



April 7, 2021

**Invitation to Matthew 25 Challenge on Cash Bail:
“Lord, when did we see you in prison and not visit you?”**

Greetings!

As we celebrate with joy Christ’s resurrection, we remember that we, like the disciples, are sent out to continue doing the radical work of Jesus to restore community and justice until he comes again. Aligned with our Matthew 25 initiative, in this season between our March and May Presbytery Gatherings, we, as a presbytery, are focusing our education and action in service to those who are jailed. We have a special invitation and challenge to you, your ministry, or your congregation that offers lifesaving help to people in our communities: **would you please consider making a donation to the Joshua Glover Justice Fund to support cash bail relief?**

We first heard about the inequities of cash bail during our March 9 Presbytery Gathering, in which guest speaker Wisconsin Attorney General Josh Kaul explained how our current bail system creates a disparity between people with wealth and those who cannot otherwise pay. He urged that we should be concerned about any system that premises justice on wealth and does not increase public safety.

Then, on March 20, six members of the Joshua Glover Justice Fund team shared their knowledge, insights, and experience around the issue of cash bail in Wisconsin and nationally. If you missed the webinar, you can still watch the recording via the [Presbytery’s website](#). The Racine-based Joshua Glover Justice Fund was established in 2021 and through generous donations like we’re inviting you to make, provides bail support primarily for those incarcerated at the Racine County Jail. Nick Demske opened the time reminding us how Jesus called people to become like little children, unlearning the incorrect teachings we absorbed in order to live more according to God’s will. One clear area is how we understand the purpose of cash bail.

Pre-trial detention and the cash bail system work in tandem. People who have been arrested but not yet found guilty, and who are deemed low- to no-risk to themselves, others, and the community, are assigned a cash bail amount for their freedom until their trial. Cash bail is not correlated to culpability or admission of guilt. The amount, returned when people show up for their court dates, is intended to incentivize people to do exactly that.

While it sounds neutral on its face, cash bail disproportionately affects Black, Indigenous, and People of Color (BIPOC) and people with lower incomes, often one and the same. Without savings or connection to people with savings, those who cannot post bail remain detained. While detained, many lose their jobs, their housing, their property, and even custody of their children. Because of backlogs in the court system, a person who has never been convicted of a crime might sit for months in jail awaiting trial, while their life crumbles because they can't afford bail.

A donation from you can make a huge difference in the lives of people and their ability to secure justice. We heard from panelist Eric Hopkins this remarkable statistic:

“Persons unable to post bail are four times more likely to be convicted and sentences are three times longer.” The Bronx Freedom Fund found that when it pays bail, 50% of misdemeanor cases are dismissed. One factor in such statistics is that **jailed people are frequently encouraged to plead guilty, regardless of their innocence**, to shorten their time awaiting trial, in hopes of restoring their jobs, housing, and families sooner. The Bronx Freedom Fund found that, without being able to post bail, 90% of people who are detained plead guilty. In contrast, people who are free until trial can thoughtfully prepare their legal defense and can make decisions without the enormous pressure of watching their lives unravel while they wait for trial. Your contribution to the Joshua Glover Justice Fund makes it possible for people to secure justice and preserve their lives.

For all these reasons, the Presbyterian Church (USA) has taken a stand against cash bail, and **we invite you to do the same.** The denomination offers [outstanding resources](#) to help us be better informed about the impacts of the cash bail system and has created its own cash bail donation program to aid The Bail Project chapter in Louisville, Kentucky.

We, the Presbytery Planning Commission, are convinced and committed to contribute to releasing the captives in this way. **We invite you, your congregation, or ministry**

setting to join us in making a contribution to the Joshua Glover Justice Fund.

Donations can be sent to the Presbytery Office, by noting “Bail Fund” on our standard remittance form or on the memo line of your check. We encourage your donations by May 18, so that we might celebrate our collective effort together at the May 22 Presbytery Gathering.

