

A black and white photograph of a person in silhouette, seen from the chest up, behind vertical prison bars. The person's hands are gripping the bars. The image is partially overlaid with a yellow graphic on the right side and a yellow grid pattern at the bottom.

THE PRICE OF FREEDOM:

BAIL IN SEDGWICK COUNTY

ACLU Kansas

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EXECUTIVE SUMMARY

The American criminal legal system is founded on the principle that individuals are innocent until proven guilty. However, this foundational idea, is increasingly contradicted by the reality of pretrial detention practices across the United States, where a person's freedom often hinges not on the severity of their alleged offense nor on their actual guilt or innocence, but rather on their financial means. Pre-trial detention refers to the confinement of an accused individual in custody pending the outcome of their criminal trial, typically to ensure their appearance in court, prevent potential harm to the public, or avoid interference with the judicial process. In jurisdictions like Sedgwick County, Kansas, the widespread use of money bail results in the routine incarceration of people who have not been convicted of a crime—many of whom are detained simply because they cannot afford to pay for their release.

Sedgwick County is significant because it is home to Wichita, the largest city in Kansas, and serves as a major economic, cultural, and population center in the state. Its demographics, crime rates, and judicial practices provide a critical lens for examining broader criminal justice trends, especially regarding racial and socioeconomic disparities in bail practices. Additionally, Sedgwick County's policies and practices can influence state-level reforms and serve as a microcosm for understanding how bail

systems impact marginalized communities nationwide.

Each year, thousands of individuals cycle through the Sedgwick County Jail. Most are booked for low-level, non-violent offenses, and many remain behind bars for days, weeks, or even months awaiting trial. Their continued detention, before they have been found guilty of any crime, is not because they pose a flight risk or a danger to the community, but because they lack the financial resources to post bond. This system creates a two-tiered form of justice: one for those with money and another for those without.

The analysis of Sedgwick County Jail data from December 2023 to December 2024 reveals significant racial and gender disparities, with Black individuals representing 32% of the jail population despite comprising only 9% of the county's general population. Men made up 75% of the incarcerated population, while women, who constituted 25%, faced distinct hardships, including financial strain and exacerbated mental health issues. The data also highlights the prevalence of non-violent charges, which accounted for 84% of all charges, with a median bond amount of \$1,500—an amount that is disproportionately burdensome for low-income individuals, particularly women and people of color. These disparities are extreme, even by the standards of the American justice system, where racially unequal outcomes are commonplace.



BLACK INDIVIDUALS ONLY MAKE UP 9% OF SEDGWICK COUNTY'S POPULATION,



YET THEY MAKE UP 32% OF THE SEDGWICK COUNTY JAIL POPULATION.

Financial data underscores the excessive burden of bail, with the average total bond amount reaching \$104,290, a figure that far exceeds the average income in Sedgwick County. As a result, individuals often rely on bonding agencies, paying a mandatory 10% premium, which can equate to months of income. The data further suggests that extended pretrial detention due to inability to pay bail disproportionately affects marginalized populations, exacerbating existing socioeconomic disparities and potentially coercing guilty pleas to secure release. In Sedgwick County, the price of freedom is quite literally too high for too many people to afford.

The consequences of this system are profound. Pretrial incarceration leads to lost jobs, disrupted families, housing instability, and lasting psychological trauma. It pressures individuals into accepting plea deals, regardless of their guilt or innocence, simply to get out of jail. It disproportionately affects poor and working-class individuals and compounds existing racial and gender disparities. In Sedgwick County, Black residents—who make up less than 10% of the population—account for nearly a third of all jail bookings, and women are increasingly caught in the web of poverty-based incarceration.

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This report sheds light on the scope and impact of pretrial detention in Sedgwick County by analyzing detailed booking and bond data from 2023-2024, obtained through a Kansas Open Records Act (KORA) request. Through this data, we examine key questions: Who is being held pretrial? For what kinds of charges? How much are they required to pay to secure their release? And how long are they detained when they cannot pay?

By illuminating the human and financial costs of money bail in Sedgwick County, this report aims to inform policy discussions and support ongoing efforts toward a more equitable and evidence-based pretrial system—one that enhances public safety without criminalizing poverty.



WHAT IS BAIL?

Bail refers to the release of a defendant from jail before trial, after they have been charged with an offense but before their case has appeared before a judge or jury and before a conviction or acquittal.

Bail refers to the release of a defendant from jail before trial, after they have been charged with an offense but before their case has appeared before a judge or jury and before a conviction or acquittal.¹ However, there are different rules and procedures that pertain to bail at the federal and state level. In federal cases, congress permits courts to deny bail to individuals charged with serious federal

felonies if, after an adversary hearing, they are deemed a threat to individual or community safety that no release conditions can mitigate.² Nonetheless, federal courts have largely moved away from money bail for federal crimes, opting instead for preliminary hearings, preventive detention, and restrictive pretrial release conditions.³

But bail for state offenses, rather than federal offenses, is governed by state law. In 2023, 98.7% of cases throughout the United States were filed in state court.⁴ In Kansas, cash bail remains in effect. Section Nine of the Kansas Bill of Rights provides a right to bail in Kansas courts except for those facing capital charges.⁵ Specifically in Sedgwick County, the use of cash bail has led to individuals being detained for simply being unable to pay their bail. From December 2023 to, December of 2024, 12% of individuals held in Sedgwick County jail were detained longer than 30 days, indicating their inability to pay their bond.

¹ Pretrial Justice Task Force Report to the Kansas Supreme Court, 8

² United States v. Salerno, 481 U.S. 739, 755 (1987)

³ Release and Detention Pending Judicial Proceedings (18 U.S.C. 3141 et seq.)

⁴ National Center for State Courts, "State versus Federal Caseloads," Court Statistics Project, accessed May 12, 2025, <https://www.courtstatistics.org/court-statistics/state-versus-federal-caseloads>.

⁵ Ex parte Ball, 106 Kan. 536, 540 (1920)



WHAT IS BOND?

The word “bond” describes the conditions of someone’s release on bail.

The word “bond” describes the conditions of someone’s release on bail.⁶ Conditions vary, but many call for the defendant to pay money upfront for their release.⁷ A money bond requires the person to pay a fixed sum, which they get back after fulfilling requirements, including a mandatory appearance in court. Defendants often satisfy money bonds through sureties or bonding companies (“bail bondsman”), which are required to charge a 10% premium fee after a law passed by the Kansas Legislature in 2024.⁸ Defendants do not receive a refund for the 10% premium, even if they satisfy all of their pre-trial requirements and the bonding company receives the refund of the defendant’s bond amount for the defendants compliance with their conditions.

In addition to a cash bond, conditions of pre-trial release may include other fees or financial orders. For example, there may also be fees associated with pre-trial

supervision for someone released to the community on bond.⁹ If the court orders someone to wear an ankle monitor, the person generally must pay fees for the device.¹⁰

Nationally, felony cases can take 8 ½ months from arrest to final outcome—verdict, dismissal, plea agreement, sentencing, or other court decision—while misdemeanor cases can take 6 ½ months.¹¹ Electronic monitoring fees can range from \$2-\$20 per day depending on the company, with installation fees from \$25-\$300.¹² The total of these fees can amount to over thousands of dollars, adding a further price to defendants’ freedom while still not being convicted of a crime.

