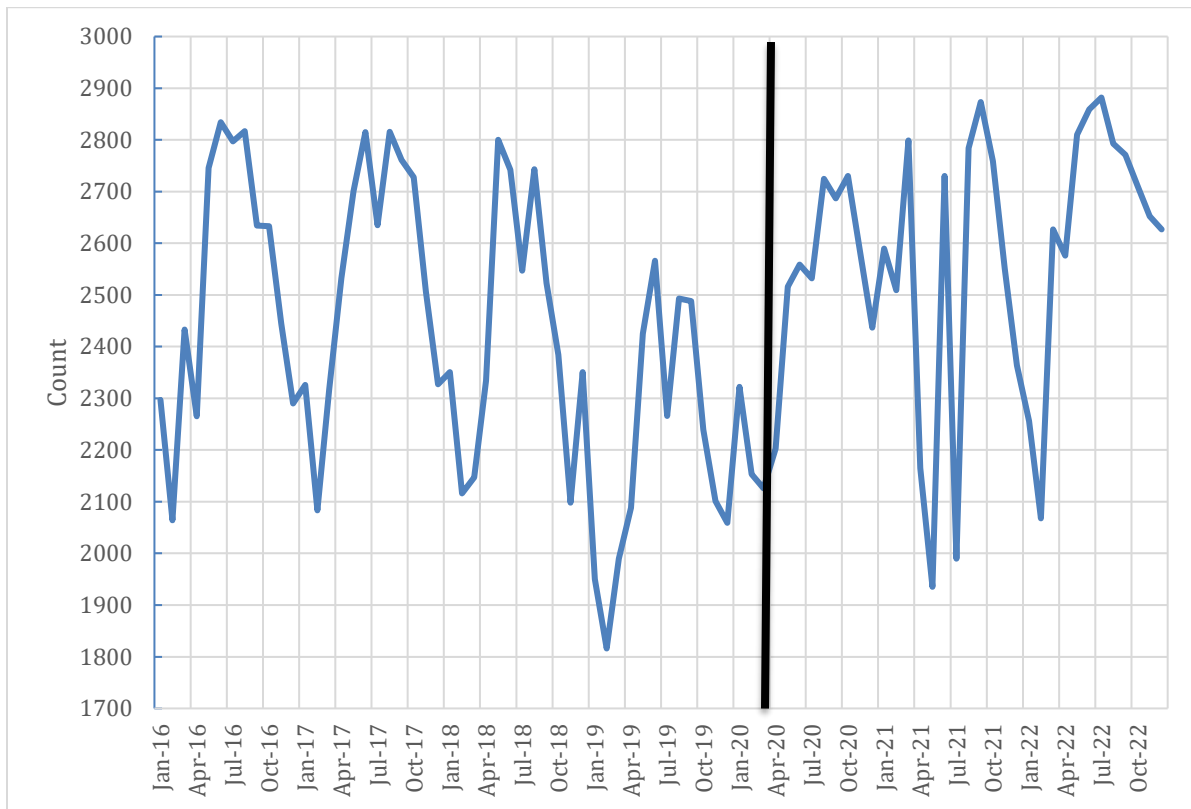
The proportion of cases per month granted bond across non-violent crime cases in Summit County are presented in Figure 10. For Summit County, the interrupted time series analysis tells us that the usage of pre-trial release for non-violent crimes did not change across the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was still no statistically significant change in the usage of pre-trial release in the short or long term for non-violent crime incidents. While we see some spiking and dipping of these trends in the middle of 2020 that look uncharacteristic of the trend over time, these changes were not large or sustained enough to deviate from the expected trends of bond usage in the county.

Figure 10: Summit County – Proportion of Non-violent Crime Cases Granted Bond (per month)



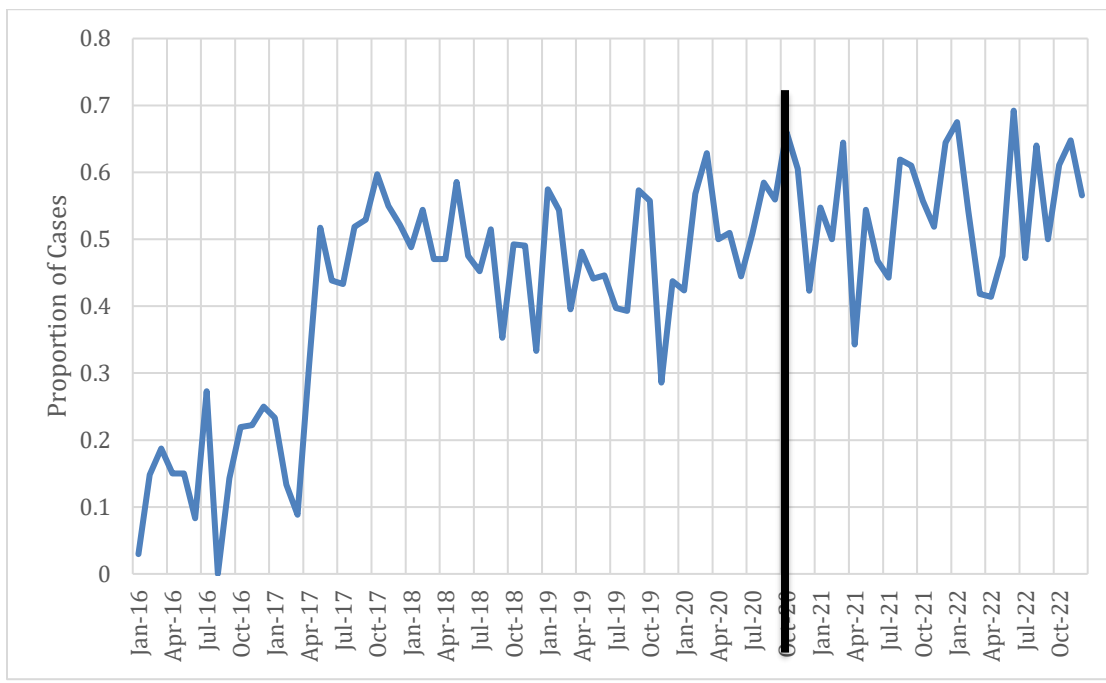
The monthly count of non-violent crime incidents in Summit County is presented in Figure 11. For Summit County, the interrupted time series analysis tells us that the non-violent crime count in the county was significantly increasing in the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant increase in the non-violent crime count in the short term, or immediately after the issuance, compared to what trend would have been expected had the pandemic not occurred. In the long term since, there has been a significant decrease in the non-violent crime count compared to the expected trends of crime had the pandemic and associated guidelines not been issued.

Figure 11: Summit County – Non-violent Crime Incident Count (per month)



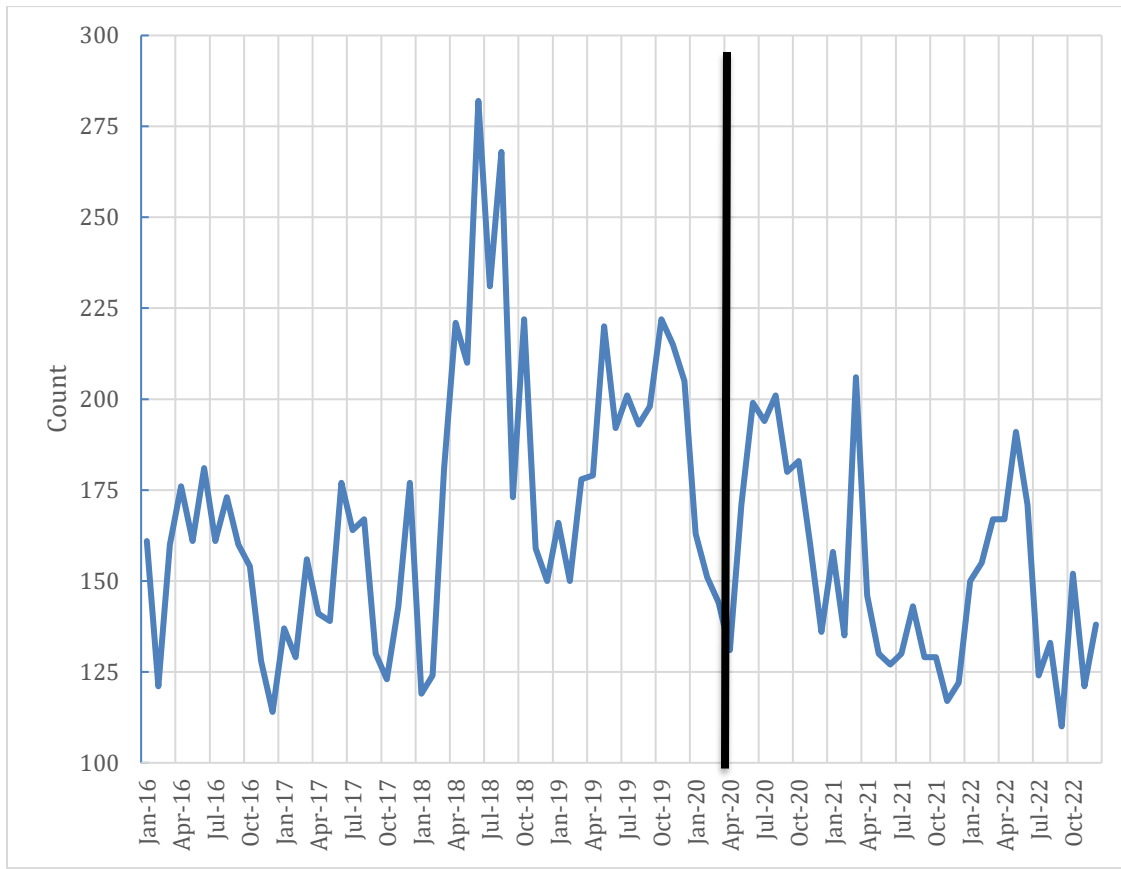
The proportion of cases per month granted bond across non-violent crime cases in Columbiana County are presented in Figure 12. For Columbiana County, the interrupted time series analysis tells us that the usage of pre-trial release for non-violent crime was significantly increasing during the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was no statistically significant change in the usage of pre-trial release across non-violent crime incidents compared to what was expected based on the baseline trends. In the long term since, there has been a significant decrease in the usage of pre-trial release across non-violent crime incidents compared to what trend would have existed had the pandemic not occurred.

Figure 12: Columbiana County – Proportion of Non-violent Crime Cases Granted Bond (per month)



The monthly count of non-violent crime incidents in Columbiana County is presented in Figure 13. For Columbiana County, the interrupted time series analysis tells us that non-violent crime in the county was decreasing overall in the baseline period from January 2016 to March 2020. After the issuance of the pandemic guidelines, there was a significant decrease in the non-violent crime count in the short term, or immediately after the issuance. In the long term since, there has been a significant increase in the non-violent crime count compared to what trend would have existed had the pandemic not occurred. This may be attributed to a return to the norm in crime incident trends that existed prior to the COVID-19 pandemic, as the pattern of incidents begins to increase after periods of trending decreases in crime prior to and immediately after the start of the pandemic. Notably, there seems to be an uncharacteristic level of non-violent crime trends in the winter months of 2021 and 2022. These un-seasonal peaks in crime incidents may be driving this significance.

Figure 13: Columbiana County – Non-violent Crime Incident Count (per month)



Summary & Policy Recommendations

In Priority Area 1, we sought to determine the effects of COVID-19 on the use of pre-trial bond and trends of crime. We explored two specific research questions:

- 1) Did the Supreme Court COVID-19 guidelines influence how county courts implemented pre-trial bond practices?
- 2) Did these counties experiences changes in crime during the pandemic and/or under these COVID-19 guidelines encouraging pre-trial release?

We applied a research design utilizing COVID-19 and the issuance of the Supreme Court COVID-19 guidelines as a ‘natural experiment’, allowing us to compare observed trends in pre-trial practices and crime with the expected trends had the pandemic not occurred and the associated guidelines not been issued.

Findings for our urban case study in Summit County indicate that there were no significant changes in pre-trial practices in the county for either total crime, violent crime, or non-violent crime types. In addition, while crime was increasing prior to the COVID-19 pandemic, it experienced an overall decrease in incidents immediately after the start of the pandemic and issuance of Ohio Supreme Court COVID-19 guidelines. There were no changes in Summit County for violent crime in the longer term through December 2022, but non-violent crime significantly decreased in the longer term through December 2022.

Findings for our rural case study in Columbiana County indicate that the use of pre-trial bonds was increasing prior to the COVID-19 pandemic and remained increasing immediately after the Ohio Supreme Court issuance of COVID-19 guidelines. In the longer term since the pandemic, though December 2022, there has been a decrease in the usage of pre-trial bonds. This might indicate that the county is returning to the norm of practices that existed prior to the pandemic. This pattern was true for total crime incidents, violent crime incidents, and non-violent crime incidents.

In addition, for Columbiana County, crime trends were decreasing prior to the COVID-19 pandemic and immediately after the start of the pandemic across total crime, violent crime, and non-violent crime incidents. In the longer term through December 2022, there has been an increase in crime in the county. Given the significant decreases in crime both prior to the pandemic and immediately after, this may be attributed to a return to the norm in crime incident trends that existed prior to the COVID-19 pandemic.

Recommendations:

Given the context and results of the study, we provide several policy recommendations.

The first set refer to pre-trial practices:

- 1) Ohio counties should continue to consider bail reform practices in line with the COVID-19 pandemic guidelines issued by the Ohio Supreme Court, as there was no evidence of resultant crime increases as a result of this ‘natural experiment’.

The second set of policy recommendations refer to the institutionalization of data practices across the state, which can help to ensure Ohio improves its reliance on data and evidence for making policy decisions in the area of bail reform.

- 2) Establish a centralized database that tracks pre-trial release processes in a standardized format in all Ohio counties.
- 3) Establish a legislative committee composed of legislators, criminal justice practitioners, and criminal justice scholars to study the effects of pre-trial release decisions on crime rates in all Ohio counties.

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Executive Summary

Priority Area 2: Public Opinion on Bail Reform

Purpose:

As the research team awarded CJR-2022-001 “Bail Reform in Ohio,” we conducted three rigorous mixed method studies of Ohio bail practices to draw policy-oriented conclusions about bail’s effects on public safety and the lives of Ohio residents. The overall goal of this project is to provide the CJR and AGO with an understanding of three things: 1) the effects of COVID-19 on pre-trial practices, 2) public opinion of bail reform, 3) the life course effects of bail/bond/pre-trial detention. **This report examines this second topic, Priority Area 2.** To address Priority Area 2, we sought to determine how supportive Ohio residents were of bail reform.

Goal: Provide the CJR and AGO with an understanding of Ohioans’ support of recognizance release bail reform related to Senate Bill 182 and House Bill 315 (134th General Assembly).

Research Question 2: What are Ohio residents’ current opinions regarding bail reform legislation and how do case-specific factors, such as legal and extra-legal variables, influence support for recognizance release?

Methods:

We conducted a web-based survey of a representative sample of 1,000 Ohio residents to gauge general and specific opinions regarding bail and pre-trial release preferences. Specifically, we conducted a 2⁴ factorial survey experiment in which we varied four independent variables—offense history, offense seriousness, the gender of the accused, and the race of the accused—to determine how the main effects of these factors influenced support for recognizance release and perceived public safety. Participants were recruited from YouGov’s opt-in survey panel, which contained approximately 15,000 to 20,000 Ohio residents.

