



EQUAL JUSTICE UNDER LAW

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Lawsuit Victory Brings Halt to Sacramento's Discriminatory Bail System

Sacramento, California – A monumental victory against the discriminatory use of cash bail was won this week as a court ruling brought a halt to Sacramento’s current bail system. *Welchen v. Sacramento* alleged that Sacramento’s policy of charging exorbitant pretrial bail amounts without accounting for arrestees’ ability to pay was unconstitutional. U.S. District Judge Nunley issued an order on September 5, 2023 finding Sacramento’s bail schedule to be in violation of the Due Process Clause of the Constitution.

Sacramento’s bail policy resulted in indigent arrestees being held in jail longer solely because they could not afford to pay their bail amounts, while wealthier arrestees charged with the exact same crimes could walk free. Cash bail systems confine 450,000 Americans on any given day, simply because they are poor.

This ruling means that no arrestees in Sacramento will be held in jail because they cannot afford their bail amounts. It also means that Sacramento officials can no longer use their former cash bail policy without making adjustments based on the arrestee’s financial status and other individualized determinations that are far more tailored to the intended purpose of bail, such as flight risk and public safety.

Equal Justice Under Law, the non-profit organization that filed this lawsuit in January 2016, challenges this type of wealth-based detention scheme in courts across the country. As the first organization to file successful cash bail lawsuits in multiple states, Equal Justice Under Law is widely seen as a leader on the issue, and is committed to ending cash bail across the nation.

Phil Telfeyan, Executive Director of Equal Justice Under Law, states, “Too many people and systems in power maintain price tags on freedom; being poor should not be a crime. The time is long overdue to stop the criminalization of poverty and live up to the legal system’s promise of equal justice under law.”

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Equal Justice Under Law is a legal nonprofit providing pro-bono legal services to those most in need. The organization is dedicated to achieving equality in our justice system by litigating against wealth-based discrimination. Since its founding in 2014, Equal Justice Under Law has filed 44 lawsuits in 18 states targeted at ending unequal practices in our justice system.