Other conditions of bond are non-monetary, yet still stringent. In Kansas, bond for felonies and misdemeanors allegedly committed against another person must include an order that the defendant not have contact with the victim for at least 72 hours.¹³ Bond can also include requirements to undergo mental health or drug-dependency evaluations, and compliance with the evaluator’s recommendations.¹⁴

Another version of bond is an unsecured bond. The court may impose an unsecured bond, which requires that the defendant promises to pay a certain amount if they do not appear in court instead of requiring a downpayment on their release.¹⁵ This is often referred to as an “Own Recognizance” bond or “OR Bond”.

Beyond these statutorily available conditions, judges can impose any condition they wish that they deem to be reasonably necessary to assure appearance as required.¹⁶



⁶ (Pretrial Justice Task Force Report to the Kansas Supreme Court, 8)

⁷ Pretrial Justice Task Force Report to the Kansas Supreme Court, 3

⁸ (K.S.A. § 22-2802(4)(a))

⁹ K.S.A. § 22-2802(1)(e)

¹⁰ K.S.A. § 22-2802(1)(e)

¹¹ Fines and Fees Justice Center, Electronic Monitoring Fees: A 50-State Survey of the Costs Assessed to People on E-Supervision, September 2022, <https://finesandfeesjusticecenter.org/content/uploads/2022/09/FFJC-Electronic-Monitoring-Fees-Survey-2022.pdf>.

¹² Kate Weisburd, “Punitive Surveillance,” *Virginia Law Review* 108 (2022): 147, <https://ssrn.com/abstract=3808657>.

¹³ /K.S.A. § 22-2802(1)(e))

¹⁴ Pretrial Justice Task Force Report to the Kansas Supreme Court, 8

¹⁵ Pretrial Justice Task Force Report to the Kansas Supreme Court, 9

¹⁶ K.S.A. § 22-2802(1)(c)



HOW DOES PRETRIAL RELEASE WORK IN KANSAS?

In Kansas, magistrate judges generally set conditions of release, and they have substantial discretion in doing so. However, they must set conditions reasonably intended to assure the arrested person's appearance for court and that the community remains safe.¹⁷ In state court, statute requires that the magistrate judges consider certain factors such as the weight of evidence against the defendant and the defendant's family ties, employment, and financial resources.¹⁸

In Sedgwick County, once a person is booked by the police, the charge they face is typically matched with a charge and bail amount found on a "bail schedule." A bail schedule can be formal or informal, but is essentially a baseline recommendation for the District Attorney's office and judges to follow. In many cases, that baseline recommendation winds up being the de facto amount, without any further analysis done on whether it is appropriate or not. Bail schedules around the country are rife with abuse and have frequently been found to violate the constitutional rights of individuals, because they quite explicitly do not take

any individual factors into account¹⁹. Bail schedules explicitly deny defendants the individualized assessment that they are entitled to under the Constitution. In Sedgwick County, a bail schedule has been initiated by the courts, and agreed upon by the jail, both without consideration for the defendant's criminal history, employment status, and ties to the community. Even with the use of a bail schedule, the District Attorney's office can ask the presiding judge to vary bond conditions, from lower monetary requirements to higher supervision requirements at the pre-charging meeting. The magistrate then takes the baseline recommendation and, arguments made by the District Attorney's office and the defendant to rule on bond conditions at the defendant's appearance. Once the individual has bail set by the magistrate, they are held in Sedgwick County Jail until they can either post bail themselves, or they can utilize a compensated surety (a bail bonding company) to post their bond for at least a 10% premium fee of the total bond

amount. Once the monetary conditions are satisfied, the individual is released from jail, subject to their other bail conditions (e.g., pretrial supervision, restrictive orders, visitation guidelines, etc.).

This report utilizes data obtained from the Sedgwick County Jail and the Sedgwick County Sheriff's Office to conduct a detailed analysis of jail population trends and bail practices. Specifically, it focuses on individuals who were held in custody for at least one day and had a monetary bail amount set. The analysis aims to shed light on the demographics, length of stay, and financial conditions of pretrial detention, providing insight into how bail is administered and its potential impact on individuals detained in Sedgwick County.



¹⁷ K.S.A. § 22-2802(1)(c); K.S.A. § 22-2802(8); *Stack v. Boyle*, 342 U.S. 1, 4-5 (1951); *Salerno*, 481 U.S. at 748

¹⁸ K.S.A. § 22-2802(8)

¹⁹ See *Pugh v. Rainwater*, 572 F.2d 1053 (5th Cir. 1978); *Bearden v. Georgia*, 461 U.S. 660 (1983); and *State v. Blake*, 642 So. 2d 959 (Ala. 1994)



METHODOLOGY


The ACLU of Kansas sought information on all individuals who were detained by the Sedgwick County Jail throughout the course of a year and were given a bond amount. We issued a Kansas Open Records Act (KORA) request to the Sedgwick County Jail asking for all records reflecting current population reports of the Sedgwick County Jail, including records that detail racial population records, for the year-long period of December 19, 2023, through December 18, 2024.

The KORA request sought information on the bail amount assigned to each charge levied against individuals, the total bond amount each individual was actually held on, and the length of stay in jail after bond was set.

Although the data set assembled through the KORA request covers a year-long period, nine days of data are missing. These days were excluded from the data provided by the Sedgwick County Sheriff's Office; when asked about the missing data, the Sheriff's office responded that they simply did not have it.

We excluded certain charges and individuals based on several conditions. Individuals who were serving time for a previous sentence, individuals on mental health holds, or individuals who had not had their first appearance hearing yet were not included in this dataset. Any individual with the charge description of "Hold for Other Agency" was excluded from the data, since we did not know their

origin and wanted to keep the sample of individuals focused on those in the jail on charges from the municipal and county jurisdictions. In a similar manner, "Hold for Juvenile" was also excluded in our data, to keep the sample focused on the adult population of the Sedgwick County jail. When examining the entire population, no outliers were excluded, so all individuals would be represented in the demographics. However, when looking at mean and median bond amounts, any bond amount outside of two standard deviations of the mean was excluded to more accurately describe the pattern and experience of the typical detained individual.



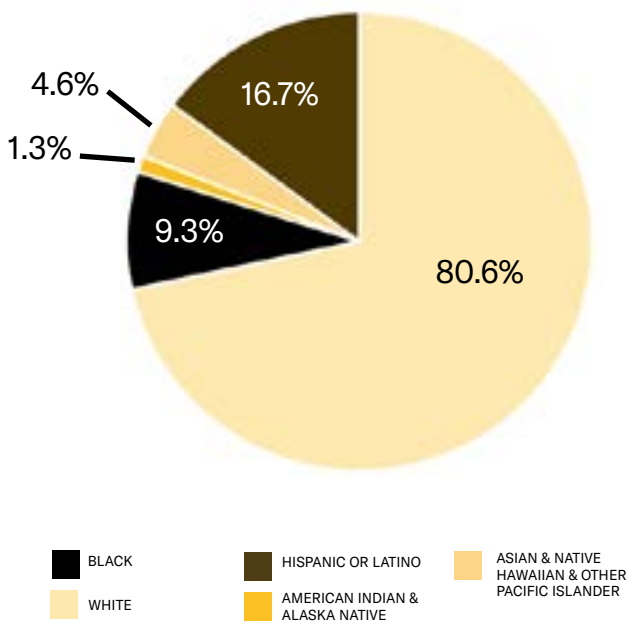
A LOOK INSIDE SEDGWICK COUNTY JAIL: DEMOGRAPHICS OF THE POPULATION

Understanding the demographic composition of the Sedgwick County Jail population is critical for assessing the broader implications of local criminal justice practices. Across the United States, 0.19% of the population sits in jail.²⁰ Yet the detention rate in Sedgwick County is fully 10% higher than in the nation at large, with 0.21% of the county's population being detained, even though Sedgwick's crime rates are lower than those of comparable communities.^{21,22} This shows not only higher detention rates, but also higher numbers of individuals sitting in jail after bail has been set. Investigating further, identifying disparities in race and gender within the incarcerated population not only highlights potential systemic biases but also reveals the disproportionate impact on marginalized communities.