Findings:

Approximately 40% of respondents indicated they would support recognizance release oriented bail legislation consistent with Senate Bill 182/House Bill 315 (134th General Assembly). On average, Ohioans indicated they would be generally supportive of recognizance release bail reform, but worried that approving recognizance release bail legislation would result in an increase in crime or decrease in personal safety. Experimental results from multivariable models assessing the main effects of legal and extra-legal variables on pre-trial release

preferences suggested legal variables (i.e., violent offense, second offense) reduced support for pre-trial release and increased preferences for pre-trial detention. However, approximately 41% of respondents indicated they would choose recognizance release and 44% would choose secured bond across experimental scenarios. Moreover, Ohioans appeared to be supportive of recognizance release-oriented bail reform generally and when they were provided information about case-specific legal variables.

Recommendations: We provide four data-driven policy recommendations:

- 1) Use recognizance release for first-time non-violent offenders.
- 2) Use questions with general and specific wording to best gauge Ohioans' short-term opposition or support for bail reform and other criminal justice issues.
- 3) Provide information on aggregate trends on case-specific legal variables when assessing opposition or support for bail reform and other criminal justice policy issues.
- 4) Conduct state-level longitudinal research to best understand trends for bail reform and other criminal justice policy opposition or support in Ohio.

Public Opinion & Criminal Justice Policy

In 2019, sixty-one percent of Ohio jail inmates were awaiting trial (Dorskocil, 2022). The Ohio Legislative Service Commission's Fiscal Note on H.B. 315 (134th General Assembly) stated that the average cost of pre-trial incarceration was approximately \$928,000 per day, or \$339 million per year. In fiscal years 2024 and 2025, Ohio will direct \$50 million from 2023 general revenue funds to local jails for construction and renovation projects (Golon, 2023). Given the state's financial investment in pre-trial detention and the influence of public opinion on legislative policy (Pickett, 2019), it is useful to understand how taxpayers perceive criminal justice policies, such as pre-trial release, that may reduce operating costs.

Prior research suggests criminal justice opinions are “mushy” because public support for criminal justice policies appears to be contradictory (Cullen et al., 2000). In other words, the public holds simultaneously punitive and progressive views regarding criminal justice policy. For instance, Applegate and colleagues (1996) studied Cincinnati-area residents' opinions regarding three strikes laws and found that an overwhelming majority of respondents supported three strikes laws. However, respondents were simultaneously willing to allow flexibility in the application of three strikes laws when the third offense was minor. Therefore, the public may support a range of punitive policies (e.g., incarceration, capital punishment, mandatory minimum sentences) while simultaneously displaying a willingness to substitute less punitive approaches if they know less punitive options are available (e.g., supporting life without parole sentences instead of capital punishment).

Knowledge about issues also matters when assessing criminal justice opinions. This is important as research suggests most Americans are somewhat misinformed about crime and punishment (Pickett, 2019). Criminal justice knowledge is especially limited among adults who rely on mass media (e.g., newspapers, magazines, television, and radio) to inform information about crime and justice (Pickett et al., 2015). Yet, providing accurate criminal justice information appears to influence public opinion, albeit in an inconsistent manner. Some studies find that providing accurate information about crime and punishment reduces punitive attitudes while other studies find that providing accurate information can harden punitive attitudes. For example, college students in criminal justice classes reported lower levels of death penalty support when they were provided accurate information about the death penalty, but these reductions did not persist over time (Bohm & Vogel, 2004). Additional research found that providing respondents

information about incarceration, crime, and sentencing reduced punitiveness (Indermaur et al., 2012). However, another study found that providing victim impact evidence in death penalty eligible cases increased support for capital punishment (Paternoster & Deise, 2011). Further, the framing of racial disparities in the criminal justice system also influences punitiveness. When survey respondents were provided information that manipulated the racial composition of a prison such that the prison had a larger Black population, respondents were more supportive of punitive three strikes laws (Hetey & Eberhardt, 2014). These findings suggest that the type of knowledge matters and influences public opinion about criminal justice issues.

Opinions about criminal justice policy issues may also depend on whether the public is queried about general or specific attitudes (Pickett, 2019). The public tends to be more punitive when asked about general opinions regarding criminal justice policies and less punitive when specific opinions are measured (Applegate et al., 1996; Cullen et al., 2000). However, focusing on general versus specific attitudes may distract from macro-level factors that condition public opinion. Public opinions regarding criminal justice issues are complex—while there is some inconsistency in findings regarding public opinion, some macro-level factors consistently predict public opinion.

Policy mood is macro-level variable that influences public opinion about a variety of topics, including criminal justice attitudes (Stimson et al., 1995; Pickett, 2019). Public policy mood refers to aggregate prevailing opinions on political issues and the “...public’s preferences for more or less government...” (Enns & Kellstedt, 2008, p. 433). Policy mood is particularly relevant because it reflects the aggregation of complex individual opinions over time to reveal broad trends across a variety of political and social issues. To study policy moods, researchers use longitudinal data on global and specific attitudes collected over a period of time (e.g., Enns & Kellstedt, 2008; Ramirez, 2013). Two noteworthy studies on punitive sentiment revealed that aggregate punitive attitudes varied over time, but aggregate opinions of subgroups moved in a similar manner even though levels of punitiveness between subgroups varied (Anderson et al., 2017; Ramirez, 2013). Specifically, even though Republicans were more punitive than non-Republicans, White individuals more punitive than Black individuals, and men more punitive than women, punitive sentiment changed over time in a similar manner between these groups—Republicans and non-Republicans, Black and White individuals, as well as men and women become more or less punitive at similar points in time (Anderson et al., 2017; Ramirez, 2013).

Although levels of support between race, gender, or political subgroups varied, public opinion on punitiveness moved in a similar fashion because of the prevailing policy mood.

Public opinion is important because it can shape criminal justice policy. The ability of public opinion to affect public policy responses is called dynamic representation or dynamic responsiveness (Stimson et al., 1995). Public opinion can shape criminal justice policy by influencing politician support, electing officials, and by voting on criminal justice ballot issues (e.g., State Issue 1 in 2022) (Pickett, 2019). Research supports dynamic representation in the criminal justice policy realm. For example, in states where Supreme Court justices were elected, state Supreme Courts upheld capital punishment sentences when citizens in the state were supportive of the death penalty (Brace & Boyea, 2008). Importantly, this Supreme Court effect also holds at the federal level where justices are not elected—the U.S Supreme Court issues a higher proportion of liberal judgments in less salient (less public attention) cases when the policy mood becomes more liberal (Casillas et al., 2011). However, U.S Supreme Court decisions in salient cases tend to contrast the prevailing policy mood (Casillas et al., 2011). Public punitiveness is also associated with mass incarceration rates. When the public was more punitive, mass incarceration rates were higher (Enns, 2014). These studies suggest that public opinion can and does influence policy as well as criminal justice actors.

Current Study

In the current project we seek to examine individual-level public opinion on bail reform in Ohio. Macro-level research suggests that prevailing policy mood influences punitive attitudes. While there are differences between race, sex, and political subgroups, public opinion for those groups tends to move in the same direction over time. However, these findings do not indicate that individual demographic factors should be ignored in the realm of public opinion because these individual demographic factors provide information about where someone may fall on the punitive attitude spectrum. Instead, these findings suggest that aggregate level studies should supplement individual level research. Since this project was concerned with a specific criminal justice policy during an unprecedented pandemic, it makes sense to explore individual attitudes. Further, research suggests that the public has both general and specific opinions about crime policy and general opinions tend to be more punitive than specific opinions. Therefore, we examine Ohioans' support for bail reform generally and specifically using an online survey

experiment. Findings from our study provide insight to current punitive sentiments in Ohio regarding pre-trial release practices.

Data and Methods

Research Questions

Two research questions guided Priority Area 2 research.

- 1) What are Ohio residents' current opinions regarding bail reform legislation (i.e., 2020 Senate Bill 182 and 2020 House Bill 315)?
- 2) How do case-specific factors (i.e., offender race, offender sex, offense type, offense history) influence support for recognizance release?

Sample

To answer our research questions, we collected data from a representative non-probability sample of 1,000 Ohioans using the YouGov Web Access Panel. The YouGov panel is an opt-in survey panel, composed of 1.8 million U.S. residents who agreed to participate in YouGov's web surveys. The YouGov panel includes 15,000-20,000 Ohio residents, making it an ideal platform to survey Ohioans about bail reform opinions. Additionally, YouGov has been used in recent criminological academic research (e.g., Pickett et al., 2023; Socia et al., 2021). YouGov panel members are recruited using a variety of methods to ensure panel diversity including web advertisements to join YouGov campaigns, web advertisements in public surveys, member referrals, random digit dialing telephone-to-web recruitment (i.e., YouGov completed telephone interviews and invited respondents to join the online panel), and organic recruitment (e.g., individuals join the panel after reading YouGov research). Participants are not paid to join the YouGov panel, rather they receive incentives using a points-based loyalty system to participate in surveys. Participants receive between 250 to 5,000 points to complete a survey and points are redeemed for small gifts (e.g., 30,000 points can be redeemed for a \$25 gift card).

YouGov relies on a two-stage sample matching procedure to generate representative samples from non-randomly selected opt-in participant pools. YouGov selects the target population by drawing a stratified random sample using demographic characteristics (i.e., age, sex, race, education) from the most recent American Community Survey. This technique serves as a synthetic sampling frame because an actual sampling frame for online surveys does not exist. The frame is constructed using a politically representative frame of US adults—in this case, the American Community Survey, public voter file records, 2020 current population survey

voting and registration supplements, the 2020 national election pool. A random sample is then drawn from this target population and then each member of the target sample is matched to YouGov's pool of opt-in panelists using propensity score matching techniques. In our study, YouGov interviewed 1,067 Ohio residents who were then matched down to a sample of 1,000 to produce the final sample. Unweighted and weighted sample demographic characteristics are displayed in Table 1.

Table 1: Sample Descriptive Statistics

Variable	Unweighted % or M (SD)	Weighted	Range
Race	---	---	1-8
NH White	80.10%	79.42%	---
NH Black	11.50%	11.44%	---
Hispanic/Latino	4.80%	5.02%	---
NH Asian	0.30%	0.49%	---
NH Indigenous Am.	0.70%	0.95%	---
NH 2 or more races	1.50%	1.20%	---
NH other	0.90%	0.93%	---
NH Middle Eastern	0.20%	0.54%	---
Gender	---	---	0-1
Male	46.50%	48.40%	---
Female	53.50%	51.60%	---
Age	51.48 (16.69)	49.22 (17.74)	19-90
Education	---	---	1-6
No High School	4.70%	6.97%	---
Diploma or GED	32.90%	33.38%	---
Some College	19.60%	20.46%	---
Associate Degree	9.80%	9.59%	---
Bachelor's Degree	20.10%	19.01%	---
Post-graduate Degree	12.90%	10.61%	---
Marital Status	---	---	1-6
Married	45.00%	40.09%	---
Separated	1.60%	2.00%	---
Divorced	15.00%	14.39%	---
Widowed	4.50%	4.42%	---
Never Married	28.60%	33.05%	---
Domestic Partnership	5.30%	6.05%	---
Employment Status	---	---	1-9
Full-time	37.60%	35.84%	---
Part-time	9.90%	10.28%	---
Laid Off	0.30%	0.37%	---
Unemployed	5.90%	6.65%	---
Retired	25.40%	23.49%	---
Disabled	8.60%	8.99%	---
Homemaker	7.80%	8.22%	---
Student	2.40%	3.84%	---
Other	2.10%	2.32%	---
Political Ideology	---	---	1-4
Conservative	33.20%	32.05%	---
Moderate	30.80%	32.00%	---
Liberal	27.20%	25.80%	---
Not Sure	8.80%	10.87%	---

Notes: Sample size (n) = 1,000. NH = Non-Hispanic/Latino.

Survey Experiment Design

YouGov distributed an online between-subjects survey experiment to our sample of Ohio residents. The survey had five distinct components: 1) pre-test bail opinion assessment, 2) random assignment to one experimental condition, 3) post-test assessment, 4) prior criminal justice system contacts and perceptions, 5) demographic information. YouGov randomly assigned participants to view one hypothetical vignette (i.e., a pre-trial scenario) describing a pre-trial detention scenario that varied the presentation of four case-specific factors.

Two of the case-specific factors manipulated in the vignette were demographic characteristics of the accused and two were offense characteristics. The two demographic factors were the accused's race and gender, while the offense characteristics were offense type and offense history. Offense characteristics were manipulated by varying text descriptions of the accused's arrest. Offense type was manipulated by stating whether the current offense was violent or non-violent. Offense history was manipulated by stating whether the current offense was a first or second offense.

Race and gender were manipulated by varying the presentation of the accused's race (Black or White) and gender (male or female) with images from the Chicago Face Database (CFD) 3.0 (Ma et al., 2015). The CFD 3.0 is a free repository of photographs of male and female individuals from various racial or ethnic backgrounds between the ages of 17-65. The CFD 3.0 consists of images of 597 unique individuals, of which we utilized a sample of Black male or female and White male or female models with neutral facial expressions. There are several advantages of using CFD images in experimental research. First, images are standardized and can be used for side-by-side comparisons. Second, the CFD provides norming data that allows researchers to select comparable images. Norming data includes physical attributes (e.g., face size) and subjective ratings of model faces or personality characteristics. Thus, we used seven subjective ratings to identify models within one standard deviation of the mean for all Black male/female and White male/female models to ensure models of different sexes and races were as comparable as possible. The characteristics included age, anger, attractive, threatening, trustworthy, dominant, and masculinity (male models only) or femininity (female models only). The models and experimental vignette can be viewed in Table 2.

Table 2: Experimental Vignettes
Vignette Images



Vignette Text

Imagine the [man/woman] in this image was arrested for the [FIRST/SECOND TIME] for a [VIOLENT/NON-VIOLENT] crime in your Ohio county. Although this [man/woman] has not been convicted or found guilty of a crime related to [his/her] current arrest, [he/she] has been detained pre-trial in your county jail while [he/she] awaits [his/her] next court hearing.

The combination of the four survey manipulations resulted in sixteen unique experimental conditions. Respondents were randomly assigned to view one of the sixteen vignettes to reduce social desirability as well as survey ordering and anchoring effects. A priori power analyses using G*Power 3.1 determined that a minimum sample size of 732 would be required to detect medium sized main effects ($f < .15$) with 80% power and the .05 alpha level. The distribution of respondents per experimental condition can be viewed in Table 3.

Table 3: Weighted Experimental Group Sample Sizes

Experimental Group	<i>n</i>	%
1. White/Male/First Offense/Non-Violent	56	4.98%
2. Black/Male/First Offense/Non-Violent	57	5.67%
3. White/Male/First Offense/Violent	63	5.82%
4. Black/Male/First Offense/Violent	68	7.09%
5. White/Male/Second Offense/Non-Violent	59	5.94%
6. Black/Male/Second Offense/Non-Violent	66	6.64%
7. White/Male/Second Offense/Violent	62	6.23%
8. Black/Male/Second Offense/Violent	63	6.67%
9. White/Female/First Offense/Non-Violent	67	6.57%
10. Black/ Female /First Offense/Non-Violent	64	6.11%
11. White/ Female /First Offense/Violent	59	5.75%
12. Black/ Female /First Offense/Violent	65	7.17%
13. White/ Female /Second Offense/Non-Violent	61	6.14%
14. Black/ Female /Second Offense/Non-Violent	67	7.42%
15. White/ Female /Second Offense/Violent	64	6.46%
16. Black/ Female /Second Offense/Violent	59	5.37%

Note: n = Sample size

Measures

Dependent Variables

Research Question 1: Analyses for research question one proceeded in two steps. First, we asked respondents to indicate release preferences (1 = no pre-trial release, 2 = secured bond, 3 = recognizance release or ROR) for 12 crimes listed in Table 4.

