



ODYSSEYIMPACT!

TRAPPED
Cash Bail In America

Discussion Guide

Introduction

Every year, millions of Americans are incarcerated before even being convicted of a crime – all because they can't afford to post bail. How did we get here?

Trapped: Cash Bail in America shines a light on our deeply flawed criminal justice system and the activists working to reform it. This new documentary explores the growing movement to end the inherent economic and racial inequalities of cash bail while highlighting victims impacted by an unjust system, the tireless campaigners fighting for criminal justice reform, and a bail industry lobbying to maintain the status quo.

The following discussion guide invites viewers to think critically about the legal, economic, racial, and theological implications of the cash bail system.

Ivette Alé provides an overview of the **Economic and Social Impacts of Pretrial Detention**. When cash bail is set at an amount experienced as “excessive,” not only does it go against the United States Constitution, but it detains accused individuals for months or even years prior to trial. Alé demonstrates how this injustice disproportionately impacts Black and Latinx individuals and communities, and increases the likelihood of subsequent arrest.

Twyla Carter offers **Legal Reflections** on the cash bail system and evidences how the system often violates the Eighth and Fourteenth Amendments of the United States Constitution. Yet abolishing the system is not enough as some jurisdictions that have ended the use of cash bail rely upon algorithmic tools that perpetuate systemic racism and increase the funding and power of law enforcement.

Catherine Meeks advances **Reflections on Racial Justice** and aids viewers in thinking critically about the racial bias in the cash bail system. Meeks posits numerous discussion questions and engaging group activities that can help audiences to recognize the deleterious impact of the cash bail system from the micro- to the macro-levels.

Rabbi Lydia Medwin contributes **Jewish Reflections Informed by Sacred Texts**. Medwin uses the Torah and other sacred texts to provide a foundation for understanding of how the cash bail system goes against Jewish teaching and wisdom. She then posits ten reasons that cash bail is a Jewish issue that Jews, and other followers of the Abrahamic traditions, should be deeply concerned about.

Eric Barreto offers a **Sermon Guide Informed by the Christian Scriptures** as a foundation for those teaching and preaching about the injustices of the cash bail system. Barreto introduces key themes, key texts from the New Testament, and key theological trajectories that aid audiences in thinking theologically about how the cash bail system opposes the Kingdom of God.

Storm Swain acknowledges that films such as *Trapped: Cash Bail in America* impact our whole beings and can threaten viewers' psyche, particularly individuals who experienced trauma as a result of this unjust system. Swain offers **A Trauma-Informed Approach to Screening *Trapped: Cash Bail in America*** and guides hosts in creating a holding space, a suffering space, and a transformative space. With awareness and planning, Swain demonstrates how the film may be screened in a manner that honors and cares for those negatively impacted by the cash bail system as a means of healing and liberation.

Economic and Social Impacts of Pretrial Detention: Reflections on *Trapped: Cash Bail in America*

By Ivette Alé

Pretrial Detention

Pretrial detention is the incarceration of people who have been accused, but not convicted, of a crime. One of the fundamental tenets of the United States legal system is the presumption of innocence, yet, over 11 million people in the U.S. go to jail without being convicted every year. Since the 1980s, the U.S. jail population has more than tripled, and the primary driver of this jail boom is pretrial detention.

The costs of pretrial incarceration are innumerable. Absent a global pandemic, growing public health research had already documented the ways that pretrial incarceration harms individual, family, and community health.¹ Spending even one day in jail can be life-altering, costing a person their employment, housing, and even custody of their children. As *Trapped: Cash Bail in America* demonstrates, pretrial incarceration can be deadly. The film features the story of Sandra Bland, a 28-year-old Black woman who was incarcerated after a pretextual traffic stop,² and found dead in her cell three days later. As defendants await court hearings behind bars, they suffer from dangerous conditions, including inadequate medical care. These conditions, coupled with the threat of housing and job loss, empower prosecutors to coerce people into taking plea bargains just to get out of jail, whether or not they actually committed a crime.³ The Bureau of Justice Statistics estimates that 90-95% of both federal and state court cases are resolved through plea bargains.

Individuals who remain in jail pretrial are convicted at higher rates, sentenced to longer periods of time, and are more likely to be re-arrested than comparable, non-incarcerated defendants.⁴ A 2013 study analyzed over 150,000 bookings into a Kentucky county jail from July 2009 to July 2010. Researchers found that defendants detained pretrial were 1.3 times more likely to be rearrested within the next 24 months, when compared to similarly-situated defendants who had been released.⁵ This relationship was shown to strengthen over time; the longer a defendant was detained pretrial, the greater the likelihood of later arrest. Researcher Will Dobbie and colleagues analyzed criminal case outcomes and re-arrest patterns for 420,000 defendants in large, urban Philadelphia and Miami-Dade counties. Like research conducted in more rural court systems, they found that pretrial detention increases the likelihood of re-arrest.