Understanding the demographic composition of the Sedgwick County Jail population is not just an exercise in

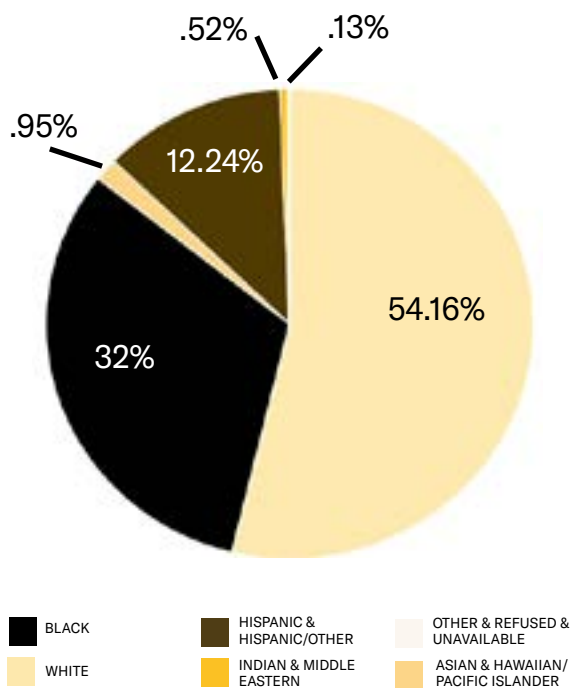
data analysis, it is a glaring indictment of how deeply entrenched racial and gender disparities are within the local criminal justice system. The data exposes a reality that is as alarming as it is undeniable: from December 2023 to December 2024, there were 10,064 total jail bookings, and the racial breakdown reveals a striking overrepresentation of Black individuals. Despite comprising only 9% of the county's population, Black residents make up 32% of those incarcerated²³. This staggering discrepancy is not a statistical outlier; it is a testament to systemic inequities that permeate pretrial detention. In fact, Black individuals in Sedgwick County are incarcerated at a rate 30% higher than the national average. The implications are clear—Black residents are being funneled into the jail system at rates more than three times their share of the population in Sedgwick County, underscoring a pattern of racial inequities that cannot be ignored.

COUNTY RACE DEMOGRAPHICS

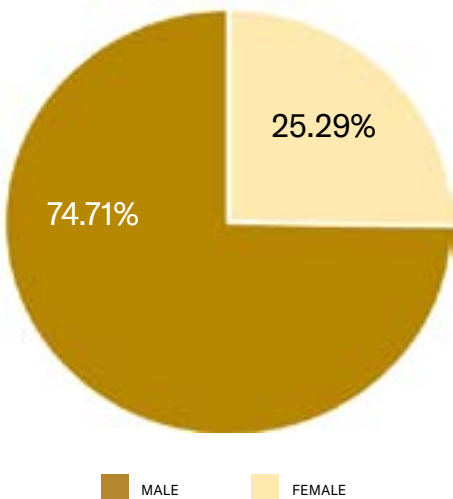


But the racial disparities are only part of the story. Gender disparities further illustrate the devastating consequences of this system. Men make up the majority of those incarcerated (74.7%), but the proportion of women in the Sedgwick County Jail is slightly higher than the national average, with women representing 25.3% of those detained.²⁴ This is not a minor detail—it is a critical marker of systemic failure. Nationally, approximately 80% of incarcerated women are mothers, and the impact of their detention ripples far beyond the jail walls.²⁵ Children are left without caregivers, families are fractured, and communities are destabilized. Research shows that women experience incarceration differently and more acutely than men, facing alarming long-term consequences including the creation of new or aggravation of existing mental health problems²⁶, increased risk of suicide²⁷ and deprivation of critical emotional support or benefits.²⁸

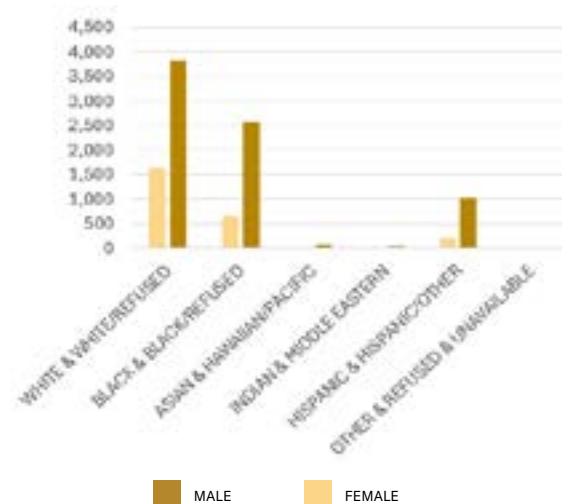
JAIL RACE DEMOGRAPHICS



SEDGWICK COUNTY JAIL GENDER DEMOGRAPHICS



GENDER AND RACE DEMOGRAPHICS



The data clearly illustrates the overrepresentation of disadvantaged groups, particularly Black men, within the Sedgwick County population.

When analyzing the intersectionality of these two categories it is important to note that the largest demographic groups were: White men (38%), Black men (25%), White women (16%) and Hispanic men (10%). The data clearly illustrates the overrepresentation of disadvantaged groups, particularly Black men, within the Sedgwick County population. Despite comprising only 4% of the county's total population, Black men account for a staggering 25% of those detained, a disparity that underscores systemic inequities within the local criminal justice system.

COUNTY POPULATION AND JAIL DEMOGRAPHICS

	SEDGWICK COUNTY JAIL	SEDGWICK COUNTY
WHITE MEN	38%	34%
BLACK MEN	25%	4%
WHITE WOMEN	16%	35%
HISPANIC MEN	10%	8%

NOTE: The terms and categorization of the races are based on Census data and other documents from which the data are derived. These are not terms defined by the ACLU of Kansas.

²⁰ Bureau of Justice Statistics, Preliminary Data Release - Jails (2023), June 2024, <https://bjs.ojp.gov/preliminary-data-release-jails-2023>.

²¹ Emily Widra and Wendy Sawyer, "Who is jailed, how often, and why: Our Jail Data Initiative collaboration offers a fresh look at the misuse of local jails," Prison Policy Initiative (blog), November 27, 2024, https://www.prisonpolicy.org/blog/2024/11/27/jail_bookings/.

²² Id.

²³ Katie Rose Quandt and Alexi Jones, "Research Roundup: Incarceration can cause lasting damage to mental health," Prison Policy Initiative (blog), May 13, 2021, <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>.