Table 4: Weighted Pre-trial Release Preferences for Specific Crimes

Crime	No Pre-trial Release	Secured Bond	ROR
		%	
Murder	75.57%	19.85%	4.57%
Robbery	21.92%	64.49%	13.58%
Physical assault without weapon	11.37%	42.65%	45.99%
Physical assault with weapon	44.82%	46.49%	8.89%
Rape or sexual assault	68.57%	27.31%	4.13%
Domestic Violence	37.46%	48.09%	14.46%
Marijuana-related drug crime	6.58%	20.64%	72.78%
Crime related to other drugs	15.51%	53.05%	31.44%
Alcohol or drug impaired driving	14.46%	50.45%	35.08%
Stalking	31.06%	51.21%	17.71%
Car theft	18.45%	58.23%	23.32%
Burglary	24.47%	59.18%	16.35%

Second, we assessed Ohio residents' *general* views about bail reform legislation with five items that focused on recognizance release (ROR) opinions in multivariable regression analyses. Four of the five items were measured on a 1 – 7 Likert-type scale and are described in detail below: Higher scores on each variable indicated more support, fear, safety, or worry that crime would increase.

1. *General Covid ROR* measured the extent to which respondents oppose or support ROR to reduce the spread of COVID-19 in Ohio jails (1 = strongly oppose, 7 = strongly support).
2. *General ROR* measured the extent to which respondents oppose or support ROR to release persons charged, but not yet found guilty, with a crime from Ohio jails (1 = strongly oppose, 7 = strongly support).
3. *General Safety* measured how unsafe or safe respondents would feel if ROR became the standard pre-trial release practice in Ohio (1 = extremely unsafe, 7 = extremely safe)
4. *General Crime Increase* measured how worried respondents would be that ROR would increase crime (1 = not at all worried, 7 = extremely worried).

Higher scores on these four outcome variables indicated more support, safety, or worry that crime would increase. The fifth dependent variable, *General Voting Intentions*, was categorical and assessed whether respondents would vote to oppose or support ROR to release people charged, but not yet found guilty, of crimes from Ohio jails (1 = oppose legislation, 2 = not sure, 3 = support legislation). Descriptive Statistics for these dependent variables are displayed in Table 5.

Table 5: Independent and Dependent Variables Used in Regression Models

Variable	Unweighted % or M (SD)	Weighted	Range
Independent Variables			
Non-White	19.90%	20.57%	0-1
Female	53.50%	51.60%	0-1
Married	50.30%	46.14%	0-1
Work	47.50%	46.12%	0-1
Degree	42.80%	39.20%	0-1
Age	51.48 (16.69)	49.22 (17.74)	19-90
Conservative	33.20%	35.96%	0-1
Prior Arrest	25.00%	26.44%	0-1
Prior Victim	44.40%	42.98%	0-1
Court Procedural Justice ($\alpha = .84$)	3.18 (0.99)	3.17 (1.00)	1-5
Courts use fair procedures	3.17 (1.18)	3.16 (1.18)	1-5
Courts makes decisions based on facts	3.32 (1.17)	3.32 (1.18)	1-5
People get the outcomes they deserve	3.14 (1.10)	3.14 (1.14)	1-5
I trust the decisions of criminal courts	3.11 (1.12)	3.08 (1.13)	1-5
Fear of Crime ($\alpha = .93$)	2.80 (1.11)	2.82 (1.12)	1-5
Steal money or property	3.00 (1.24)	2.99 (1.25)	1-5
Break into your house	3.06 (1.26)	3.05 (1.26)	1-5
Physical assault	2.88 (1.26)	2.90 (1.29)	1-5
Rob or mug	2.85 (1.28)	2.88 (1.29)	1-5
Rape or sexual assault	2.43 (1.32)	2.45 (1.34)	1-5
Murder	2.60 (1.33)	2.64 (1.35)	1-5
Black Offender	50.90%	52.13%	0-1
Female Offender	50.60%	50.99%	0-1
Violent Offense	50.30%	50.55%	0-1
Second Offense	50.10%	50.85%	0-1
Dependent Variables			
General Covid ROR	4.32 (2.03)	4.31 (2.01)	1-7
General ROR	4.49 (1.87)	4.54 (1.88)	1-7
General Safety	3.48 (1.66)	3.47 (1.68)	1-7
General Crime Increase	4.58 (1.78)	4.59 (1.80)	1-7
General Voting Intentions	2.15 (0.80)	2.16 (0.79)	1-3
Oppose	25.70%	24.68%	---
Not Sure	33.90%	34.78%	---
Support	40.40%	40.54%	---
Specific ROR	4.15 (2.00)	4.20 (1.99)	1-7
Specific Worry	3.77 (1.76)	3.77 (1.75)	1-7
Specific Safety	4.15 (1.69)	4.15 (1.69)	1-7
Specific Crime Increase	3.59 (1.62)	3.56 (1.62)	1-7
Specific Release Preferences	2.27 (0.70)	2.27 (0.69)	1-3
No Pre-trial Release	14.70%	14.12%	---
Secured Bond	43.20%	44.40%	---
Recognizance Release	42.10%	41.48%	---

Research Question 2: We assessed how case-specific factors influenced Ohioans' *specific* pre-trial release opinions using five items. Each of the five items served as a dependent variable in multivariable regression analyses. Four of the five items were measured on a 1 – 7 Likert-type scale and are described in detail below:

1. *Specific ROR* measured the extent to which respondents oppose or support ROR for the person described in the vignette scenario (1 = strongly oppose, 7 = strongly support).
2. *Specific Worry* measured how worried respondents would be if the person in the vignette scenario was granted ROR (1 = not at all worried, 7 = extremely worried).
3. *Specific Safety* measured how unsafe or safe respondents would feel if the person in the vignette scenario was granted ROR (1 = extremely unsafe, 7 = extremely safe).
4. *Specific Crime Increase* measured the perceived likelihood that crime would increase if the person in the vignette scenario was granted ROR (1 = extremely unlikely, 7 = extremely likely).

Higher scores on each variable indicated more support, worry, safety, or concerns that crime would increase. The fifth specific dependent variable, *Specific Release Preferences*, was categorical and assessed which pre-trial release option respondents would choose for the person in the vignette scenario (1 = no pre-trial release, 2 = secured bond, 3 = ROR). Descriptive Statistics for these dependent variables are also displayed in Table 5.

Independent Variables

Research Question 1: Several personal characteristics are associated with criminal justice opinions (Anderson et al., 2017; Ramirez, 2013). Thus, we assessed how these personal characteristics influenced the five dependent variables for the first research question to elucidate Ohio residents' views on bail reform. *Non-White* indicated whether a respondent identified as White or Non-White (1 = Non-White, 0 = White). *Female* indicated respondents who self-identified their sex as female (1 = female, 0 = male). *Married* indicated whether respondents in our sample were married or in a domestic partnership (1 = married or domestic partnership, 0 = divorced, separated, widowed, or never married). *Work* indicated whether respondents worked full or part-time jobs for income (1 = employed, 0 = temporarily laid off, unemployed, retired,

permanently disabled, homemaker, student, or other non-full or part-time employment for income). *Degree* indicated whether respondents held at least an associate degree (1 = associate degree, bachelor's degree, or post-graduate degree, 0 = no high school diploma, high school diploma or GED, or some college). *Age* indicated the respondent's age in years. *Conservative* indicated whether a respondent self-identified as having conservative political views (1 = conservative, 0 = liberal or moderate). *Prior arrest* indicated whether respondents were arrested at least once in their lifetime (1 = prior arrest, 0 = no prior arrest). *Prior victim* indicated if respondents were the victim of a crime in their lifetime (1 = prior victimization, 0 = no prior victimization).

Apart from demographic variables, we also assessed views of criminal courts and fear of crime. *Court Procedural Justice* ($\alpha = .84$) was a mean scale that took the average of four survey items measured on a 1 – 5 (1 = strongly disagree, 5 = strongly agree) Likert-type scale that assessed perceived fairness and trust in criminal court proceedings. The four items included: 1) Criminal courts use fair procedures when handling cases, 2) Courts make decisions based on facts, not personal opinions, 3) People with criminal cases get the outcomes they deserve in court, 4) I trust the decisions of criminal courts. The responses to each of the four courts items were averaged to create the court procedural justice measure and higher scores indicate courts were perceived as fair.

Finally, *Fear of crime* ($\alpha = .93$) was a mean scale that took the average of six survey items measured on a 1 – 5 (1 = not at all afraid, 5 = extremely afraid) Likert-type scale that assessed respondents' fear of being a victim of crime in the next five years. The six items included: 1) Steal money or property, 2) Break into house, 3) Physical assault, 4) Rob or Mug, 5) Rape or sexually assault, 6) Murder. The responses to each of the six fear of crime items were averaged to create the fear of crime measure and higher scores indicated greater fear of crime. Descriptive Statistics for these independent variables are displayed in Table 5.

Research Question 2: We examined how the four vignette scenario manipulations influenced each of the dependent variables for the second research question. *Black* indicated whether the person in the vignette scenario was Black or White (1 = Black, 0 = White). *Female* indicated whether the person in the vignette scenario was female or male (1 = female, 0 = male). *Violent offense* indicated whether the person in the vignette scenario committed a violent or non-violent offense (1 = violent offense, 0 = non-violent offense). *Second offense* indicated whether

the person in the vignette scenario was arrested for the first or second time for the offense (1 = second offense, 0 = first offense). Descriptive Statistics for these independent variables are displayed in Table 5.

Analytical Approach

All analyses were conducted in STATA 18 using a survey weight provided by YouGov. Analyses began by examining missing data patterns for each independent and dependent variable included in analyses. Three independent variables—conservative, prior arrest, and prior victimization—for the first research question were missing 8.80%, 2.00%, and 2.70% data, respectively. Thus, we used multiple imputation to account for the missing data patterns. One variable for the second research question—specific worry—was missing less than 1.00% data. However, due to the low number of missing cases we did not impute data for the second research question. We then summarized data to report descriptive trends for independent and dependent variables.

Next, we treated outcomes measured on the 7-point scale as continuous and used Ordinary Least Squares (OLS) regression in analyses. Importantly, the OLS regression results for research question two do not use control variables because the use of control variables in experimental analyses will bias treatment effect estimates. Finally, we used Multinomial Logistic regression and requested relative risk ratios (i.e., we measured the likelihood of selecting one response option relative to selecting another response option) for the two categorical outcomes. The Multinomial Logistic regression analyses compared the relative risk of being an undecided or oppositional voter relative to supporting ROR legislation as well as preferring no pre-trial release or secured bond relative to ROR release preferences. Relative risk ratios less than one indicate negative associations while relative risk ratios greater than one indicate positive associations. Results for regression models are presented separately for each research question.

Results

Descriptive Statistics

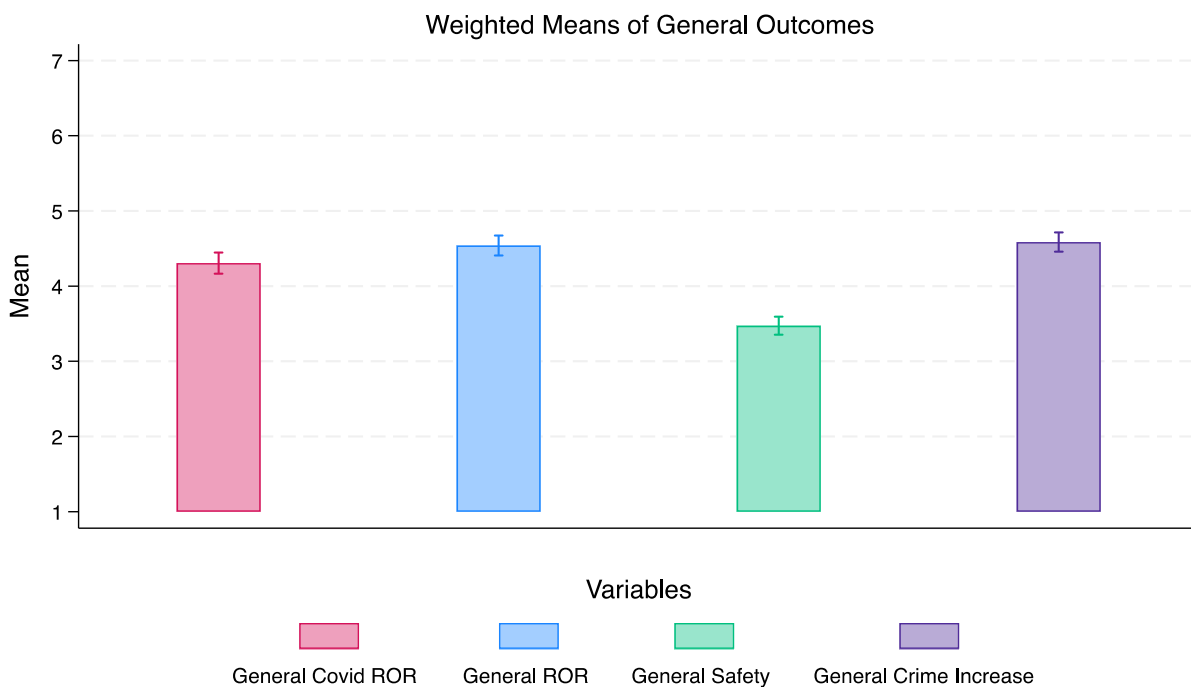
Table 1 highlights similarities between the unweighted and weighted sample descriptive statistics. We focus on weighted descriptive statistics because we use a survey weight in this analysis. The sample was 79.42% White, 51.60% female, and on average, 49 years old. Most respondents have high school diplomas (or GED equivalent) and at least some college education. The sample consisted of 40.09% married persons and indicated that 46.12% of respondents work

full or part-time, while 23.49% are retired. Finally, 32.05% indicated conservative political ideologies, 32.00% had moderate political ideologies, 25.80% had liberal political ideologies, and 10.87% were unsure about their political ideology.

Reviewing weighted pre-trial release preference trends indicated that respondents preferred pre-trial detention for serious violent crimes such as murder and rape or sexual assault. Respondents preferred secured bond for robbery, domestic violence, non-marijuana-related drug crimes, alcohol or drug-impaired driving, stalking, car theft, and burglary. Respondents preferred recognizance release for physical assault without a weapon and marijuana-related drug crimes. In sum, respondents appeared to support secured bond more often than pre-trial detention and recognizance release. These results are displayed in Table 4.

