



**For Immediate Release**  
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**LDF Media**  
212-965-2200 / [media@naacpldf.org](mailto:media@naacpldf.org)

## **LDF Releases New Report on Needed Reforms to Pretrial Legal Systems**

Today, the [NAACP Legal Defense and Educational Fund, Inc.'s](#) (LDF) [Thurgood Marshall Institute](#) (TMI) released [Pretrial Justice Without Money Bail Or Risk Assessments: Principles for Racially Just Bail Reform](#), a new report that connects the dots on needed reforms for pretrial legal systems to improve fairness and racial justice while serving the interests of public safety and ensuring people appear for trial.

As the report details, the current pretrial system is expensive, racially discriminatory, and routinely incarcerates low-wealth individuals who pose very low public safety risks—at a cost to taxpayers of roughly \$14 billion per year. While it is essential to end the patently discriminatory and unjust system of money bail, replacing money bail with so-called risk assessments — statistical tools used to categorize people based on algorithms to predict their likelihood to engage in specific behavior — would merely substitute one form of racial discrimination for another.

In addition to delineating the severe problems with risk assessments, the report recommends an alternative reform framework to reduce the number of people in jail awaiting trial while also lessening racial disparities in pretrial incarceration. These recommendations come at a time when many states and municipalities are implementing changes to the money bail system. “The money bail system provides a false sense of security that masks the dangers it poses to public safety while also perpetuating racial and wealth bias,” said Dr. Kesha Moore, Senior Researcher with LDF’s Thurgood Marshall Institute and the author of the report. “As research has indicated, 2021 crime rates across the nation are generally consistent with the five-year historical average.

“While the need for significant changes to the pretrial justice system is widely acknowledged, it is essential that we adopt reforms that increase fairness and reduce the number of people unnecessarily incarcerated prior to trial, many of whom are Black or Latinx. The truth is that there can be no true pretrial justice without racial justice; and any system that ultimately codifies, masks, and reinforces the racial disparities in the criminal justice system, as risk assessments do, cannot be considered racially just. Instead of subjecting Black communities to a more technologically sophisticated form of inequity, policymakers should focus on

reforms that protect the safety and ensure justice for all Americans, regardless of their race.”

The report details what an effective and just pretrial system should include:

- Release on your own recognizance as the standard treatment for persons charged with a misdemeanor or non-violent felony crimes
- Speedy court pretrial release hearings (within 24 hours) with counsel for persons accused of violent felonies
- Community-based support to the greatest extent possible for persons awaiting criminal trial
- Establishing a pretrial services agency independent of probation and law enforcement to ensure court appearances; and
- Approaches to sever the ideological connection between Blackness and dangerousness.

“Our report,” said Janell Byrd-Chichester, Director of LDF’s Thurgood Marshall Institute, “reviews and explains the need to abolish money bail and risk assessments and what should be done to protect the presumption of innocence, provide due process, decrease the mass of people incarcerated unnecessarily while awaiting trial, while protecting public safety and the integrity of the legal process.”

Download *Pretrial Justice Without Money Bail Or Risk Assessments: Principles for Racially Just Bail Reform* [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*