²⁴ E. Ann Carson, Mortality in Local Jails, 2000–2019 – Statistical Tables, Bureau of Justice Statistics, NCJ 301368, December 2021, <https://bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf>. Bureau of Justice Statistics

²⁵ Jenny Landon and Alexi Jones, "Food Insecurity Is Rising, and Incarceration Puts Families at Risk," Prison Policy Initiative (blog), February 10, 2021, <https://www.prisonpolicy.org/blog/2021/02/10/food-insecurity/>.



BREAKDOWN OF MOST FREQUENT CHARGES

The volume of charges processed in Sedgwick County Jail over a year is alarming—24,000 charges filed against 10,064 individuals. But these numbers alone can paint a distorted picture of criminal activity within the county. While the sheer number of charges may imply a high level of criminal behavior, a closer examination reveals that this data is far more nuanced. Nearly half of those detained faced only a single criminal charge, and over 98% of individuals had fewer than six charges, with the median being just two. This distinction is crucial. When the focus is solely on the number of charges rather than the number of individuals, it can falsely amplify the perceived severity of criminal conduct, obscuring the reality that the majority of those jailed are not prolific offenders but rather, individuals facing a small number of often non-violent, frequently low-level charges. The data becomes even more compelling when we examine the nature of these charges. Contrary to the pervasive narrative that jails are necessary to protect the public from violent offenders, the overwhelming majority of charges in Sedgwick County—84%—were for non-violent offenses. Just a tiny fraction, 16% of all charges, were for “violent” offenses.

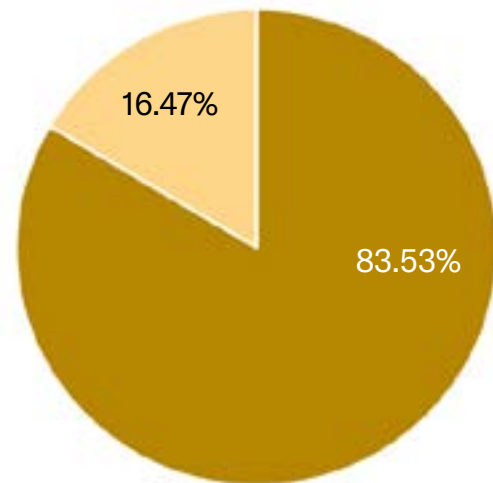
BREAKDOWN OF CHARGES WITHIN SEDGWICK’S JAIL

Number of Charges	Individuals Charged	Percent
1	4,776	47.46
2	2,419	24.04
3	1,358	13.49
4	725	7.2
5	400	3.97
6	195	1.94
7	101	1
8	41	0.41
9	22	0.22
10	6	0.06
11	2	0.02
12	5	0.05
13	9	0.09
14	2	0.02
15	1	0.01
17	1	0.01
24	1	0.01
TOTAL	10,064	100

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Procedural charges and drug-related offenses dominate the non-violent category, accounting for over 70% of all non-violent charges. Procedural charges make up over half of the non-violent charges. These are not crimes involving violence or direct harm to others; rather, they are technical infractions or lapses in compliance that are often symptomatic of underlying issues such as poverty, substance use, or lack of access to resources. Meanwhile, another 15% of the charges involve drug possession, use, or distribution. These breakdowns are important to consider when examining the burden monetary bail can have on individuals. The overwhelming majority of individuals in Sedgwick County are held on bond for non-violent charges and, often, only facing one charge, yet they are saddled with bond amounts that they cannot afford. These findings shatter the notion that most of those detained are inherently dangerous or pose a significant public safety risk. To investigate the financial burden even further, we compared the bond amounts of those held in the Sedgwick County jail, to the average income of the Sedgwick County to analyze the choice between freedom and financial security.

VIOLENT & NON-VIOLENT CHARGES



■ NON-VIOLENT ■ VIOLENT

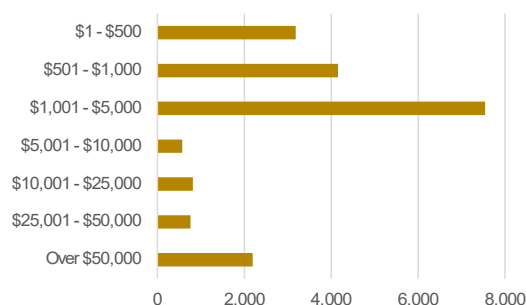


AVERAGE BOND AMOUNTS VERSUS AVERAGE INCOME IN SEDGWICK COUNTY

Using data from the United States Census Bureau and the American Community Survey, we can compare the average incomes of Sedgwick County individuals and families, against bond amounts. Based on our data, the average total bond amount for an individual in Sedgwick County Jail, excluding extreme outliers, was \$104,290. With such a high price on freedom prior to any conviction of a crime, the vast majority of individuals turn to bonding agencies to cover their bail amount. However, due to a statute change by the Kansas Legislature in 2024, bonding agencies must now charge a **minimum** 10% premium of the total bond amount.²⁹ This means for a bond amount of \$104,290, an individual would still need to pay, at minimum, \$10,429 to the bonding agency before they were released on bail. According to the American Community Survey, the median earnings per capita in Sedgwick County in 2023 was \$36,699, or roughly \$3,058 per month.³⁰ This means to either bail themselves or a loved one out of jail with the average total bail amount, it would cost, at minimum, 3.5 months' salary for the average individual to pay just the 10% premium for a bonding company to cover the rest of the bail amount.

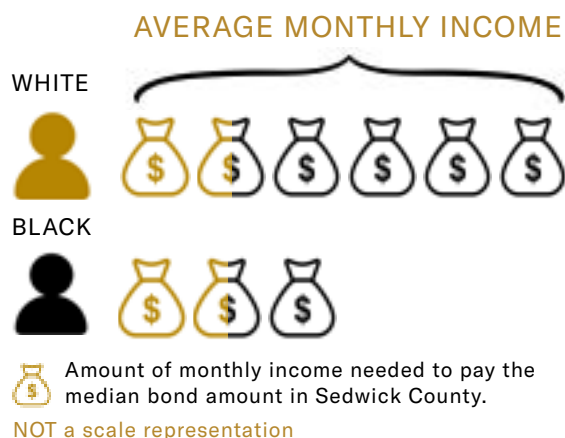
Instead of looking at the overall total bond amount per person, we can look at the bond amount per non-violent charge in our data set. Non-violent charges made up 84% of all charges in the one-year period. The median bond amount for a non-violent charge was \$1,500. The most common bond amount for a non-violent charge is \$1000, which compared to the average income in Sedgwick County, is still a third of their monthly income. However, the total breakdown of individuals with the total bond amounts with non-violent charges are as follows:

BOND AMOUNT FREQUENCY



Gender disparities are also apparent in the dataset. For males, the median bond amount per charge is \$1,725, with the same frequency distribution of charges allotted as female individuals in the data set. The median earnings for men in Sedgwick County are \$50,085, which roughly equates to \$3,852 a month.³¹ However, for females, the median bond amount is \$1,500, while the median earnings for females in Sedgwick County are \$35,938.³² This equates to about \$2,764 a month. While still a large sum, it is interesting to note that on average, male bond amount equates to about 44% of their monthly income, while female's bond amounts equate to about 54%.