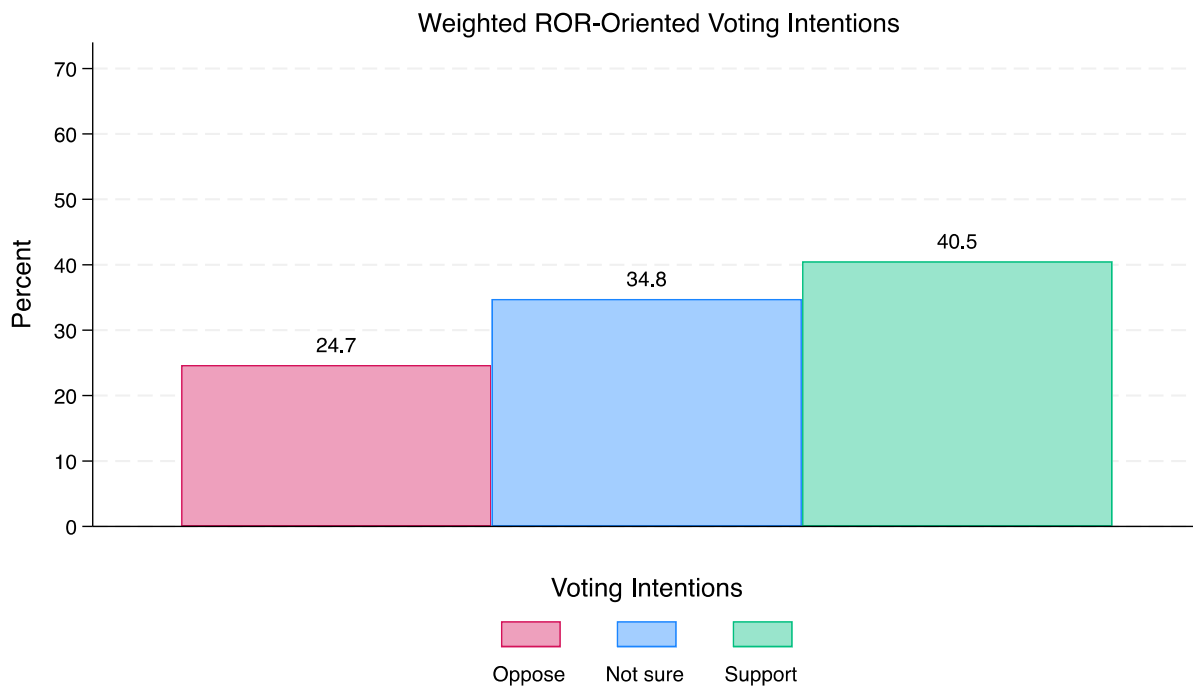
Table 5 displays both unweighted and weighted percentages or averages and standard deviations for all variables included in regression analyses. Again, we focus on describing data trends with weighted data since we use weighted data in analyses. Approximately 26.44% of respondents indicated they had been arrested at least once in their lifetime and 42.98% of respondents indicated they had been the victim of a crime at least once in their lifetime. On average, respondents indicated middling views of court fairness and were somewhat unafraid of crime.

Figure 1: Weighted Means of General Outcomes



Descriptive findings indicated that respondents were somewhat supportive of using recognizance release during the height of the Covid-19 pandemic and using recognizance release in general. However, respondents indicated concerns for personal safety if the use of recognizance release became standard pre-trial practice in Ohio and were worried about recognizance release increasing crime in Ohio (see Figure 1). Further, 24.68% of respondents indicated they would vote to oppose ROR-oriented legislation while 34.78% were unsure and 40.54% were in support of such legislation (see Figure 2). In other words, among decided voters, the majority would vote to support ROR-oriented legislation.

Figure 2: Weighted ROR-Oriented Voting Intentions



When examining trends for specific ROR opinions related to experimental scenarios, respondents support for ROR was similar to general recognizance release support findings. Again, respondents were somewhat supportive of using ROR for offenders in experimental scenarios. However, trends for specific worry, safety, and perceived crime increases diverged from general opinions. Specifically, respondents were, on average, less worried, felt safer, and were less likely to perceive crime increases when considering ROR for specific scenarios and offenders (see Figure 3). In sum, respondents appear to be *more* supportive of recognizance release when they have information about cases than when generally queried about bail reform

opinions. Finally, respondents overwhelmingly preferred pre-trial release to pre-trial detention. For instance, 44.4% of respondents preferred secured bond and 41.5% preferred ROR (see Figure 4).

Figure 3: Weighted Means of Specific Outcomes

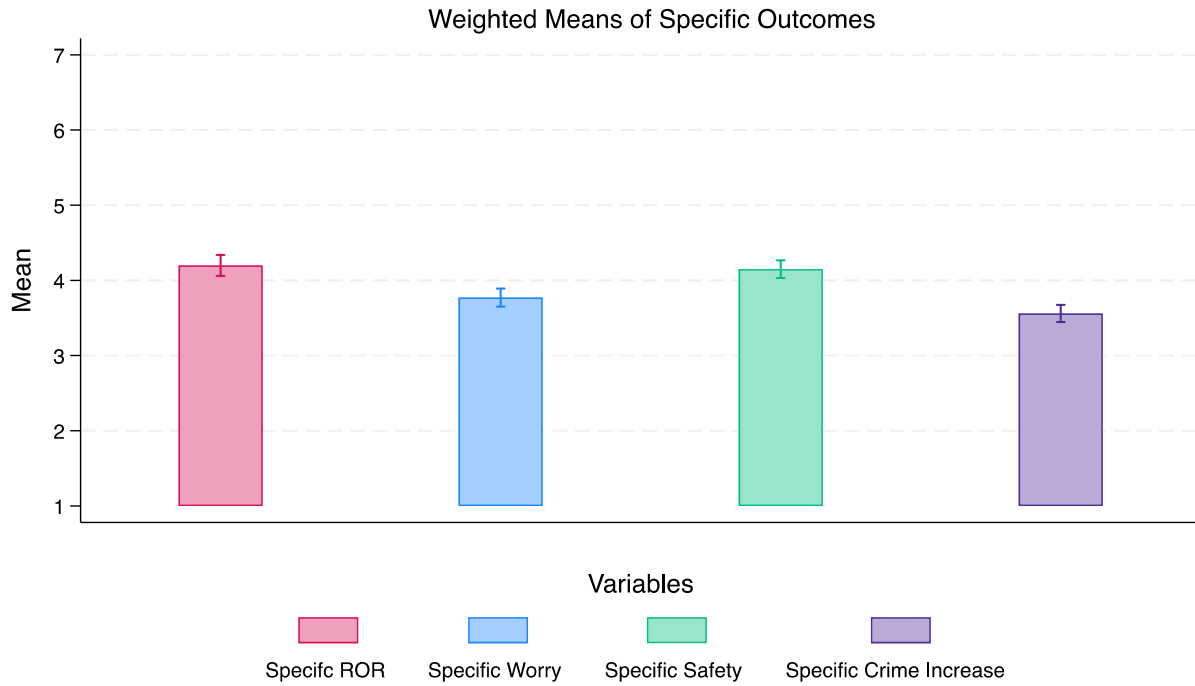
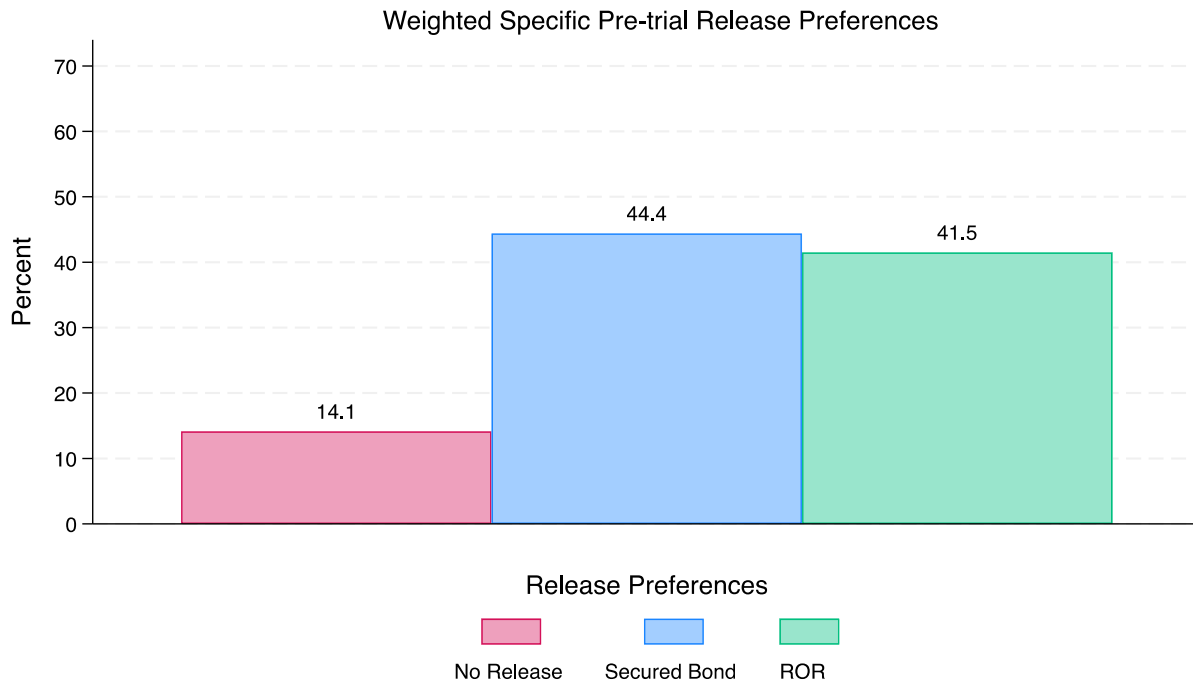


Figure 4: Weighted Specific Pre-trial Release Preferences



Research Question 1 Results

Outcome: General Covid ROR

All weighted OLS regression results for research question one are displayed in Table 6. Non-White Ohioans expressed higher levels of support for using ROR to reduce the spread of Covid-19 in jails than White Ohioans. However, older respondents and those with conservative political ideologies expressed lower levels of support for using ROR to reduce Covid-19 in jails relative to younger and liberal or moderate respondents. Lastly, perceived procedural fairness of Ohio courts was negatively associated with Covid-19 ROR support—beliefs that Ohio courts used fair procedures reduced support for Covid-19 ROR.

Table 6: RQ 1: Weighted OLS Regression Results

	General Covid ROR		General ROR		General Safety		General Crime Increase	
	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.
Non-White	0.378 (0.186)	*	0.231 (0.165)		-0.046 (0.154)		0.014 (0.168)	
Female	-0.015 (0.141)		0.131 (0.136)		0.127 (0.119)		-0.075 (0.119)	
Married	-0.172 (0.139)		-0.065 (0.132)		-0.132 (0.119)		0.001 (0.121)	
Work	-0.116 (0.140)		-0.108 (0.135)		-0.024 (0.134)		0.161 (0.122)	
Degree	0.029 (0.138)		-0.179 (0.133)		0.049 (0.119)		-0.046 (0.120)	
Age	-0.011 (0.004)	*	-0.014 (0.004)	**	-0.011 (0.004)	**	0.012 (0.004)	**
Conservative	-1.411 (0.152)	**	-1.118 (0.153)	**	-1.044 (0.118)	**	1.068 (0.124)	**
Prior Arrest	0.310 (0.165)		0.301 (0.165)		0.257 (0.139)		-0.162 (0.152)	
Prior Victimization	0.090 (0.135)		0.083 (0.133)		0.167 (0.116)		-0.392 (0.121)	**
Court Procedural Justice	-0.181 (0.072)	*	-0.110 (0.071)		-0.195 (0.063)	**	0.273 (0.064)	**
Fear of Crime	-0.108 (0.066)		-0.109 (0.064)		-0.335 (0.052)	**	0.443 (0.056)	**
Intercept	6.134	**	6.190	**	5.789	**	1.707	**
<i>N</i>	1,000		1,000		1,000		1,000	
Avg. <i>F</i>	18.079	**	12.918	**	17.742	**	21.027	**
Avg. Adjusted R ²	0.179		0.137		0.184		0.206	

Notes: ** p<.01, * p<.05; Unstandardized Coefficients; SE = Robust Standard Error; ROR = Recognizance Release; Avg. = Average.

Outcome: General ROR

Older respondents and those with conservative political ideologies expressed lower levels of general support for ROR than younger and liberal or moderate respondents.

Outcome: General Safety

Similar to results for the previous dependent variables, older respondents with conservative political ideologies reported they would feel less safe if ROR became standard pre-trial release practice in Ohio. Perceived court fairness and fear of crime also predicted lower feelings of safety.

Outcome: General Crime Increase

Findings gauging whether respondents believed crime would increase if ROR became standard practice in Ohio suggested older respondents and those with conservative political ideologies believed crime would increase if ROR became standard practice in Ohio. Further, respondents who perceived courts as fair and feared crime also believed the use of ROR would increase crime.

Table 7: RQ 1: Weighted Multinomial Logistic Regression Results

	General Voting Intentions			
	Oppose vs. Support ROR		Not Sure vs. Support ROR	
	Relative Risk Ratio (SE)	Sig.	Relative Risk Ratio (SE)	Sig.
Non-White	0.432 (0.138)	**	0.951 (0.213)	
Female	0.660 (0.133)	*	1.084 (0.206)	
Married	1.099 (0.229)		0.727 (0.132)	
Work	1.080 (0.225)		0.754 (0.151)	
Degree	1.300 (0.275)		1.011 (0.191)	
Age	1.022 (0.007)	**	1.011 (0.006)	
Conservative	4.557 (0.973)	**	2.108 (0.454)	**
Prior Arrest	0.826 (0.219)		0.606 (0.133)	*
Prior Victimization	0.955 (0.204)		0.900 (0.172)	
Court Procedural Justice	1.238 (0.136)		1.015 (0.092)	
Fear of Crime	1.153 (0.115)		0.977 (0.078)	
Intercept	0.048	**	0.643	
<i>N</i>			1,000	
Avg. χ^2			136.025	
Avg. Pseudo R ²			0.084	

Notes: ** p<.01, * p<.05; SE = Robust Standard Error; Avg. = Average; ROR = Recognizance Release.

Outcome: General Voting Intentions

Table 7 displays weighted results from the multinomial logistic regression model for research question one. The relative odds of voting to oppose ROR-oriented legislation versus voting to support ROR legislation were lower for Non-White and female respondents than White and male respondents. Additionally, the relative odds of voting to oppose ROR-oriented legislation versus voting to support ROR legislation were larger for older and conservative respondents than younger and liberal or moderate respondents. In other words, Ohioans who were Non-White, female, younger, and did not hold conservative political ideologies were less likely to vote to oppose ROR legislation while White, male, older, and conservative respondents were more likely to vote to oppose ROR legislation.

The relative odds of voting not sure on ROR-oriented legislation versus voting to support ROR legislation were higher for respondents with conservative political ideologies and lower for respondents with a prior arrest. In other words, respondents with conservative political ideologies were more likely to vote not sure on ROR legislation and respondents with a prior arrest were less likely to vote not sure on ROR legislation.

Research Question 2 Results

Outcome: Specific ROR

All weighted OLS regression results for research question two are displayed in Table 8. Respondents who viewed vignettes with female offenders relative to male offenders were more likely to support ROR for the person in the vignette. However, respondents who viewed vignettes with violent or second-time offenders were less likely to support ROR for the person in the vignette. In other words, respondents supported ROR release for non-violent and first offenses.

Outcome: Specific Worry

Respondents who viewed vignettes with violent or second offenses were more likely to be worried if the person in the vignette was granted ROR than respondents who viewed vignettes with non-violent or first-time offenders.

Outcome: Specific Safety

Relative to non-violent and first offenses, respondents reported lower levels of perceived safety for vignettes with violent offenders and second offenses.

Table 8: RQ 2: Weighted OLS Regression Results

	Specific ROR		Specific Worry		Specific Safety		Specific Crime Increase	
	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.	<i>b</i> (SE)	Sig.
Black Offender	0.175 (0.133)		-0.072 (0.116)		0.046 (0.114)		-0.098 (0.115)	
Female Offender	0.284 (0.133)	*	-0.139 (0.117)		0.141 (0.115)		-0.084 (0.116)	
Violent Offense	-1.495 (0.133)	**	1.095 (0.117)	**	-1.075 (0.114)	**	0.364 (0.115)	**
Second Offense	-0.642 (0.133)	**	0.468 (0.117)	**	-0.355 (0.113)	**	0.320 (0.115)	**
Intercept	5.045	**	3.088	**	4.778	**	3.306	**
<i>F</i>	37.378	**	28.388	**	27.566	**	5.223	*
<i>N</i>	1,000		999		1,000		1,000	
Adjusted R ²	0.168		0.113		0.109		0.019	

Note: ** p<.01, * p<.05; Unstandardized Coefficients; SE = Standard Error; ROR = Recognizance Release.