In celebration of the One who came to save us all,

Rev. Nicole Farley
Presbytery Moderator

Rev. Dr. Christian Boyd
Stated Clerk

Rachel Yates
Presbytery Executive

P.S. Still have questions? We thought you might, so we’ve included a Frequently Asked Questions page.

FAQ's on the Joshua Glover Justice Fund

How is it decided who receives bail funds?

In a deliberate effort not to imitate the system they are trying to dismantle, which assigns a value to an alleged crime, the Joshua Glover Justice Fund, in consult with other bail funds, operates like The Bail Project, which [the PC\(USA\) has endorsed](#). Under this approach, the fund pays bail for people who are legally presumed innocent, and whom a judge has already deemed eligible for release from jail before trial contingent on paying bail. Local teams receive referrals from community members and public defenders and conduct interviews in jails. They determine eligibility for free bail assistance based on a person's bail amount, the reliability of contact information, and a track record of prior court appearances, if applicable. The fund also conducts an individualized needs assessment to determine whether they can adequately support the person through our network of community partners and social service providers.

Like the Bail Project, Inc., the Joshua Glover Justice Fund does not disqualify people based on the type of charge alone. People held on cash bail are presumed innocent by law and have been deemed eligible for pretrial release by a judge, contingent on paying bail. At the point where they come in, the only factor keeping a person in jail is poverty. The fund's intervention allows people who cannot afford bail to return home to their families and communities while awaiting their court dates — something that a wealthier person or someone who can pay a commercial bail bond agency would be in a position to do.

What is the typical cost for bail?

There is no standard for cash bail amounts. It can run from a couple of hundred dollars to a million. As recently as last month, the Joshua Glover Justice Fund received a request for \$10,000 of a \$15,000 bail value, and another person had her bail set at \$400,000 for killing the man who was trafficking her for sex. As Nick Demske explained, "It is dependably and statistically higher for people who are BIPOC, who are also, of course, statistically less likely to pay it, which makes it a leverage chip to get them to plea out on a case rather than take it to trial, even if they know they are innocent. But many of them have no idea how having that criminal record will impact their lives in so many negative ways afterwards, ways that certainly take away life options and opportunities and paint people into corners where criminal activity does seem to be the only good options you have left in life."

But don't we risk releasing people who will run away or commit more crime while they are out of jail?

The public safety and flight-risk determination is made by a judge who decides whether someone is even eligible for pretrial release. If eligible, at that point, access to money is the only difference between who remains in jail and who is released until trial. As Wisconsin's Attorney General has acknowledged, the public is not safer because poor people remain behind bars, while wealthy people post bail. Studies support this: "One common misperception is that ending cash bail and reforming the pretrial system could endanger the public even more than the status quo. However, studies of [New Jersey](#) and [Washington, D.C.](#), demonstrate that defendants' rates of appearance for trial after reforms were implemented are similar or better to rates of appearance before the reforms. Similarly, the rates of rearrest for people who were released pretrial are comparable to those before the reforms were instituted."

<https://www.americanprogress.org/issues/criminal-justice/reports/2020/03/16/481543/ending-cash-bail/>

What if people don't show up for their court dates?

Referencing statistics from The Bronx Freedom Fund, 96% of clients return for their court date. Once the person assisted appears in court, the funds are returned to the Joshua Glover Justice Fund so that they may be used for another person. In the rare case that the person does not appear for trial, then the bail is forfeited.

We still have questions. How can we learn more?

The [PC\(USA\)'s resources](#) are a good starting point. We also hope you'll join us on Fridays at noon (April 9, 16, 23, and 30) as your Presbytery Planning Commission leads a discussion on episodes of Time: The Kalief Browder Story. Kalief Browder was arrested as a teenager and charged with stealing a backpack. As we'll explore, he spent years in pretrial detention, much of that time in solitary confinement. Check out our newsletter, Fresh Impressions, for more details or use [this link](#) to register. Another tremendous resource for learning about cash bail, recommended by the Joshua Glover Justice Fund team is [Robin Steinberg's TED Talk](#). Finally, don't forget to explore our [Criminal Justice webpage](#) for articles and other information about cash bail and related areas for reform.