The racial disparities in Sedgwick County are also strikingly evident when examining income levels and bail amounts. The median income for white individuals in the county is \$72,954 annually, equating to a monthly income of \$5,612.33. For non-violent offenses, the median bond amount for white individuals is \$1,500, representing approximately 27% of their monthly income. However, for Black individuals, the contrast is stark. With a median income of \$36,588 annually or \$2,814 per month, the same \$1,500 bond for a non-violent offense amounts to a staggering whopping 53% of their monthly income³⁴.

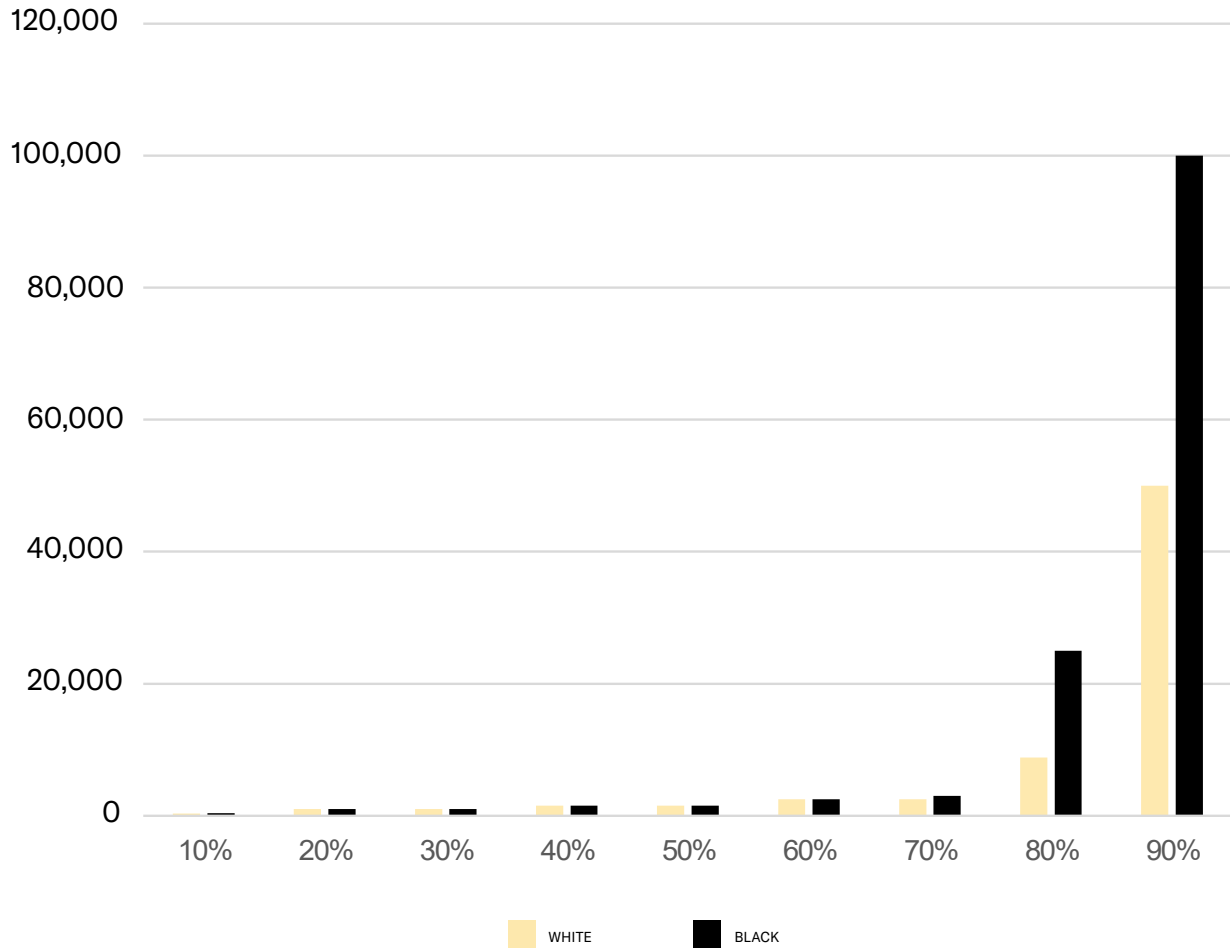


This discrepancy underscores the profound disregard for financial means and individual circumstances in bail determinations.

A clear disparity emerges in the distribution of bail amounts between Black and White individuals, despite identical median bond amounts for non-violent offenses. A decile-level analysis of the frequency distribution of bail amounts by race reveals a disproportionate pattern: Black individuals are more likely to receive higher bond amounts at both the lower and upper ends of the spectrum.

For example, using a decile analysis, the bottom 10% of bail amounts for white individuals are below \$320. For the bottom 10% of bail amounts assigned to Black individuals, that number is \$400. This shows that on average at the lower end of the scale, Black defendants have higher average bail amounts. The pattern continues at the higher end of the spectrum for the two groups: 80% of white bail amounts fall under \$8,800, but for Black individuals, 80% of their average bail amounts fall under \$25,000, showing that the bail amounts for the majority of Black individuals are significantly higher. This disparity is particularly concerning given that, on average, Black defendants have less financial capacity to meet high bail amounts. As a result, they are disproportionately burdened with unaffordable bail, even in cases likely to involve minor offenses or, conversely, in cases deemed more serious—suggesting that racial bias, rather than financial risk or flight risk, may influence bond determinations at these extremes.

DECILE ANALYSIS



²⁶ K.S.A. § 22-2802(4)(a)

²⁷ U.S. Census Bureau, QuickFacts: Sedgwick County, Kansas, last modified July 1, 2023, <https://www.census.gov/quickfacts/fact/table/sedgwickcountykansas/PST045223>.

²⁸ Data USA, Sedgwick County, KS, accessed May 5, 2025, <https://datausa.io/profile/geo/sedgwick-county-ks>.

²⁹ Id.

³⁰ U.S. Census Bureau, “Median Household Income (White Alone Householder) [B19013A],” American Community Survey 1-Year Estimates, 2023, <https://data.census.gov/table/ACSDT1Y2023.B19013A?q=sedgwick+county+kansas+race+and+income&g=050XX00US20173>, accessed May 14, 2025.

³¹ U.S. Census Bureau, “Median Household Income (Black or African American Alone Householder) [B19013B],” American Community Survey 1-Year Estimates, 2023, <https://data.census.gov/table/ACSDT1Y2023.B19013B?q=sedgwick+county+kansas+race+and+income&g=050XX00US20173>, accessed May 14, 2025.

³² Id.

³³ U.S. Census Bureau, “Median Household Income (White Alone Householder) [B19013A],” American Community Survey 1-Year Estimates, 2023, <https://data.census.gov/table/ACSDT1Y2023.B19013A?q=sedgwick+county+kansas+race+and+income&g=050XX00US20173>, accessed May 14, 2025.

³⁴ U.S. Census Bureau, “Median Household Income (Black or African American Alone Householder) [B19013B],” American Community Survey 1-Year Estimates, 2023, <https://data.census.gov/table/ACSDT1Y2023.B19013B?q=sedgwick+county+kansas+race+and+income&g=050XX00US20173>, accessed May 14, 2025.