Outcome: Specific Crime Increase

Respondents were more likely to perceive crime would increase for violent or second offenses relative to respondents who viewed vignettes with non-violent and first offenses.

Outcome: Specific Release Preferences

The weighted multinomial logistic regression results for research question two are displayed in Table 9. Respondents who viewed vignettes with female offenders had a lower relative risk of selecting no release versus ROR than respondents who viewed male offenders in vignettes. In other words, the odds of selecting no release for female offenders were lower than for male offenders. Additionally, the odds of selecting no release relative to ROR were higher for respondents who viewed vignettes with violent or second-time offenders.

Similarly, the odds of choosing secured bond versus ROR were lower for respondents who viewed vignettes with female offenders relative to male offenders. The odds of selecting secured bond relative to ROR were higher for violent and second-time offenders. In sum,

respondents preferred no release and secured bond relative to ROR for male offenders as well as for violent and second offenses.

Table 9: RQ 2: Weighted Multinomial Logistic Regression Results

	Specific Release Preferences			
	No Release vs. ROR		Secured Bond vs. ROR	
	Relative Risk		Relative Risk	
	Ratio	Sig.	Ratio	Sig.
	(SE)		(SE)	
Black Offender	0.846 (0.193)		0.961 (0.161)	
Female Offender	0.499 (0.114)	**	0.715 (0.119)	*
Violent Offense	11.902 (3.173)	**	3.545 (0.606)	**
Second Offense	2.633 (0.618)	**	1.710 (0.289)	**
Intercept	0.074	**	0.572	**
<i>N</i>			1,000	
χ^2			113.080	
Pseudo R ²			0.091	

Notes: ** p<.01, * p<.05; SE = Standard Error. ROR = Recognizance Release.

Summary & Policy Recommendations

In Priority Area 2, we examined general and specific attitudes toward recognizance release among a sample of Ohio residents. Six key findings emerged from this priority area:

1. The results suggested Ohioans were generally supportive of some type of pre-trial release, either secured bond or recognizance release, for a variety of crime types (see Table 4, Table 5, and Figure 4).
2. Approximately 25% of respondents indicated they would vote to oppose recognizance release-oriented legislative policy while approximately 40% of respondents indicated they would vote to support recognizance release-oriented legislative policy (see Table 5 and Figure 2).
3. Approximately 86% of respondents indicated they supported some type of pre-trial release (44.4% supported secured bond; 41.5% support recognizance release) when queried about a specific offending scenario (See Table 5 and Figure 4).
4. When gauging general ROR opinions, respondents believed they would be less safe and more worried about crime increasing if ROR became standard practice in Ohio. However, respondents reported higher levels of safety and less worry about crime increasing if ROR was granted in specific scenarios (see Table 5, Figure 1, and Figure 3).
5. Race, age, and political ideology were consistently associated with general ROR opinions. Non-White Ohioans were more supportive of using recognizance release during Covid-19, generally to release persons charged but not yet convicted of crimes from Ohio jails, and were less likely to indicate they would vote to oppose recognizance release. However, Ohioans who were older and held conservative political ideologies were less likely to support using recognizance release during Covid-19, generally to release persons charged but not yet convicted of crimes from Ohio jails, and were more likely to indicate they would vote to oppose recognizance release.
6. Legally relevant case variables drove specific attitudes about recognize release. Ohioans were less likely to support recognizance release in cases involving violent or repeat offenses.

While this study was limited because we were unable to examine aggregate long-term trends in Ohioan support for punitive policies, or even trends related to bail policy, we were still able to identify correlates associated with bail policy opposition or support. Thus, we provide four data-driven policy recommendations from Priority Area 2. First, since Ohioans are generally supportive of pre-trial release, we recommend using pre-trial release, and specifically recognizance release, for first-time and non-violent offenders. Second, any attempt to gauge public opinion, including ballot issues, on criminal justice attitudes must include questions with general and specific wording to best assess support or opposition for criminal justice policies. Third, Ohioans must be provided data and facts on aggregate trends on legally relevant case-specific variables to best assess opposition or support for bail reform and other criminal justice policy legislation. Fourth, state-level longitudinal research should be conducted to best understand trends in bail criminal justice policy opposition or support in Ohio.

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Bail Reform in Ohio: A Mixed Methods Approach to Inform Public Policy
Final Report for Priority Area 3

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Executive Summary

Purpose

As the research team awarded CJR-2022-001 “Bail Reform in Ohio,” we are conducting three rigorous mixed method studies of Ohio bail practices in order to draw policy-oriented conclusions about bail’s effects on public safety and the lives of Ohio residents. The overall goal of this project is to provide the CJR and AGO with an understanding of three things: 1) the effects of recognizance bonds, 2) public opinion of bail reform, 3) the life course effects of bail/bond/pretrial detention. Specifically, this report examines this third topic, **Priority Area 3**. Previous research finds that pretrial detainment leads to negative outcomes for individuals in many areas (Digard & Swavola, 2019; Dobbie et al., 2018). Priority Area 3 in the RFP concerns if and how these collateral consequences manifest in Ohio.

Goal: Provide the CJR and AGO with an understanding into “if” and “how” pretrial detainment affects Ohioans in ways seen in other locations.

Research Question: What are the effects of pretrial detainment on life course outcomes of Ohioans? Specifically, what areas of life (e.g., maintaining employment, maintaining family relationships, monitoring health conditions) are affected by pretrial detainment and how are these effects experienced?

Methods

We interviewed Ohioans who were arrested and detained until case disposition and Ohioans who were released into the community until case disposition. Participants were recruited through personal and professional contacts, organizations in Ohio that work with justice-involved individuals, and web-based support groups for justice-involved individuals. Interviews were recorded, transcribed, and coded using a combination of deductive and inductive analysis.

Findings

We find that individuals who were detained pretrial experienced substantially worse outcomes than those who were released. Pretrial detention had negative effects on employment, mental and physical health, physical safety, social bonds, and the ability to mount a legal defense. These experiences, which can be understood as pains of imprisonment, serve to punish individuals who are detained, despite the presumption of innocence that they should be afforded.

Policy Recommendations

- *Reduce the number of arrests that can lead to pretrial detention, by instead utilizing treatment and diversion, especially for crimes of drug use.
- *Recognizance release should be the norm and conditional release an exception. If a judge is going to deny bail, it should be based on a significant concern for public safety that outweighs the limitations placed on the accused. If the concern is about an individual’s flight risk, the court should refrain from using bail and instead use alternatives for tracking, such as electronic monitoring.
- *The bail decision should be made as soon as possible in order to provide minimal disruption to the accused.
- *Bail amounts should be asset-based and calculated in accordance with the individual’s financial resources.
- *The justice system should provide information and guidance for how bail should be paid, in order to minimize stress on support networks and decrease the amount of time an individual spends in detention.
- *If an individual is to be detained pretrial for any reasons, the conditions of confinement should not be punishing and should provide access to health care, ensure safety, provide access to employment opportunities/unemployment assistance, and should facilitate visits and communication with support networks and legal counsel.

Introduction

In the criminal justice system, bail and pretrial detention are used to ensure that individuals appear for subsequent court proceedings. According to the Ohio Revised Code section 2937.22, bail operates as a security for an accused to appear and answer to a specific criminal or quasi-criminal charge in court. Bail allows defendants to secure their release by entering into an agreement with the court to pay money in order to be released, or to pay if they do not return for court proceedings. In Ohio, individuals are commonly released on bail in one of several ways. The first is called a recognizance bond/released on own recognizance (ROR) in which a person makes a promise to come back to court and does not have to pay money up front. However, the person agrees to pay a bail amount to the court if they do not return. Cash bail is used when an individual or someone acting on their behalf pays the entire amount of bail to the court in exchange for release. In many cases, an individual is not able to raise the entire cash bail amount, and therefore must secure a bail bond. Bail bonds are obtained by paying a percentage of the bail amount (usually 10%) to the court or third-party bail bondsman, who then provides insurance to the court in the full bail amount.

The Ohio Revised Code section 2937.222 advises judges to make bail decisions based on several factors including the offense, weight of the evidence, characteristics of the accused (e.g., character, mental and physical conditions, employment, family ties, past conduct, community ties) and risk to public safety. Judges cannot deny bail unless they find “clear and convincing evidence that the proof is evident or the presumption great that the accused committed the offense, finds by clear and convincing evidence that the accused poses a substantial risk of serious physical harm to any person or to the community, and finds by clear and convincing evidence that no release conditions will reasonably assure the safety of that person and the community.” If a person is denied bail or if they cannot pay cash bail or secure a bail bond, then they are placed in pretrial detention in a county jail.

The use of bail and pretrial detention has drawn increased attention due to concerns about socioeconomic inequality in bail decisions and about the conditions of confinement for those in pretrial detention. On any given day in the United States, 60% of the approximately 744,600 people in jail are being held pretrial, and 90% of pretrial detainees had bail amounts set, but could not pay for their release (Scott-Hayward & Fradella, 2019). Those in jail have median incomes of less than half of those not incarcerated of similar ages, and most people who fail to meet bail requirements come from the most impoverished third of society (Rabuy & Kopf, 2016).

Pretrial detention has several negative effects on individuals and exacerbates existing problems (Subramanian et al., 2015). People detained pretrial suffer loss of employment, housing, and access to family and children (Heaton et al., 2017; Pelvin, 2017; Rabinowitz, 2010). Such adverse effects can be seen even after small amounts of time in jail, such as three days (Dobbie et al., 2018). Detained defendants also “(1) have increased incentives to plead guilty, including potentially overwhelming incentives; (2) cannot effectively prepare a defense; (3) have reduced financial resources for defense. (4) cannot demonstrate positive behavior; (5) cannot obstruct the prosecution; and (6) lack the advantage of long delay” (Heaton et al., 2017:722).

In light of these concerns, this study examines the effects of bail and pretrial detention on individuals who were arrested in the state of Ohio. Our goal is to provide policymakers with an understanding of “if” and “how” pretrial detention affects Ohioans in ways observed in other parts of the United States. Therefore, this study will answer the following questions: What are the effects of pretrial detention on life course outcomes for Ohioans? Specifically, what areas of life (e.g., employment, social bonds, health conditions) are affected and how are these effects experienced by those involved?

By examining how Ohioans experience the effects of bail and pretrial detention, we demonstrate the impact of these criminal justice policies in the state of Ohio. Our goal is to inform and guide policy makers so they can make evidence-based decisions about how to use bail and pretrial detention in the state of Ohio. We begin by examining the current research on the effects of cash bail and pretrial detention in the United States.

Review of the Literature

Pains of Imprisonment and Jail Conditions

The five pains/deprivations of imprisonment described by Gresham Sykes in 1958 offer a solid theoretical grounding through which we can better understand the experiences of pretrial detention (Sykes, 1958). These are the pains/deprivation of liberty, autonomy, goods and services, security, and heterosexual relationships. Sykes finds that all these pains/deprivations create psychological stress, and several can create physical harm (such as the deprivation of security and the deprivation of certain goods and services).

Sykes' five pains/deprivations of imprisonment are present not just in prison, but in jail as well. Because of this, people in pretrial detention experience pains and deprivations of imprisonment even though they have not been found guilty of a crime (Anderson et al., 2021). Furthermore, local jails are often more punitive and hostile than prisons (Scott-Hayward & Fradella, 2019). People who are detained pretrial are more likely to plead guilty in favor of a plea deal (Heaton et al., 2017; Petersen, 2020) and the conditions of jail may incentivize this early pleading (Subramanian et al., 2015) because they can't deal with psychological stressors of confinement (Pelvin, 2017; Rabinowitz, 2010). In sum, pretrial detention is short-term imprisonment that is painful in many ways (Anderson et al., 2021). Therefore, in this section we focus on deprivation of security and deprivation of goods and services in the form of healthcare, because they are the most acute and tangible pains of pretrial detention.

The deprivation of security is undeniable, as individuals in jail face assaults as one put it: going about daily life "trying not to die" (Keyser, 2021). From July 1, 2018, to June 30, 2019, correctional facilities in the U.S. experienced over 47,000 prisoner-on-prisoner assaults (Maruschak & Buehler, 2021a). Of these, over 9,500 resulted in serious injury (Maruschak & Buehler, 2021a). In 2018, jails in the U.S. reported 1,242 alleged sexual assaults by incarcerated individuals on other incarcerated individuals, with 20 of them reported in the state of Ohio (Maruschak & Buehler, 2021b). In 2017, these numbers were 1,145 nationally, with 20 in Ohio (Maruschak & Buehler, 2021b).

This victimization can be long lasting and tragic, such as the case of Kalief Browder who could not afford his \$3,000 bond, and subsequently spent three years in Riker's Island. During his stay, he was assaulted many times by guards and other confined individuals, spent almost two years in solitary confinement, and attempted suicide five times (Gonnerman, 2016). His charges were eventually dismissed, but Browder hung himself after his release. This tragic outcome (combined with the knowledge of what Browder experienced in jail under the presumption of innocence for charges that were dropped) led to significant changes in the operation of Riker's Island, such as an end to solitary confinement for youth and the transfer of youth under 18 to a separate complex (Weiser, 2019). The case also galvanized significant public outcry and attention to jail conditions, cash bail, and pretrial detention.

The deprivation of goods and services is felt starkly in terms of access to healthcare. A quarter of people in jail enter with a recent history of serious psychological distress and almost half have been diagnosed with a mental health disorder (Bronson & Berzofsky, 2017). In 2015, Ohio prisons held 10 times as many individuals with mental illness than the state's psychiatric hospitals (Johnson, 2015). Unfortunately, it is well known that jails lack the ability to provide mental and physical health care (Anderson et al., 2021; James & Glaze, 2006; Keyser, 2021; Steadman et al., 2009) mainly due to a shortage of trained staff (Herman, 2019) and a reliance on local county funding. A report by Vera Institute found that 83% of people with mental illness in jail do not receive treatment after admission (Subramanian et al., 2015). In midyear 2019, only 63% of correctional facilities in the United States had psychological/psychiatric counseling programs (Maruschak & Buehler, 2021a). When programs are

available, lack of staffing and funding often means prisoners end up on long wait lists to enter the program (Ring & Gill, 2017).

This lack of treatment, combined with the stress resulting from the deprivations of security, liberty, and autonomy, can lead to disastrous outcomes inside jail. In 2015, Sandra Bland was arrested after a traffic stop and placed in a Texas jail. Unable to pay \$500 to a bail bondsman, Bland died of suicide three days later. Dashawan Carter, who missed close to 100 medical appointments while detained in Riker's Island, died by suicide in his cell just days after release from a psychiatric hospital.

Employment and Pretrial Detention

Prior research shows that pretrial detention affects many areas of life. Perhaps the most pressing is the issue of employment. For obvious reasons, an individual cannot work if they are detained in jail. This creates an immediate loss of income, which hurts the individual and can also negatively impact family members who rely on that income to survive (Keyser, 2021). The pressure to keep a job may incentivize pleading guilty or taking a plea deal in exchange for release, even if a person is innocent (Edkins & Dervan, 2018). Unfortunately, those who are detained "almost always lose their jobs" (Rabinowitz, 2010:113) and any loss of income as the result of pretrial detention can increase the likelihood of conviction because individuals are not earning money that could be spent on their defense (Heaton et al., 2017; Subramanian et al., 2015). Furthermore, work is a prosocial activity that individuals can use to show positive engagement in society. Such behavior can help in a person's defense and sentencing, but individuals who lose their jobs due to pretrial detainment therefore lose this important positive credential (Keyser, 2021).

Moreover, research shows that pretrial detention has adverse effects on employment even years later because individuals must find new jobs (Dobbie et al., 2018). Those detained also miss out on other opportunities to advance careers, attend school, and build social capital, all of which can affect their future earnings (Dobbie et al., 2018; Pelvin, 2017; Rabinowitz, 2010). If convicted, a criminal record can carry a stigma which affects job prospects and benefits like unemployment and the earned income tax credit (Dobbie et al., 2018).

