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978-1-107-13136-1 — The Bail Book

A Comprehensive Look at Bail in America's Criminal Justice System

Shima Baradaran Baughman

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## THE BAIL BOOK

Mass incarceration is one of the greatest social problems facing the United States today. America incarcerates a greater percentage of its population than any other country and is one of only two countries that requires arrested individuals to pay bail to be released from jail while awaiting trial. After arrest, the bail decision is the single most important cause of mass incarceration, yet this decision is often neglected since it is made in less than two minutes. Shima Baradaran Baughman draws on constitutional rights and new empirical research to show how we can reform bail in America. Tracing the history of bail, she demonstrates how it has become an oppressive tool of the courts that disadvantages minority and poor defendants and shows how we can reform bail to alleviate mass incarceration. By implementing these reforms, she argues, we can restore constitutional rights and release more defendants, while lowering crime rates.

Shima Baradaran Baughman is Professor of Law in the S.J. Quinney College of Law, at the University of Utah.

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CRIMINAL JUSTICE SYSTEM

SHIMA BARADARAN BAUGHMAN

University of Utah School of Law



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UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

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[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781107131361](http://www.cambridge.org/9781107131361)

DOI: 10.1017/9781316443194

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First published 2018

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloging-in-Publication data*

Names: Baughman, Shima Baradaran, author.

Title: The bail book : a comprehensive look at bail in America's criminal justice system / Shima Baradaran Baughman, University of Utah School of Law.

Description: Cambridge, United Kingdom ; New York, NY, USA : Cambridge University Press, 2018. | Includes bibliographical references and index.

Identifiers: LCCN 2017042278 | ISBN 9781107131361 (hardback)

Subjects: LCSH: Bail—United States. | Bail—Social aspects—United States. | Arrest—United States.

Classification: LCC KF9632 .B38 2018 | DDC 345.73/056—dc23 LC record available at <https://lccn.loc.gov/2017042278>

ISBN 978-1-107-13136-1 Hardback

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*“We can’t fix our broken criminal justice system until we take on the exploitative bail industry.”*

– Jay Z<sup>1</sup>

*“Bail reform could save American taxpayers roughly \$78 billion a year . . . [and] more important[ly], it would help restore Americans’ faith in our justice system.”*

– Senators Kamala Harris and Rand Paul<sup>2</sup>

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## Acknowledgments

I would like to express my deep gratitude to all those who helped me during the last several years in completing this work. I would especially like to thank Dr. Frank McIntyre for his excellent empirical work that is relied on in this book. My grateful thanks are also extended to Madeline Aller, Mitchell Alexander Tate, Shelby Shaw, Clarissa West, Thomas Lingard, Matthew Grow, Sean Romney, Zachary Williams, Keegan Rank, Alexis Keiko Juergens, Amanda Ulland, Lauren Martinez, Curt Trickett, Helena Jordan, Justin Fouts, Marina Marisol Pena, Mary Martinez-Spainhour, Nina Kim, James Perry Sanders, Darrin McGill, Amylia Brown, Emily Mabey Swensen, Alexander Williams, and Marina Pena for excellent research assistance in this book. I am thankful for the excellent people at Cambridge University Press, including my editor, John Berger, who believed in the project from the start, and Lisa Sinclair and Abirami Ulaganathan, for their excellent work on this book. I am also grateful to Professors Mehra Baradaran, Carissa Byrne Hessick, Laura Appleman, Christopher Slobogin, David Harris, Amos Guiora, Andrew Ferguson, Ronnell Anderson Jones, Andy Hessick, and Wayne Logan for their help in the early processes of preparing to write this book and throughout. Special thanks to Dean Robert Adler at the University of Utah for a Deans Scholar grant that helped facilitate my work.

I would also like to extend my thanks to the American Bar Association for the Restoring the Presumption of Innocence grant that has helped realize bail reforms I supported in several US jurisdictions. I am inspired by all of my great colleagues in the bail field for all of the amazing empirical and theoretical work they do: Douglas Colbert, Ronald Allen, Laura Appleman, Sandra Guerra Thompson, Sam Wiseman, Larry Laudan, Mark Miller, David Abrams, Jocelyn Simonson, Lauryn Gouldin, Sandra Mason, Megan Stevenson, Cherise Fanno Burdeen, Alec Karakatsanis, Tim Murray, Chris Griffin, Bryan Taylor, and Sturgeon Kennedy. And a special thanks to my

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Judge and mentor, Judge Jay S. Bybee and Judge Alex Kozinski for introducing me to the pretrial world during my clerkship and to my co-clerk Lexie White for the great work she has done in the courts to support improvements in pretrial rights for the poor. I would like to thank Patti Beekhuizin, Baiba Hicks, and Angela Turnbow at the University of Utah law school for their excellent editing of this manuscript and general helpfulness in supporting my scholarly work.

Finally, I wish to thank Ryan Baughman for his love, support, and encouragement as well as his substantive help with “our” book, Kian Baradaran Robison, and Darian Baradaran Robison for their perpetual kindness, hard work, and independence that allowed me the time to complete this book, and Milo Baradaran Baughman for holding my hand in the last few months of drafting. Special thanks to Heather Pabst Ward, Kamla Fennimore, Katherine Jepsen, Brooke Clayton Boyer, Geidy Achecar, Gary, and Marilyn Baughman for their encouragement during this process and input on the book. I would also like to thank my parents, Narima and Asad Baradaran, and my siblings Mehrsa, Hediye, and Darius for their support and kindness during the drafting of this book.

This research was made possible, in part, through generous support from the Albert and Elaine Borchard Fund for Faculty Excellence at the S.J. Quinney College of Law, University of Utah.