FINANCIAL CAGE: CONSEQUENCES OF THE MONETARY BOND SYSTEM ON FAMILIES AND COMMUNITIES

Money bail is deeply flawed. First, it perpetuates a wealth-based system of justice. In Sedgwick County, 14% of the population lives below the poverty line, which is higher than the national average of 12.4%.³⁵ Women are the largest demographic living below the poverty line, specifically females between the ages of 25-34. Not only are they an integral part of the workforce, but individuals in this age range are likely to start or are already raising families, meaning they are responsible for others' well-being, not just their own needs. The consequences of the money bail system extend far beyond the immediate financial burden; they ripple through the entire community. For low-income families, the arrest and detention of a primary caregiver or breadwinner can be catastrophic. Depending on someone's financial situation, for instance, recouping \$50 by meeting their bond could determine whether they can afford to

feed them selves or their family. On the other hand, for some wealthy people, recouping \$10,000 might just give themis just extra spending money. When the question is "freedom or rent for the next month and dinner for the kids?", short-term needs often win out. When a parent is incarcerated because they cannot afford bail, their children may face housing instability, food insecurity, or even foster care placement³⁶. Studies also show that children of incarcerated parents are at higher risk of academic challenges³⁷, emotional distress³⁸, and future involvement with the criminal justice system³⁹.

The inability to pay bail can disrupt employment and strain familial relationships. Incarcerated individuals may lose their jobs, which compounds financial stress and makes it more difficult to provide for their families once

released. An analysis by the New York City Criminal Justice Agency showed that pretrial detainees had a 35% likelihood of becoming unemployed⁴⁰. Individuals detained pretrial were 74% more likely to become unemployed than participants who were arrested and released at arraignment⁴¹. Employers are often unwilling to hold a position open for someone awaiting trial, particularly when court dates and release timelines are uncertain. This employment disruption not only impacts the detained individual but also places additional financial strain on their dependents, potentially leading to cycles of poverty that can span generations a price of freedom that goes far beyond the financial amount and beyond a single individual.

Communities with high rates of pretrial detention due to unaffordable bail also experience broader socioeconomic consequences. When multiple individuals are detained from the same neighborhood, the cumulative effect can weaken community cohesion and destabilize local economies. The loss of income, increased reliance on social services, and the psychological toll of having loved ones incarcerated can exacerbate existing disparities, effectively punishing entire communities for the inability to pay bail³⁹.

Due to socioeconomic disparities, individuals of color tend to stay in jail for disproportionate lengths of time. In Sedgwick County, 53.56% of individuals who were still in jail 30 days after their bail was set, were individuals of color—even though white individuals make up more than 54% of the overall population of the Sedgwick County Jail.

EXAMPLE OF THE COLLATERAL EFFECTS OF BOND IN KANSAS

Meet Karen. Karen lives and works in Sedgwick County with an average monthly income of about \$3,000 a month, and a monthly household income of \$5,600. Karen lives with her husband and daughter. Karen's monthly rent is \$1,000, which is the average rent in 2023 for Sedgwick County.⁴⁰ On top of groceries, gas, insurance, utilities and phone bills, Karen and her husband are essentially living paycheck to paycheck to provide a life for their daughter. Karen's husband is charged with felony possession of marijuana and given a \$2,500 bond. While Karen's husband is detained and unable to work, their household is solely reliant on Karen's income to provide for the family. Rent, groceries, gas, insurance, utilities and phone bills are all coming out of Karen's \$3,000 monthly earnings. A \$2,500 bond does not fit in the budget, and when deciding between their living expenses and food for their family versus release, the question is a non-starter for Karen and her husband.



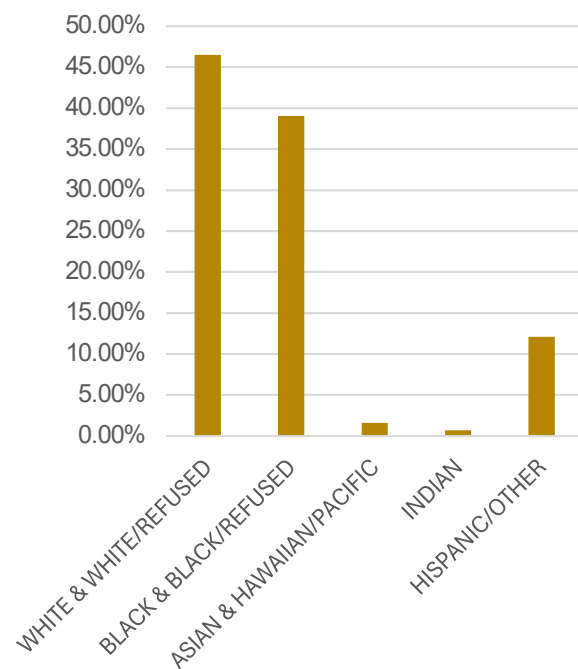
This is a composite of several stories.

This discrepancy underscores a broader pattern of racial and economic inequity, suggesting that the imposition and enforcement of bail conditions are not applied equitably across racial lines.

This discrepancy underscores a broader pattern of racial and economic inequity, suggesting that the imposition and enforcement of bail conditions are not applied equitably across racial lines. More specifically, Black individuals account for 40% of those detained for more than 30 days after bail is set, and Hispanic individuals make up 12% of this group. This disproportionate representation is stark when considering that these communities comprise a minority within the overall population of Sedgwick County. The overrepresentation of individuals of color in long-term detention after bail is set indicates that the financial obstacles associated with securing bail

disproportionately impact marginalized populations. It raises critical questions about the systemic nature of pretrial detention practices and how economic vulnerability, often compounded by racial bias, restricts freedom disproportionately for people of color.

THOSE DETAINED FOR MORE THAN 30 DAYS AFTER BAIL IS SET



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- ³⁵ R. D. Lee, X. Fang, and F. Luo, "The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults," *Pediatrics* 131, no. 4 (2013): e1188–e1195, <https://doi.org/10.1542/peds.2012-0627>.
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- ³⁸ R. D. Lee, X. Fang, and F. Luo, "The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults," *Pediatrics* 131, no. 4 (2013): e1188–e1195, <https://doi.org/10.1542/peds.2012-0627>.
- ³⁹ Beth M. Huebner and Regan Gustafson, "The Effect of Maternal Incarceration on Adult Offspring Involvement in the Criminal Justice System," *Journal of Criminal Justice* 35, no. 3 (2007): 283–296, <https://doi.org/10.1016/j.jcrimjus.2007.03.005>.
- ⁴⁰ Tiffany Bergin, Rene Ropac, Imani Randolph, and Hannah Joseph, "The Initial Collateral Consequences of Pretrial Detention: Employment, Residential Stability, and Family Relationships," SSRN, September 12, 2022, <https://doi.org/10.2139/ssrn.4216882>.
- ⁴¹ Id.
- ⁴² Pablo Slutzky and Sheng-Jun Xu, "The Financial Consequences of Pretrial Detention," SSRN, October 24, 2022, <https://doi.org/10.2139/ssrn.4256830>.
- ⁴³ U.S. Census Bureau, QuickFacts: Sedgwick County, Kansas, last modified July 1, 2023, <https://www.census.gov/quickfacts/fact/table/sedgwickcountykansas/PST045223>.