Social Consequences of Pretrial Detention

Those who are released on their own recognizance or able to raise funds to pay their bail benefit in several ways compared to those who are detained. Those released before trial are better able to maintain social bonds compared to those in pretrial detention (Anderson et al., 2021). In the worst-case scenario, a parent may lose custody of their child as a result of being detained (Wildeman, 2013). When someone is detained pretrial, this can contribute to the disintegration of social networks, which can further marginalize individuals on the fringes of society (Anderson et al., 2021). There is also a concern that pretrial detention can undermine an individual's sense of procedural justice and increase skepticism of the criminal justice system, as well as decrease belief in its legitimacy (Anderson et al., 2021). In sum, people who enter jail with "something to lose" often do in fact, lose it (Anderson et al., 2021:25).

Dobbie (2018) finds that people released pretrial are less likely to be convicted, mainly because they are less likely to plead guilty. This happens for a few reasons. First, people who know they are at risk of losing things like employment and social bonds because of pretrial detention may take pleas (Heaton et al., 2017; Phillips, 2012; Subramanian et al., 2015). Second, being detained makes it harder to meet with counsel (Subramanian et al., 2015), and harder to gather evidence and contact witnesses (Heaton et al., 2017) in order to prepare a defense. Finally, pretrial release helps the accused show prosecutors and judges all the positive things they are doing like working, going to school, helping family, etc. (Heaton et

al., 2017; Keyser, 2021; Phillips, 2012; Subramanian et al., 2015) which could benefit them in terms of sentencing or making a plea deal.

From a legal perspective, pretrial detention puts individuals at a clear disadvantage in the trial process even before a determination of guilt because it weakens both the ability to fight their case as well as their negotiation positions for plea bargaining (Dobbie et al., 2018). Pretrial detention is therefore a powerful prosecutorial tool, because of the negative consequences that it has on the accused. Research finds that detainees plead guilty 2.86 times faster than those released pretrial, when controlling for other factors (Petersen, 2020).

Current Study

While previous research paints a bleak picture of bail and pretrial detention in the United States, our goal in this study is to provide analysis specific to the State of Ohio. By examining how Ohioans experience pretrial detention or release, we can provide policymakers with a better understanding of how pretrial detention or release operates in Ohio. Therefore, in order to inform policy in Ohio, this study examines the following research question: What are the effects of pretrial detention on life course outcomes for Ohioans? Specifically, what areas of life (e.g., employment, social bonds, health conditions) are affected and how are these effects experienced by those involved?

To answer that question, we conducted interviews with individuals who have been arrested in the state of Ohio to see how their experiences do or do not correspond with the state of the literature. In the next section, we discuss our methods of data collection and give more details about our sample.

Data and Methods

Data Collection

This study is not just concerned with whether Ohioans experience pretrial detention/release in similar ways to others in the United States, but also *how* these experiences play out. Therefore, qualitative interviews are an excellent way to explore the details of these experiences. A plethora of researchers have successfully employed qualitative interviews to study issues related to criminal justice and incarceration (e.g., Braman, 2004; Christian, 2005; Christian et al., 2006; Wakefield & Wildeman, 2013). Interviews are useful because they allow observation of how people experience events and, in a sense, interviews rescue the experiences of events that would otherwise be lost (Weiss, 1994). Interviews produce narrative data which researchers use “for the express purpose of understanding people’s interpretations of their world” (Presser, 2008:9).

The interviews in this study accomplish the following: 1) provide detailed descriptions of experiences with pretrial detention/release, 2) describe the process of pretrial detention/release 3) describe how the events around pretrial detention/release are interpreted, and 4) develop more holistic description of the effects of pretrial detention/release on individuals in Ohio (Weiss, 1994)

The population for this study was individuals who had been arrested as adults in the state of Ohio. All the methods used to recruit participants and collect data were approved by the Kent State University Institutional Review Board. In order to recruit participants, the investigators began employing several strategies in September of 2022. First, the investigators sent emails to contacts who had been arrested in Ohio as adults. These emails encouraged individuals to learn about the study as well as pass on the study information to anyone who they thought would be interested. Second, the investigators contacted organizations in the state of Ohio who are directly or indirectly involved with returned citizens and asked them to share information about the study with their networks. Examples of these organizations include the Ohio Prison Arts Connection, Church and Community Development for All People, and the Ohio Prison Education Exchange. In total, the investigators contacted 31 Ohio organizations. The investigators

also contacted 3 national organizations with connections to returned citizens. Because Facebook support groups are a popular resource for individuals connected to the justice system, the investigators also posted information about the study in 13 Facebook groups for individuals involved with the justice system.

Individuals interested in the study contacted the investigators via email and phone. The investigators then emailed each interested individual a copy of the study consent form and instructed the person to reach out to the investigators if they consented to participate in the study and wanted to schedule an interview.

Participants were given the option of having interviews conducted over Zoom, telephone, or in person. At the onset of each interview, participants chose a pseudonym and decided to consent to audio/video recording of the interview. These pseudonyms are used in this report and all locations have been altered to protect the privacy of our participants. All our participants consented to the recording of the interview. Interviews ranged from 13 minutes to 1 hour and 34 minutes in length, and covered topics relating to experiences with arrest, and experiences with pretrial detention or pretrial release. The interview guide is available in the Appendix. After completing the interview, each participant was sent a \$20 Amazon electronic gift card. Audio recordings were then transcribed using the AI transcription service Otter AI, and then reviewed and edited for accuracy.

Sample

Our sample consists of 15 individuals, who collectively experienced 29 arrests. Demographics of the participants are available in Table 1, while details of the charges they faced are in Table 2. The age of the sample ranges from 30 to 72 and is almost evenly split by those who identify as male or female. Two thirds of the sample identify as White.

In terms of the crimes that individuals were arrested for, they range from driving under the influence to aggravated murder. While many experienced being released on recognizance, others were given bail amounts that ranged from \$300 to \$1,000,000, which they could or could not pay. While some participants experienced only 1 arrest, others experienced up to 5 arrests as adults in Ohio.

For qualitative research projects, data collection stops when the project reaches theoretical saturation, meaning that new data does not provide new insights or answers to the research question. Research shows that theoretical saturation can be achieved in as few as 6 interviews (Roy et al., 2015), although 15-30 is a common finding (Charmaz, 2006; Lofland et al., 2006; Marshall et al., 2013). However, for the purposes of this study, our unit of analysis is a specific arrest experience and not the individual. Therefore, after analyzing the 29 arrest experiences in our data, it was clear that theoretical saturation had been reached and data collection was stopped.

Data Analysis

The coding and data analysis process was guided by the overall goal of providing an understanding of “if” and “how” pretrial detainment affects Ohioans in ways seen in other locations. Coding qualitative data involves reading, thinking about, questioning, and labeling data. A researcher will look at a piece of data, ask a question about what is occurring, and then turn the question into a word or phrase that captures what is going on (Emerson et al., 1995). This organizes data into categories that make it meaningful and pertinent to a topic, question, or answer (Lofland et al., 2006).

Because our interview guide was designed in order to touch on areas of life that previous literature had identified as impacted by pretrial detention, these became a set of predetermined codes. These areas are: employment, health, experiences inside jail, finances, and social bonds. Therefore, in the first round of coding, we reviewed the data for each unique arrest experience and then assessed how the decision to detain or release the individual affected the areas of life identified by previous literature. In

this deductive analysis, every piece of data that related to one of the areas was then assigned the appropriate code. In the second round of coding, we reviewed each arrest experience again using an inductive approach. This inductive approach did not rely on predetermined codes, but rather looked for new topics that did not fit the areas defined previously. Any piece of data not already coded into the predetermined areas of life was assigned a code that best described the topic it was describing.

In the next section, we use these interview data and participant narratives to describe how pretrial detention and release are experienced by Ohioans in several areas of life. We begin by examining how participants experienced being assigned a cash bail amount.

Results

Bail Decisions

Paying Bail

Several of our participants were fortunate enough to have financial resources themselves, or family members who could pay their bail so they could be released. For instance, Mike told the interviewer that his bail for one arrest was set at \$25,000 and his mother was able to go to his room and get the 10% cash deposit required to bail him out.

Another example is JG, who was married at the time and whose wife posted the \$1,000 required to bail him out. In this instance, JG was fortunate that he and his wife had the finances to not only pay bail, but also to hire an attorney to guide them through the process of paying for JG's release. He explained:

It was okay on the family finances. I think it was just the, that more the stress of having to figure out, you know, we, we don't have a lot of background working with bail bondsmen. It's something new for my wife. And she, we had retained an attorney. So I think he kind of, yeah, he kind of helped, you know, tell her where to go and all that.

Other individuals had similar stable financial situations, like Logan, whose father was able to pay \$500 to bail her out and it "didn't affect his finances too much" because he was middle class. Elliot was facing a \$100,000 bail amount for murder and his dad put up the money to bail him out after a few days. For Melissa, extended family were able to pay for her bail when it was set at \$5,000. She said:

It was my son's father, that was my boyfriend at the time. I should say it was his family. I don't know that my mother actually contributed. But they, they owned a business, they owned a lumping business [loading and unloading shipments], they unloaded trucks. And they were paid with invoices and checks nightly. And then the next day, they were able to cash some of the checks they earned from the previous night. And they, you know, got me out that way. I just think my mom chipped in when it was my time to pay them back. Because I, you know, still wanted to pay them back.

Melissa was also fortunate that this family was understanding, as she explains:

They kind of have had their own dealings, like with one of their sons, you know, having been in and out of jail, so they were familiar with the process. And really, they were, you know, it was kind of just contingent upon the fact like, you know, hey, pay us back, we'll get you out. We know how stuff goes. But I think, you know, I was kind of embarrassed because, you know. People need help, sometimes, they need help, borrow money with bills and stuff. But when it is a bail you're like, it's kind of embarrassing, you know, but I was able, I think to pay them back within a week or so. So there was no friction caused. Now, it might have been different had I not been able to pay them back.

For Rob, his family was willing to pay for his release, but they were not as forgiving about the process due to the nature of his crime. Rob's first arrest involved both a misdemeanor and a felony for crimes against a minor. The bail for the misdemeanor was set at \$65,000. Rob's family was able to afford a private attorney who fronted the 10% of the bond as part of his retainer. Rob said:

You know, we knew that we could probably expect to spend about \$10,000 on the entire process, that was what we had in kind of our mind. And my grandparents, my grandparents, both sets of grandparents, and then my uncle, all kind of collaborated together over the course of the journey between Municipal Court and Common Pleas Court to say, okay, we'll each kick in 5,000 to help pay for the lawyer to make sure that the family attorney gets paid back the money he fronted.

However, the bail for his felony case was set at \$100,000 and then increased to \$300,000. Again, his family was able to raise the money to meet the bond requirement, but not without causing stress among several members as Rob says:

Yeah, there was, there was some drama. I think some of my family thought that they should let me sit [in jail]. Extended aunts and uncles, who were, who were, who were already struggling with the taboo nature of the offense. And like having the same last name as me being in the news, like my uncle's a doctor here in [LOCATION HIDDEN]. And grandma, my paternal grandmother knew it was the right thing to do. It was just a huge undertaking on her part to find that money all the while she was getting feedback on the fact that she should not be doing it.

As all these instances show, paying bail required strong social bonds who had financial resources and who were willing to use it to bail our participants out. As we will show however, that was not the case with many others in our sample.

Inability to Pay Bail

In many instances our participants faced bail payments that were impossible to meet. Cards told us that for one of his arrests, his bail was set at \$1,000,000. Tommy's second arrest resulted in a bail amount of \$450,000 and his family was unable to pay, as he said, "the only options they had was to put you know, someone's house up or as collateral or stuff like that. And my mom and everyone was like, we don't have that kind of money." Logan faced a similar situation, as she described:

My initial court date, I went in, and they gave me a ridiculously high bond, something that I didn't-. You know, my family would never be able to pay. And I was charged with four [felony] ones, six [felony] twos and four [felony] threes. For robbery. That is a lot. So we were terrified. You know, I was terrified. My family was terrified. I believe, at that time, my mother ended up getting into her 401k to be able to get me a lawyer, and I believe she spent \$40,000 of money we did not have to get me a lawyer. Yeah, we would have never been able to post bail. I don't even think if we put our house up, wouldn't be able to, I don't, I don't even know.

When Melissa experienced her most recent arrest, the judge set her bail at \$200,000. She recalled the experience, saying:

Oh, my God. So remember, remember, I told you I had the first time I was charged with felonious assault, I was crying about a \$5,000 bond? This time, it was \$200,000. So, I knew, I remember hearing that number that the judge set. And I said, yeah, I'm gonna have to, it's gonna be a long stay. I just knew at that time that there was no way, you know, at this point in time, because I've been in trouble a few times, my family's fed up. My son's father that initially helped my first case, we were no longer together. So that was out of the question. Plus, nobody, I mean, 10% of that was \$20,000. It was just, no, I knew, I'm gonna have to sit this one out. There is no other option

at this point. Even with bond reductions. You know, I think they lowered it down eventually, to 150,000. That still wasn't [low enough].

This section drives home the obvious fact that ample financial resources are key to getting released on bail. However, the key takeaway is that for most of our participants who were able to pay, the money came from family, partners, and even extended family. Therefore, individuals need to have strong social bonds with financially stable individuals in order to come up with bail payments. In the next section, we start to discuss the impacts of pretrial detention and release, beginning with the effects on employment.

Effects on Employment

Many of our participants were employed at the time of their arrest. For those individuals who were released on recognizance or were bailed out quickly, their employment situations did not suffer. For example, Tommy was bailed out hours after arrest, so he didn't lose his job, and Jazzman worked at a used car business with his dad and was able to keep working on ROR. Similarly, Logan was employed at Sheetz at the time of her arrest, while Sarah was working as a server at a local restaurant when she was arrested. Both received an ROR so they didn't miss any time at work. However, Sarah was waiting for an email with a time sensitive contract from a potential employer abroad and likely would have missed being able to sign the contract in time if she had been detained.

For those individuals who were employed but detained, for most of them this turn of events had a severe impact on their employment status. Cards was self-employed as a contractor and when he was arrested and detained over the summer, he lost out on \$50,000 worth of work that he had lined up. Elliot had a similar experience. He was employed at a gas station and lost the job after being detained for several weeks, saying that the owner, "had to replace me, he couldn't keep the job open obviously, he had to fill the position." Catherine was working at Denny's 40 hours a week when she was arrested. However, after being detained for 60 days she lost her job. As a result of losing her job, Catherine could no longer afford her \$600 monthly rent and was evicted.

There were several instances in which people were able to return to work after substantial time away, such as when Rob was detained for 12 days but able to return to his job in sales after being released. However, this was more due to a combination of good fortune and forgiving employers than anything else. For example, when Jazzman was arrested again and detained, he was working as a truck driver hauling steel and his employer was desperate for workers, so they took him back. He said, "I went right back to work there. And you know, they kept calling my wife. Is he getting out? Is he getting out? And you know, [I] get back to work. But, but, but if it was some other ordinary job somewhere, I'd have been moused. I'd have lost my job."

For Melissa, her good work history and help from family to alert her employer to the situation helped keep her employed at Bob Evans where she had worked 40 hours a week. She said:

You know, obviously, they were, I'm not going to say like, oh, they weren't upset, like, you know, naturally, when somebody can't show up to work. They, you know, they get upset. But I did have my both my mother and my son's father called and explained the situation. And thankfully, I, you know, had a pretty good work ethic, and you know, a history of attendance. You know, so they didn't really ask me any questions, just told me to come in after, like, you know, when I got home.

