

SB 252 bail reform could save counties & communities millions

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Oklahoma's money bail system incurs millions of dollars in fees to our most vulnerable communities and keeps thousands of our citizens incarcerated each year because they can't afford to bond out. People accused of nonviolent offenses¹ can spend weeks or months in jail, costing counties millions of dollars with no benefit to public safety.

SB 252 would ensure that people accused of misdemeanors or nonviolent felonies are considered for unsecured release and are detained only if they pose a specific threat to public safety or have a history of failing to appear for their court date.

Analysis of court data² shows the damage our current system of money bail does to individuals and communities:

Money bail amounts vary greatly from county to county.

The median bond amount for people accused of nonviolent misdemeanors varies from a low of \$800 in Ellis County to a high of \$2,500 in Canadian County. In FY 2018, the median bond amount for people accused of nonviolent felonies ranged from a low of \$4,000 in Tulsa County to \$10,000 or more in other counties.

Money bail drains wealth from our most vulnerable communities.

Bail bond agents typically charge a nonrefundable fee of 10 percent to secure a person's bond. These fees take millions of dollars from Oklahomans accused of crimes each year, even if their charges are dismissed or they are found not guilty.

In FY 2018, Oklahomans accused of nonviolent offenses paid nearly **\$8.2 million** in nonrefundable bail bond fees³.

SB 252 bail reform



Defendants who cannot post bond spend weeks or months in jail even though they haven't been convicted.

People accused of nonviolent misdemeanor offenses spend 2 to 6 weeks in jail before their case is resolved if they cannot afford their bond. In some counties, the average person accused of a nonviolent felony spends nearly six months in jail.

Counties could substantially reduce jail costs through smart pretrial reforms.

SB 252 would ensure that people who are accused of nonviolent offenses and are not a flight risk would be granted recognizance bonds. Many counties could realize savings of several hundred thousand dollars per year by releasing these defendants in a timely fashion without monetary conditions.

In FY 2018, nonviolent defendants spent over

329,000

days in jails

across Oklahoma,
costing counties
approximately

\$8.9 million⁴.

¹ Nonviolent offenses are offenses that do not contain a list of keywords based on the list of violent offenses defined in 57 O.S. 571; see online methodology at openjusticeok.org

² Analysis of felony and misdemeanor cases filed in FY 2018 (July 1, 2017 - June 30, 2018) from the 12 counties with comprehensive court records available on OSCN, including Oklahoma's seven largest counties (Oklahoma, Tulsa, Cleveland, Canadian, Comanche, Rogers, Payne), plus five others (Garfield, Logan, Pushmataha, Ellis, and Roger Mills). Sample counties contain approximately 57.5% of the state's population; statewide estimates are found by multiplying sample totals by 1.754. Adair County records were incomplete and excluded from this analysis. Incomplete and erroneous court records may cause jail stays to be over- or under-estimated in some counties.

³ Calculation:

Estimated statewide surety bonds posted =

\$46,571,620 (Total surety bond posted on nonviolent cases in 12 sample counties) x 1.754 (Ratio of population of sample counties to total state population) = \$81,704,598

Estimated statewide bond fees = 10% x total bonds posted (\$81,704,598) = \$8,170,460

⁴ Calculation:

Estimated statewide days spent in jail = 187,800 (estimated number of days spent in jail pretrial for people accused of nonviolent offenses with bond set at less than \$50,000 in 12 sample counties) x 1.754 (ratio of population of sample counties to total state population) = 329,474

Estimated cost to counties = 329,474 days in jail x \$27/day (DOC reimbursement rate to jails) = \$8,895,789