CONSEQUENCES OF EXTENDED PERIODS OF PRE-TRIAL DETENTION ON THE INDIVIDUAL

Pretrial detention worsens outcomes in the criminal legal system by making it more difficult to meet with a lawyer and by coercing some defendants to plead guilty. When a court imposes money bail without considering the defendant's financial circumstances, for instance by using a fixed bail schedule, it constitutes unconstitutional and unacceptable wealth discrimination.⁴⁴ Bail purports to serve particular goals: ensuring the community's safety and assuring the bailee's appearance at court.⁴⁵ But data suggests it leads to harsher sentences, higher chances of conviction, and even an increased risk of future criminal charges.⁴⁶ And several

studies suggest that money bail does not increase the arrested person's likelihood of showing up to court.⁴⁷

In Sedgwick County, the bond schedule obtained from the Sheriff's Office establishes a standardized bond amount of \$2,500 for felony possession of any controlled substance. While judicial discretion is intended to play a crucial role in bond determinations — with judges expected to consider factors like flight risk, community safety, and the defendant's financial circumstances — the data reveals a different reality.

BOND AMOUNTS OF FELONY POSSESSION CHARGES

BOND AMOUNT	PERCENT
< \$2,500	4.7
\$2,500	85.36
> \$2,500	9.95

According to the dataset, 85% of individuals charged with felony possession received the exact scheduled bond amount of \$2,500, indicating that decision-makers—including judges and prosecutors—are largely defaulting to the schedule rather than exercising individualized assessments. This pattern underscores a reliance on the bond schedule as the de facto standard rather than as a guideline for tailored decisions. Notably, only 4% of defendants received bond amounts lower than the prescribed \$2,500, suggesting minimal deviation from the set schedule.

This finding is significant because it reveals a disconnect between judicial policy and practice in bond setting. When a bond is tailored to individual circumstances, the judge assesses factors such as the defendant’s financial capacity to pay, the nature and severity of the alleged offense, the potential for flight risk, and the threat to public safety.

Ideally, this approach ensures that the bond amount is neither excessively punitive nor disproportionately lenient, aiming to balance respecting the defendant’s constitutional rights while also protecting the community. However, the data suggests that that bond amounts are often applied uniformly, without such individualized assessments. Following discussions between the District Attorney’s charging unit and the presiding judge regarding bond, conducted in accordance with the bond schedule and outside the defendant’s presence, the defendant appears at the initial hearing without legal representation. At the initial appearance, the judge reads the charges and typically approves the bond schedule with minimal consideration beyond the “recommended” bail amount. Even if the defendant raises concerns about their ability to pay, judges often dismiss these concerns and advise the defendant to address the matter with counsel. This not only raises concerns about fairness and equity in the justice system but also points to potential noncompliance with policy guidelines. Anything beyond what is reasonably calculated to meet the goals — maintainings community safety and ensuring the defendant appears in court — is unconstitutional.⁵⁰ Assuming money bail even incentivizes someone to appear at court, their financial situation would affect how much is necessary to ensure such an appearance.

⁴⁴ See *Pugh v. Rainwater*, 572 F.2d 1053 (5th Cir. 1978) (en banc); *Walker v. City of Calhoun*, GA, 901 F.3d 1245, 1259 (11th Cir. 2018), cert. denied sub nom. *Walker v. City of Calhoun*, Ga., 139 S. Ct. 1446 (2019); *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Rainwater* 572 F.2d 1053); *United States v. Vasquez Flores*, No. 19-4190, 2021 WL 3615366, at *4 (4th Cir. Aug. 16, 2021) (citing *Hernandez* 872 F.3d 976); *In re Humphrey*, 19 Cal. App. 5th 1006, 1043–44, (2018), approved in part, 472 P.3d 435 (Cal. 2020), and aff’d, 11 Cal. 5th 135 (2021) (interpreting both the California and Federal Constitutions); *Clark v. Hall*, 2002 OK CR 29, ¶6, 53 P.3d 416, 417 (interpreting OK Const. Art. 2, § 7, which states in-full, “No person shall be deprived of life, liberty, or property, without due process of law”); but see *Fields v. Henry Cnty.*, Tenn., 701 F.3d 180 (6th Cir. 2012)

⁴⁵ K.S.A. § 22-2802(1)(c); K.S.A. § 22-2802(8); *Stack v. Boyle*, 342 U.S. 1, 4-5 (1951); *Salerno*, 481 U.S. at 748

⁴⁶ Pretrial Justice Task Force Report to the Kansas Supreme Court, 7

⁴⁷ Pretrial Justice Task Force Report to the Kansas Supreme Court, 9

⁵⁰ See *Rainwater*, 572 F.2d at 1057; See *Boyle* 342 U.S. at 4-5. This language comes from cases under the Eighth Amendment’s “excessive bail” clause, which has not been squarely held to apply to states by the Federal Supreme Court. But see *Harmelin v. Michigan*, 501 U.S. 957, 962 (1991) (saying that the Eighth Amendment “applies against the States”); *Pilkinton v. Circuit Court of Howell Cty.*, 324 F.2d 45, 46 (8th Cir. 1963). The Kansas Supreme Court has stated ACLU of Kansas Hot Topics Series: Bail: Wealth-based Pre-trial Release that the Eighth Amendment applies against the states. *State v. Ruggles*, 297 Kan. 675, 679-680 (2013). The Kansas Constitution’s prohibition of excessive bail under § 9 of the Kansas Bill of Rights similarly requires consideration of individual circumstances, *State v. Foy*, 224 Kan.558, 562 (1978), and that bail be set no higher than necessary to meet the state’s end, *State v. Ruebke*, 240 Kan. 493, 498 (1987). The Fourteenth Amendment requires that a court consider alternatives that would fulfill the state’s goal. *Bearden v. Georgia*, 461 U.S. 660, 660 (1983); *Rainwater*, 572 F.2d at 1057. So, if the court does not consider whether lower bond would do so, it also violates the Fourteenth Amendment.



ACLU OF KANSAS POLICY RECOMMENDATIONS

Given the problems with money bail and certain policies surrounding it, we should consider alternatives.

As a starting point, there should be a strong presumption of pretrial release. In the United States, 81% of those sitting in local jails are legally innocent, meaning they have not been convicted of a crime.⁵¹ However, they remained detained and isolated from their communities and families due to baseless claims of increasing crime rates and the stigmatized notion of being “soft on crime”. A study by the Prison Policy Institute, found that pretrial release does not seem to meaningfully affect crime rates. After analyzing 13 jurisdictions before and after pretrial reforms, she found that all of these jurisdictions saw decreases or negligible increases in crime or re-arrest rates after implementing reforms.⁵²

Monetary bail reform is not only necessary in Sedgwick County, but it is also widely supported by the public. According to

a statewide 2023 poll conducted by the ACLU of Kansas, a majority of Kansas voters express concerns about disparities in the criminal legal system. Specifically, more than half of the respondents believe that the system imposes different standards of justice for the rich and the poor, effectively perpetuating inequality.