The employment experiences of our participants make it clear that avoiding pretrial detention or having bail set low enough to be bailed out quickly were important factors that allowed people to keep their jobs. Conversely, substantial pretrial detention had dire effects on employment, and in Catherine's case, the lost wages resulted in her eviction. In the next section, we discuss the experiences of people who were detained and how that affected their health.

Mental Health, Physical Health, and Pretrial Detention

A prevailing theme in our interviews concerned the lack of health care inside jails for both mental and physical ailments. Many of these issues revolved around access to medications. Melissa was dealing with mental health issues and was on medication for them when she was detained. However, she was denied access to them in jail and said:

Oh, it was rough. Especially when your body becomes accustomed to taking those medications. You know, what, when your body is working that stuff out of its systems, you know, yeah, you feel on edge, you can't sleep your, your, my, your appetite's messed up, I remember losing weight, which I quickly gained back because of the terrible food there. But you know, yeah, it was a bit. I've struggled with mental health problems since I was 14. So when you find a regimen of medicine that works to have that kind of stripped away, because of some ridiculous policy. Yeah, it was rough.

For Melissa, this lack of health care was shocking, and she recalled seeing a woman going through kidney failure because she was denied medications that she had on her at the time of her arrest:

And it was in her property, she actually was arrested with the medication. You know, and then the process, there's no intercom for you to call the guards, you have to bang on the door and hope that somebody's doing the rounds hears you. You know, there were girls going through detox that were soiling themselves and, you know, weren't getting any type- just, I mean, just no, very poor little to none medical care. That was the worst. I mean, because I understand we're in jail, it's not meant to be, you know, the Hyatt or like, you know, a vacation, but it's like on a basic human rights level. I think I was a little shocked at how it was like you are literally on your own. Hope you can make it out. Hope somebody raises enough hell on the outside that can actually get you you know, just medical care.

The experiences of withdrawal that Melissa mentions were something that Logan faced when she was arrested for the crime that would send her to prison. She said:

You know, I was super sick, withdrawing from drugs, nobody, you know, they didn't give me any sort of medication. I think they checked my blood pressure a few times. That is not, I was not given any health care for the withdrawal. You know, and you have one woman defecating in the shower because the withdrawals are so bad and some have seizures like and there's no medical attention for that. There was one girl on the bed and she was like talking to somebody who wasn't there, like she was hallucinating. There was other ladies that needed medical care that was not there.

Mike was also going through issues with drugs but said at the time he was detained the only treatment was to lock people up “and throw away the key.”

Mental health issues, particularly anxiety and depression, were pervasive among our participants. At the time that Rob turned himself in, he was dealing with suicidality, taking a daily SSRI, and talking to a counselor every day. Once inside, getting Rob adequate mental health treatment was the driving force behind his family's efforts to bail him out. Recall that earlier he discussed how his family was divided over whether they should bail him out or not. Rob said:

Yeah, so they didn't think that grandma should be fronting that amount of money. But my sister was like, you know, we can't let him sit in that jail. He's already deteriorating mentally. There are resources he's been exploring and will continue to explore, that will allow him to start pursuing wellness while he's fighting this case. So, you know, my sister helped support me in that regard. And grandma, my paternal grandmother knew it was the right thing to do. It was just a huge

undertaking on her part to find that money all the while she was getting feedback on the fact that she should not be doing it.

Cards was also dealing with mental health issues and was put on medication for PTSD while in jail. He said the drugs failed to work and only made him gain weight and sleep, saying “so, that's how I got through the, the year in the county. So between my mental health and the meds, it was, it was driving me crazy.”

JG was dealing with undiagnosed anxiety and depression, but fortunately for him, he was bailed out after two days in jail. This was a real stroke of luck because he was able to get help in the community, saying, “You know, I was doing 12 Step groups, in addition to the therapy groups, so a whole lot of mental health related stuff, addiction related stuff.” When asked about what he would have faced in jail if he was detained until his trial he said, “So I think I probably just would have been really depressed. I would have not been able to really sort of get the treatment I needed.”

Melissa was on medication when she was detained and was denied access to them. She tried to get permission to have someone bring them but was denied. She told us:

They said you will have to be seen by the psychiatrist that works at the jail who of course, is only there Monday through Fridays, and there's one psychiatrist dealing with probably 1000 inmates. You know, I remember having like a severe panic attack. And I remember a couple of ladies banging on the door and everything and trying to get the guard's attention and the guard showed up about an hour later.

For many participants, even if they weren't dealing with a specific mental health issue, the experience of being detained before trial was psychologically distressing. Logan was only in jail for two days, but it had a profound effect on her. She said:

I remember. I remember having the thought, when I was released, that if I ever had to spend more than six months in prison or incarcerated, I would commit suicide. I remember thinking that. It was, at the time, it was the worst experience of my life. I was lost during incarceration. I was just super depressed. I stayed in my bed. I was terrified.

Melissa echoed that saying that jail was not an experience she “would wish on anybody” and Tommy called being in jail “anguish.” Cards told me that in addition to his PTSD:

I was going crazy by this time. I had somebody who, I mean, it's all type of stuff the COs was doing to you, all type of stuff the other, the inmates was doing to you. Like, you just really wanted to stay, I mean sometimes you, I will, you, you know like you would do stuff to get away from everybody. Like you want to, I don't know I wanted to go to solitary sometimes. Just to get away from people and what was going on. Like take me to a, a place where I can be alone. I don't care about how long you keep me in there, but I gotta. I wanna keep my mind. My own sanity and it was like unreal what was going on in there.

Mike had similar experiences during his time in jail. He said:

“I'm gonna tell you something. Because like, I've seen guys, literally lose they mind in here. I'm talking about not a little bit, all the way. You know. So, me. One thing I found out in doing time, that's the most first most important thing you have to have together is your mind in there, because it's a it's a mental game, and people not that strong. You know, they had heard that, and they'd be like, I got this, but for real, they don't. So and you don't have, you don't have too many avenues to vent. Because everybody in there it seemed like is waiting on the opportunity to find a chink in your armor. Whether it's whether it's the officers or whether it's the inmates. Everybody trying to deal with you mentally, like play mental games with you.

The deprivations of health care while in pretrial detention led our participants to experience negative effects on both physical and mental health that have been well documented in the literature. Incarcerated individuals have substantial chronic health issues (Panisch et al., 2019), but as our sample indicated, it was a struggle to get treatment for these conditions. Similar to previous research on those in confinement, people in our sample who had mental health issues found them exacerbated due to lack of treatment (Subramanian et al., 2015). Others experienced intense negative effects on their mental health simply from the stressors of the environment, which some researchers have described as “almost diabolically conceived to force the offender to experience the pangs of what many psychiatrists would describe as mental illness” (Quandt & Jones, 2021).

Pleas to Escape Conditions

We mentioned earlier how the conditions of jail are painful deprivations. Previous literature has shown that people take plea deals in order to escape these conditions of jail, even if it is not in their best interest (Edkins & Dervan, 2018). Cards was one participant who ended up pleading guilty to misdemeanor assault in order to get out of jail, even though he claimed he was innocent. He said:

But the thing is, is they dropped everything in exchange for me pleading guilty to a misdemeanor assault, which was unfair, but I have been jailed so long, that it's like, when they give you these ultimatums, just a, look, we'll let you go home today, if you plead to this. Get me out of here. If I'm suffering through inhumane conditions, and they know that this place, you got people sleeping on the floor, and it's only one bed and you're the person on the floor in an eight by eight. When somebody uses the bathroom, like it's flashing on you and I mean, you're just ready to get out of here.

For Rob, he was fortunate to get bailed out but reflected that if he was kept in jail longer, “I think I probably would have pled out to a less favorable deal sooner, but that's part of the reason they allow it to be what they are. I probably would not have been able to hold out that long, I probably would have been ready for a deal sooner, just to get out of there.” Elliot echoed this when he said:

Jail is terrible. You know, I think the whole jail experience is designed to get you to plead guilty. I really think so. Because it's so horrible in there, that you'd do. You'd plead guilty just to go to the penitentiary because the penitentiary is much better than the jail. Well, I mean, just there's so many aspects of it, the food, the day- the daily grind of it, and you know, the people you deal with in there. It's just very terrible experiences. You know, comparing it to the penitentiary. For say, a penitentiary, you have things to do, you have a job, you gotta go out to the rec yard, all that kind of stuff. You have none of that stuff in there. You're just sitting there waiting. And, and, you know, they bring in people that, you know, are of all different crimes and different. You know, some of them are pretty wild in there. So there's a lot more violence, I think than than at the penitentiary. You know, because in a penitentiary guys are doing many years, so they really try to get along, for the most part. The people that are in for a short time, you know, there's no incentive for them to try to get along with anybody.

Concerns about Safety

As Elliot alludes to, the deprivation of security and subsequent risk of physical harm are detrimental psychological stressors that individuals seek to escape through pleas. For Logan, being fearful of other women in jail had tangible effects on her. She said:

I was put in the tank with the women you know, I had no idea what to expect at the time. Looking back, the women, they were nice. But in my frame of mind, I was just so on guard and hyper

vigilant like I didn't know what to expect. I know like one of them asked for my tray the next day. I know I didn't eat the entire time I was in there.

Our participants who were battling sexual offense charges, like Rob and JG, felt particularly vulnerable to attack. Rob worried because the general population of the jail was able to hear his charges and threatened him. He said:

But what the way that they did the indictments and read the arraignments the general population folks went after the sex offender tank went and so they heard my charges. And, you know, proceeded to go nuts after they were all back in their tank, and they were able to see me literally across the hallway, it was just not managed well at all. So that was one aspect of the survival piece.

JG only spent two days in jail before getting bailed out, but even those two days were harrowing because of threats against him. He said:

There was a guy I sort of talked to while I was there. And I was kind of just, you know, kind of walked the room in circles, and not really talked to many people. But, one guy at one point, because I was on the news that evening, that must have been, that must have been a Tuesday. He had told me that some of the other guys were talking about, you know, like jumping me or whatever. But, yeah. I'm scared. I was like, shit, you know?

This stranger told JG to go speak to the CO and even coached him about what to say to get into protective custody. JG said:

You know, I think he may have even given me sort of, you know, the, the words to say, like, you know, I'm frightened for my, my safety and my life. And, you know, my physical safety. And, you know, I was just told that someone was planning on jumping me. So yeah, he gave me a fair amount of, here's what they're gonna say. And so I did exactly what he told me and probably it wasn't very long. And it wasn't like right away, but it was probably within maybe an hour later, is when they moved me.

JG said if that guy had not helped him, “I mean, I probably would have gotten my ass kicked. I'm not a very big guy. Not a very physical guy. So yeah, I would imagine that night, something would have happened to me, in terms of, you know, getting beaten up or whatever.”

Jazzman also was facing a sex offense charge, but the only reason he didn't fear for his safety was because he was older and had already been to prison and knew how to handle himself. He spent two months in a violent offender unit and said, “So I was in it with some, I was in there with some crazy guys. But I had already been locked up with crazy guys, and I already had, you know, survived that. I'm not afraid. I was 25 when I went to prison.”

Starlin found himself in a crowded room that he likened to a gymnasium and was immediately confronted by another man to give up his bed. He thought about fighting but decided to avoid confrontation. Overcrowding was an issue Elliot faced as well. He said, “Well, they were really overcrowded. So in each block they, each cell unit. I'm not sure the exact amount of cells, but I'm just gonna say like, they had 20 cells, but then they had 20 people sleeping on the floor on mats.”

Concerns About Social Bonds

Our literature review discussed how many individuals enter the justice system with “something to lose” whether it be jobs, connections to people, or connections to institutions (Anderson et al., 2021). In our sample, participants did lose or stand to lose important family and community connections while detained pretrial.

Individuals who did not experience pretrial detention, or only experienced short amounts, were able to maintain important social bonds to people and institutions. JG was bailed out after two days in jail, and this allowed him to be involved with his family more. He said, “I took my kids to school and all that,” and he was able to go to therapy with his wife, which he credits with saving his marriage.

Jazzman was arrested the night that he brought his newborn daughter home from the hospital. Luckily, he was released on recognizance, so he was able to still help his wife and new daughter for the 9 months it took for his case to resolve.

For individuals who were detained, they lost opportunities and social bonds. Catherine had a great relationship with her mom at the time of her arrest and said, “I mean, she was like the only one I could talk to. I'd visit her probably almost daily.” However, when Catherine was detained in jail, she lost that contact because her mother did not have transportation. Similarly, Melissa had a very young son when she was in jail, and she suffered being away from him for those few days.

Several individuals had connections with various community institutions that were affected by their release. Sarah was working on a doctoral dissertation and volunteering at a local prison and was able to continue doing those things upon release. She said that if she had been detained for too long, she would have lost her student status. Melissa was also in school and being released allowed her to continue with classwork. For Rob, once he was released, he was able to stay involved with music and arts organizations, which were a key part of his life and identity.

Detention as a Barrier to Legal Defense

Another strong theme that emerged from our data is that participants recognized how detrimental pretrial detention was to their ability to fight their case. Rob’s family took huge financial steps to bail him out because they knew that being kept in jail would hurt his ability to defend himself. He said:

And we knew that I would have a much better negotiation ability if I was not sitting in our horrible jail. So my grandmother, my grandmother pulled money out of essentially what would have been my inheritance and took out a life insurance policy on me to help pay back my student loan that she started paying for me when I was out of work.

While Rob was out, he and his family were able to hire private investigators and build a better defense, and he said, “But, you know, I don't think that we would have been able to do that amount of private investigating had I sat in jail.”

Elliot felt that if he had been released, he would have beaten his case altogether because there were things that he could have done to help his defense. He said:

You know, for, for one instance, I'll tell you, they all, they wanted to make it sound like I just bought a pistol to commit the crime, you know, which was not true. And, you know, one of the things she said was, she had never seen that pistol before. Well, I could have produced the receipt that had I been out on the streets, but I couldn't produce a receipt. That's just one example of something that, you know, would have gone more in my favor, had I been able to get out there and prepare defense better.

Instead, the court gave Elliot a bail amount so high that he knew he wouldn't be able to pay, so he did not waive his right to a speedy trial because he did not want to stay in jail waiting for the case to resolve without being able to put up a good defense. He summed it up by saying:

If I would have made bond, I would have waived my right to a speedy trial, and it would have been nine months. But, you know, at that point, I didn't, I wasn't gonna make bond. There, there was no way I was gonna make the bond. So there was no sense in just sitting around there for nine months.

Tommy was not bailed out and felt this hurt his ability to even know what was going on with this case. He said:

And yes, see the only bit of information you could ever get as to what's happening with your case are the few times, I had a court appointed attorney. I saw him very, very minimally. You know, and it was, it was hell on the mind, just because, you know, he's apparently doing this stuff outside of there. So I, I'm not out to be able to keep track and know what's going- happening in the background. So when he would show up, he'd kind of fill me in on some stuff. And, you know, then, of course, you're sitting in there and you think of questions you want to ask. Well, then, you know, you're not going to see him for who knows, a week or two, or three, even sometimes. By that time, I'd forgotten what I was going to ask him.

Jazzman also felt that being out would have allowed him to help fight his case and at least be in contact with this lawyer. He said, "I was trying to talk to him to see about, you know, filing some motion to get them to lower the bond. He never once would come to see me. Not once."

Jail as Treatment for Drug Addiction

One theme that did arise is how several participants felt that being detained after arrest helped keep them away from using drugs. Logan spent 4 months in jail at one point because she couldn't pay bail. She said that if she had been bailed out, she would have gone right back to using drugs, saying, "So my addiction was so bad at that point in time. But I don't even think my family would have bailed me out if they could. Because my mother said that when I was in jail, she was able to sleep at night." However, Logan did not receive any drug treatment in jail and said, "as soon as I got out, I was right back to my addiction."