Furthermore, the poll reveals that nearly 70% of Kansas voters advocate for bail reform measures that would allow most people to return home on the same day of their arrest, provided they do not pose a flight risk or a danger to others.⁵³



**7 OUT OF 10 KANSANS
SUPPORT BAIL REFORM**

This substantial public backing underscores the urgency for policymakers in Sedgwick County to reevaluate existing bail practices, as the current system disproportionately impacts low-income individuals, exacerbating existing socioeconomic inequities. Implementing reforms to reduce reliance on monetary bail and increase pretrial release options could not only promote fairness but also align Sedgwick County's policies with the preferences of its constituents.

This proposal does not necessarily mean never imposing any conditions of bail. There are options aside from money bail; unsecured bonds, requirements to stay away from victims, rehabilitative measures, pretrial supervision, or any number of other conditions may help the defendant and/or community, when necessary, while lessening the financial strain on defendants and their families.⁵⁴

The ACLU of Kansas believes that the District Attorney of Sedgwick County can help further pretrial reform by issuing an internal office memorandum requiring that the District Attorney's office seek an Own Recognizance (OR) Bond for all defendants charged with nonperson misdemeanor and felony charges. Where aggravating factors exist that rebut the presumption of release on an OR bond, the District Attorney's office will recommend a cash bail amount that is reasonably tailored to the individual's ability to pay and individual circumstances.

This is not a new proposal compared to other counties and jurisdictions around the country. In 2018, the District Attorney's office in Philadelphia issued a memo to all individuals

representing their office, stating that they would no longer be pursuing cash bail for specified misdemeanors.⁵⁵ Similarly, the Los Angeles County District Attorney's office published a memorandum in 2020, stating that deputy district attorney "will not request cash bail for any misdemeanor, non-serious felony, or nonviolent felony offence".⁵⁶ Finally, the District Attorney of New York also published a memo in 2022 for his office stating that there would be "presumption of pretrial non-incarceration for every case", except those with violent charges, or class B felonies and serious public correction or economic crimes.⁵⁷ His memo goes on to state that any assistant district attorney must ask permission from supervisors when seeing pretrial detention or requesting cash bail.

Despite the complexity of bail policy, there is plenty that we can do to help make the presumption of innocence more real. Bail policy in Kansas is primarily set by statute, so legislators can improve it. As with any policy, we can reach out to elected officials and advocate for change. They should impose a statutory presumption of pretrial release and end money bail. We can also push judges and prosecutors to use their discretion responsibly. Magistrate judges have a lot of power in setting bonds. They rarely, if ever, need to impose money bail. Judges should avoid doing so as much as possible and should set bond to allow pretrial release except in exceptional circumstances. And, when money bail appears to be the only option, the amount required should be reasonably tailored to the individual's circumstances and ability to pay, to ensure that people are never incarcerated pre-trial merely because they lack funds to pay for their freedom.

⁵² Wanda Bertram and Wendy Sawyer, "What Does Bail Reform Look Like in 2023?" Prison Policy Initiative (blog), July 6, 2023, <https://www.prisonpolicy.org/blog/2023/07/06/bail-reform/>.

⁵³ American Civil Liberties Union of Kansas. "Kansas Voter Views of Key Criminal Legal Issues." FM3 Research. 2023.

⁵⁴ Pretrial Justice Task Force Report to the Kansas Supreme Court, 8-10

⁵⁵ Philadelphia District Attorney's Office, Philadelphia DAO Policy on Bail, effective February 21, 2018, <https://phillyda.org/wp-content/uploads/2021/11/DAO-Bail-Policy.pdf>. Philadelphia DA's Office

⁵⁶ George Gascón, Special Directive 20-06: Pretrial Release Policy, Los Angeles County District Attorney's Office, December 7, 2020, <https://da.lacounty.gov/sites/default/files/pdf/SPECIAL-DIRECTIVE-20-06.pdf>.

⁵⁷ Alvin L. Bragg Jr., Day One Letter: Achieving Fairness and Safety, Manhattan District Attorney's Office, January 3, 2022, <https://www.manhattanda.org/wp-content/uploads/2022/01/Day-One-Letter-Policies-1.03.2022.pdf>.

CONCLUSION

The data from Sedgwick County Jail offers a stark illustration of how the use of money bail contributes to a deeply inequitable pretrial system—one that penalizes poverty, perpetuates racial disparities, and undermines the presumption of innocence. In 2024 alone, thousands of individuals were held in jail not because they were found guilty of a crime, nor because they posed a danger to the community, but simply because they could not afford to pay their way out.

This report reveals that most people booked into the Sedgwick County Jail were accused of low-level, non-violent offenses, and the majority were eligible for release on bond. Yet for those who could not afford to pay, the consequences of pretrial detention can

be devastating: job loss, housing instability, family separation, and pressure to accept plea deals regardless of guilt. These harms are the price of freedom in Sedgwick County, and they ripple outward, affecting not only the individuals detained, but also their families, communities, and the broader public safety ecosystem.

The analysis of booking and bond data from December 2023 to December 2024 underscores the profound racial and gender disparities perpetuated by Sedgwick County's pretrial detention practices. Black residents, who comprise less than 10% of the county's general population, account for nearly one-third of the jail population—a stark overrepresentation that underscores

the racialized nature of pretrial incarceration. Black individuals are more likely to be charged, held on bail, held longer, and held on higher amounts. Women, who make up just over a quarter of the incarcerated population, face distinct and compounded hardships, from financial strain to exacerbated mental health challenges.

Financial data further highlights the excessive burden imposed by bail practices. With the average bond amount reaching \$104,290—an amount that far exceeds the median income in Sedgwick County—those unable to pay are forced to turn to bail bondsmen, paying non-refundable premiums that can equate to months of income. This cycle of debt and detention disproportionately affects economically disadvantaged individuals, effectively creating a two-tiered system of justice: one for those with financial means and another for those without.

The evidence presented here calls for urgent reform. Sedgwick County—and jurisdictions like it—must move away from reliance on money bail and toward more equitable, evidence-based pretrial practices. Tools like expanded pretrial services and non-monetary release conditions can help ensure that individuals are not jailed simply for being poor.

Despite guidelines that encourage individualized assessments based on flight risk, public safety, and financial capacity, the majority of cases result in the default bond amount, suggesting a systemic overreliance on the bond schedule. This pattern not only undermines the principles of fairness and equity but also raises questions about constitutional compliance, as financial circumstances are often

disregarded, disproportionately impacting low-income defendants. In response, the ACLU of Kansas recommends a shift towards pretrial release as the presumptive standard, echoing public sentiment that overwhelmingly supports bail reform. By implementing an internal memorandum advocating for Own Recognizance (OR) Bonds for nonperson misdemeanor and felony charges, the Sedgwick County District Attorney's office can take a significant step toward a more equitable justice system that prioritizes individual circumstances over financial capacity.

Ending wealth-based detention is not just a matter of justice, it is a matter of public safety, fiscal responsibility, and human dignity.

Ending wealth-based detention is not just a matter of justice, it is a matter of public safety, fiscal responsibility, and human dignity. The current system wastes public resources on unnecessary incarceration, destabilizes communities, and entrenches cycles of poverty and criminalization. Reform is both necessary and achievable.

As policymakers, advocates, and community members consider the future of pretrial justice in Sedgwick County, they must center the voices and experiences of those most impacted. The data makes clear what many already know: the time for change is now. Freedom is precious and priceless; in Sedgwick County, the time has come to stop pricing people out of membership in the community, out of opportunity and society, and out of freedom itself.

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