Tommy felt something similar about jail and his drug use when he told us, "So I like, I said I, in a lot of ways, I think it saved my life. But I didn't realize that till later, you know." Mike said that if he was not detained, "I probably would have gotten low cases and did some other drugs," because he wasn't ready to be out.

Catherine was also struggling with drug addiction when she was first arrested and released. She said, "Honestly, I was doing a lot of stupid stuff [meaning drugs] out here. So I probably would have been better off in there." When she finally was put in jail, Catherine said that if she had been left out, "I probably would have been doing what I shouldn't be doing [meaning drugs]. So honestly, being there was a good thing."

While these experiences demonstrate that several participants felt pretrial detention was or would have been beneficial to them in terms of incapacitating them, it is key to note that all these instances involved drug addiction. As Mike mentioned previously, what he really needed was treatment, but none was offered to him. Therefore, the takeaway from these findings is that drug treatment is sorely needed in society and the criminal justice system.

Discussion

Our goal was to answer "if" the experiences of our Ohio participants mirror the experiences of others in the U.S., and if so, "how" does that occur? The answer to the first question is straightforward. Yes, Ohioans' experiences with pretrial detention are reflective of those experienced elsewhere in the U.S. In terms of "how" these experiences played out, pretrial detention was incredibly harmful to our sample of Ohioans who at the time of detention, were still presumed innocent under the law.

In the area of employment, pretrial detention costs many individuals their jobs, while pretrial release allows others to stay employed. This loss of work exacerbates the economic instability that many in the criminal justice system face (Rabuy & Kopf, 2016). Various pains of imprisonment are also present

in the detention experience. Ohioans detained pretrial experienced a stark lack of mental and physical health care services, as well as concerns about their safety inside jail. These concerns, combined with other stressors of jail, created motivation to accept less than optimal plea deals in order to escape confinement. Our participants also realized that pretrial detention was a significant barrier to mounting a good legal defense.

The only potential benefit of pretrial detention that participants discussed concerned the fact that being detained prevented them from using drugs. However, since drug use is a public health issue instead of a criminal justice issue, then the most effective way to tackle drug use is through treatment, and not detention (APHA, 2013). Therefore, preventing drug use should not be viewed as a sufficient justification for cash bail.

Limitations

This study is not without its limitations. First, due to IRB constraints, our sample did not include individuals who were under criminal justice supervision (including those on parole or probation, or those currently incarcerated). However, since our sample includes individuals who had experienced probation and parole, and who were incarcerated for long periods of time, we do not believe that this aspect of our sample threatens our findings.

Second, our sample has a limited number of individuals with children. Future studies should focus specifically on how pretrial detention affects Ohioans with children. However, based on our findings of how detention negatively impacted social bonds of Ohioans, it is unlikely that a more focused study would find that pretrial detention and bail *improved* relationships between parents and children.

Finally, like most qualitative research, our sampling methods do not allow us to generalize to the entire population of individuals arrested in Ohio. However, conducting a randomized survey of individuals arrested in Ohio to obtain generalizable results is impossible from a logistical standpoint. Furthermore, the goal of qualitative research like ours is to uncover and present rich and vivid narrative accounts from individuals who have experienced a phenomenon. Based on the strength of our theoretical saturation and rich detail provided by our participants, our findings provide strong empirical evidence of the detrimental effects that Ohioans experience due to pretrial detention and the use of cash bail.

Policy Recommendations

Considering our findings, we provide the following policy recommendations concerning the use of bail and pretrial detention:

- 1) The Ohio criminal justice system should attempt to reduce the number of arrests that can lead to pretrial detention, by instead utilizing treatment and diversion, especially for crimes of drug use. This can be done through changing laws surrounding crimes and instructing police to issue citations whenever possible.
- 2) As recommended by other scholars, recognizance release should be the norm and conditional release an exception (Hopkins et al., 2018). If a judge is going to deny bail, it should be based on a significant concern for public safety that outweighs the limitations placed on the accused.
- 3) If the concern is about an individual's flight risk, the court should refrain from using bail and instead use alternatives for tracking, such as electronic monitoring. Jurisdictions should not charge fees for these services, because like bail, they often punish people based on their financial circumstances (Hopkins et al., 2018). Because electronic monitoring is much cheaper than incarceration (Hopkins et al., 2018), fees can be covered by the cost savings that jurisdictions experience from relying less on pretrial detention.

- 4) Individuals with no risk of failing to return to court (e.g., no criminal history, low level offense, strong ties to the community) should be released on recognizance without monitoring as soon as possible. These bail decisions should strongly consider the question of “what does this person stand to lose” if they are detained pretrial?
- 5) Once an individual is arrested, the bail decision should be made as soon as possible in order to provide minimal disruption to the accused. Even incarceration of one or two days as a result of being detained over a weekend could lead to termination of employment, assault in jail, and other negative experiences.
- 6) If a bail amount must be assigned, it should be asset-based, and calculated in accordance with the individual’s financial resources.
- 7) If an individual is assigned bail, the justice system should provide information and guidance for how bail should be paid, in order to minimize stress on support networks and decrease the amount of time an individual spends in detention.
- 8) If an individual is to be detained pretrial for any reasons, the conditions of confinement should not be punishing. Because individuals are detained under a presumption of innocence, detention should:
 - *Provide sufficient health care, including immediate access to medications and health treatment.
 - *Ensure the safety of individuals through regulation of overcrowding and when required, protective custody.
 - *Provide access to employment opportunities during confinement, or unemployment assistance to compensate for lost wages during detention and/or the loss of jobs upon release.
 - *Facilitate visits and communication between detained individuals and support networks.
 - *Facilitate visits and communication between detained individuals and legal counsel.

Conclusion

To conclude, our findings show that the policy of cash bail and pretrial detention has stark detrimental effects on Ohioans who are involved in the criminal justice system. The intended goal of cash bail is to ensure that a defendant appears in court. For the Ohioans in this study, ensuring their appearance came at a high cost. While some were fortunate to be bailed out, raising money took financial and mental tolls on their families and support systems. In the cases of those who were detained, individuals suffered loss of employment, and mental and physical health ailments went untreated or were even exacerbated. Part of this mental health struggle was a result of concerns about safety while in jail. Finally, individuals who were detained found it very difficult to fight their case and the conditions of jail forced several to consider taking pleas in order to escape the stressors of confinement.

Ohio policymakers should consider that the use of cash bail in Ohio not only perpetuates inequality, but also compromises the fairness and integrity of our justice system. Although the criminal justice system operates under a presumption of innocence, the use of cash bail forces individuals who have not been found guilty to experience the pains of imprisonment. Our findings show that these collateral consequences of cash bail that Ohioans experience pose a threat to equal protection under the law because they are tied directly to an individual’s financial resources.

While we understand that policymakers in Ohio have amended the constitution to take public safety into account when using cash bail, our findings illuminate the stark human toll that cash bail takes on Ohio residents. We urge policymakers in Ohio to follow our policy recommendations in order to create a justice system that ensures individuals accused of crimes do not experience the harsh consequences of punishment before they are found guilty of a crime, regardless of the justification for their detention.

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Table 1. Demographic Information

Name	Age	Race	Gender	Education	Yearly Income	Occupation	Political Views
Sarah	37	White	Female	Graduate Degree	\$60,000	Professor	Democrat
Catherine	30	White	Female	Highschool/GED	None	Unemployed	Not Specified
Rob	>29	White	Male	Not Specified	Not Specified	Not Specified	Not Specified
Cards	44	Black	Male	Associate's Degree	\$11,000	Construction	Not Specified
Mike	53	Black	Male	Highschool/GED	\$30,000	Apprentice Roofer	Not Specified
Tommy	Not Specified	Not Specified	Not Specified	Not Specified	Not Specified	Not Specified	Not Specified
Jack	24	Black	Male	Bachelor's Degree	\$75,000	Teacher	Democrat
Jazzman	60	White	Male	Highschool/GED	\$9,600	Retired Steelhauler	Democrat
JG	47	White	Male	Graduate Degree	\$100,000	Consulting	Democrat
Logan	33	White	Female	Bachelor's Degree	\$55,000	Social Worker/Bartender	Independent
Melissa	33	Bi-Racial	Female	Highschool/GED	\$48,000	Short-Term Disability/Target Employee	Democrat
Melissa's Dad	64	Black	Male	Some College	\$26,000	Department Store Employee	Democrat
Melissa's Mom	63	White	Female	Some College	None	Unemployed	Democrat
Starlin	72	White	Male	Graduate Degree	\$120,000	Associate Professor	Independent
Tully	60	White	Male	Associate's Degree	\$25,000	Machinist/Disability/Owned Properties	Republican

Table 2. Charges and Bail Information

Name	Unique Arrest Events	Age at Arrest(s)	Total Charges	Bail Decisions	Bail Amounts	Outcome	Periods Served
Sarah	1	33	Driving under the influence	ROR	None	Released	None
Catherine	4	24, 24, 27, 27	Weapons possession, theft, failure to appear, drug use on probation, escape from treatment center	ROR, Bail Denied, Bail Denied, Bail Denied	None	Released, Held, Held, Held	None, 1 month, 1 month, 60-70 days
Rob	2	27, 34	Felony sexting with minors, parole violation	Bail Granted, Bail Denied	\$65,000 or \$75,000 (10%), None	Paid and Released, Held	2 weeks, 11 or 12 days
Cards	3	22 or 23, Unclear, Unclear	Drug trafficking, burglary, robbery, petty theft, domestic violence, assault, attempted homicide	ROR, Bail Granted, Bail Granted	None, Unclear, \$1,000,000 (10%)	Released, Could Not Pay, Could Not Pay	None, 6 months, 1 year
Mike	5	19, 19, 20, 32, 36	Drug abuse, burglary, gun possession on Bail, weapons possession, felony assault	ROR, Bail Granted, Bail Denied, Bail Denied, Bail Granted	None, \$25,000 (10%),	Released, Paid and Released, Held, Held, Paid and Released	A few days, 2 or 3 days, 2 months, 7 months, <1 day
Tommy	2	20 or 21, 24	Domestic violence, burglary	Bail Granted, Bail Granted	A few \$1,000, \$450,000	Paid and Released, Could Not Pay	<1 day, 4 months
Jazzman	2	25, Unclear	Rape, unclear	ROR, Bail Granted	None, \$10,000 (10%)	Released, Paid and Released	None, 2 months
JG	1	43	Attempted solicitation of a minor, importuning, possession of criminal tools	Bail Granted	\$10,000 (10%)	Paid and Released	2 days
Logan	3	19, 24, Unclear	Corruption of a minor, robbery, theft	ROR, Bail Granted, Bail Granted	None, Unclear, \$5,000 (10%)	Released, Could Not Pay, Paid and Released	3 days, 4 months, 3 days
Melissa	3	20, Unclear, 24	Felony assault, unpaid fine, weapons possession	Bail Granted, Fine Payable, Bail Granted	\$5,000 (10%), \$500, \$200,000 (10%)	Paid and Released, Could Not Pay, Could Not Pay	1 day, 3 days, 1 year

Melissa's Dad	1	Unclear	Probation violation	Bail Denied	None	Held	30 days
Melissa's Mom	2	Unclear, Unclear	Shoplifting, failure to appear	Bail Granted, Bail Denied	\$300, None	Paid and Released, Held	Unclear, Unclear
Starlin	2	29, 29	Disorderly conduct, speeding, warrant	Bail Granted, Fine Payable	Unclear, \$100	Paid and Released, Paid and Released	<1 day, <1 day
Tully	2	24, 28	Murder, burglary, gun specification	Bail Granted, Bail Granted	\$100,000, \$250,000	Paid and Released, Could Not Pay	<1 day, 40 days

Appendix
Interview Guide

Bail Reform in Ohio: A Mixed Methods Approach to Inform Public Policy

Principal Investigator: Christopher P. Dum, Ph.D.

Introduction

Thanks so much for speaking with me today. My name is _____ and I am part of a research team speaking with individuals who were arrested in Ohio, and then detained in jail, or released before their case was resolved. Your participation is completely voluntary, so you may refuse to answer any question and may cease participation at any time.

Before we continue, are you involuntarily confined or detained in a penal institution? Are you detained in other facility by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution? Are you detained pending arraignment, trial, or sentencing?

*If YES to any of these, end the interview.

*If NO to all, continue the interview.

If you would like to continue, please give me a fake name that we can use to refer to you in this project.

Record fake name _____

Thank you. How many times have you been arrested in Ohio as an adult? _____

Let's start with your first adult arrest in Ohio that you can remember.

Pre-Arrest

At the time of your arrest, what was your employment situation like?

At the time of your arrest, what was your mental and physical health like? *Probe for needed medication, appointments.

At the time of your arrest, what was your relationship like with your family?

At the time of your arrest, what was your relationship like with your friends?

At the time of your arrest, what was your relationship like with your community? Tell me about any clubs or organizations you were a part of.

Arrest

When was this arrest? *get exact dates if possible

How old were you at the time?

What were the charges filed against you when you were arrested?

Bail Decision

After you were arrested, were you released without bail or did the judge assign a bail amount, or did the judge deny bail?

***IF BAIL/BOND NOT ALLOWED**

To your knowledge, why did the judge make that decision?

How long did you spend in jail before your case was resolved?

What was it like being detained for that time?

How did being detained affect your employment?

How did being detained affect your mental and physical health? *Probe about medication/appointments

How did being detained affect your relationship with your family?

How did being detained affect your relationship with your friends?

How did being detained affect your relationship with your community? *Probe for specific clubs/organizations/events.

What do you think would have happened if you had been released until your case was resolved? *Probe for areas mentioned

***IF RELEASED WITHOUT BAIL**

So you were released pre-trial. To your knowledge, why did the judge make that decision?

How did being released affect your employment?

How did being released affect your mental and physical health? *Probe about medication/appointments

How did being released affect your relationship with your family?

How did being released affect your relationship with your friends?

How did being released affect your relationship with your community? *Probe for specific clubs/organizations/events.

What do you think would have happened if you had been detained until your case was resolved? *Probe about areas mentioned

***IF BOND SET**

How much was bail?

To your knowledge, why did the judge make that decision?

Were you or someone else able to pay the bail amount so you could be released?

***IF BOND PAID**

Where did the money come from specifically to pay bail?

What was raising and paying that money like for those who paid?

How long did you spend in jail before bail was paid?

What was it like being detained for that time?

How did being detained affect your employment?

How did being detained affect your mental and physical health? *Probe about medication/appointments

How did being detained affect your relationship with your family?

How did being detained affect your relationship with your friends?

How did being detained affect your relationship with your community? *Probe for specific clubs/organizations/events.

What do you think would have happened if you had been released initially without bail? *Probe about areas mentioned

What do you think would have happened if you had not been able to post bail? *Probe about areas mentioned

***IF BOND NOT PAID**

What prevented you from getting bailed out?

How long did you spend in jail before your case was resolved?

What was it like being detained for that time?

How did being detained affect your employment?

How did being detained affect your mental and physical health? *Probe about medication/appointments

How did being detained affect your relationship with your family?

How did being detained affect your relationship with your friends?

How did being detained affect your relationship with your community? *Probe for specific clubs/organizations/events.

What do you think would have happened if you had been released until your case was resolved? *Probe about areas mentioned

PROBE SUBSEQUENT ARRESTS UNTIL DONE

Thank you so much for speaking with me today. Is there anything we didn't cover that you would like to tell us?

If you know someone who may be interested in participating, please show them this flier. Thank you again for your time and sharing your story with us.