Money Bail

Money bail, or cash bail, was originally implemented to create a financial incentive for a person who has been accused of a crime to return to court at a later date. Several forms of money bail are used in today's courts. The most common form is "surety bail bond," by which a person pays not the full amount but a fee (usually around 10% of the bail amount) to a commercial bail agent. That bail agent agrees to pay the full bail amount if the person fails to appear at a court hearing. The 10% fee is not returned to the person, and bail agents often require the person (or their friends and family) to sign over collateral to cover the full bail amount.

The United States and the Philippines are the only two countries in the world with a legalized for-profit bond industry.

Across the country, money bail is set at levels that are far too high for many people or their families to pay, creating a two-tiered justice system. This was the case for Brianna Noah, as featured in *Trapped: Cash Bail in America*, who was given a \$50,000 bail for a non-violent felony, despite being a first-time defendant. Like Brianna, many of the nearly half a million unconvicted people confined in jails on any given day are there because they cannot afford to pay bail, leaving them trapped in jail awaiting trial, sometimes for months or years. Meanwhile, wealthy people accused of the same crime can buy their freedom and return home. Even when low-income people are able to afford a surety bail bond, they will never get the money back regardless of the outcome of the case – even if the arrest was a case of mistaken identity and no charges were ever filed.

Defendants across the country face an impossible choice: sit in jail as the case moves through the system; pay a nonrefundable fee to a for-profit bail bonds company; or plead guilty and give up the right to defend themselves at trial.

The burden of pretrial incarceration on Black and Latinx families is particularly staggering. An analysis of New Orleans by the Vera Institute of Justice concluded that 8 in every 10 people who remain incarcerated simply because they cannot afford bail are Black.⁶ As shown in *Trapped: Cash Bail in America*, William Evans was incarcerated in New York's notoriously violent Rikers Island for nearly a year simply because he could not afford his \$7,500 bail. In Los Angeles, researchers from UCLA's Million Dollar Hoods Project concluded that Latinx and Black residents paid 73% of all non-refundable bail bond deposits between January 1 and December 31, 2017.⁷

In 2017 alone, over \$3.6 billion in money bail was levied against defendants and 86.1% went unpaid.⁸

In addition to the costs of pretrial incarceration on the accused, taxpayers also carry a heavy burden. Los Angeles County has the largest jail system in the country, costing its taxpayers an average of \$175.33 per incarcerated person per day.⁹ With an average daily pretrial population of 7,650 people, this translates to nearly half a billion dollars a year for pretrial incarceration in Los Angeles alone.

New Orleans has a significantly smaller jail system than Los Angeles County, yet, the per capita cost of incarceration is comparable at a rate of \$169 per person per day, amounting to \$76 million in operations costs per year.¹⁰ In Ohio, research by the ACLU concluded that pretrial incarceration costs the state between \$300 to \$400 million each year.¹¹

When considering the large number of people who are incarcerated without sufficient evidence, the wastefulness of pretrial incarceration becomes even more acute. According to Human Rights Watch, from 2011-2015, police in California made almost 1.5 million felony arrests. Of those, nearly half-a-million people were arrested and jailed but never found to be guilty of any crime. An analysis of all bookings into jails in Alameda, Fresno, Orange, Sacramento, San Francisco, and San Bernardino Counties for 2014 and 2015 found that the total cost of jailing people never found guilty of any crime was about \$37.5 million over the two years.¹²

The fiscal impacts of pretrial incarceration are clear: it is costly for those targeted by criminalization, for their families and communities, and for taxpayers, while the bail bonds industry profits from criminalization and incarceration. But what Trapped: Cash Bail in America also lays bare is that systemic racism and the criminalization of poverty are the drivers of pretrial incarceration.

In the opening to *Trapped: Cash Bail in America*, we see footage of the mass uprisings that swept the nation in response to the murder of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless other Black people at the hands of law enforcement. The film demonstrates that the connection between criminalization, policing, and incarceration are inextricable. Elected officials set the policies that criminalize marginalized people, police punitively enforce those policies against communities of color, and judges wield their unchecked discretion to assign exorbitant bail amounts and mechanically convict without due process.¹³ There is no question that the bail bonds industry is a parasitic, opportunist industry on an already unjust system. But the drivers of incarceration are the policies and the decision makers that empower that very system. As the demands to end money bail reverberate around the country, it is equally, if not more important, to address the drivers of incarceration as we move to reform the system.

Pretrial Reform

Pretrial reform that eliminates the current wealth-based system, and also addresses the drivers of incarceration, can dramatically improve millions of lives and save counties billions of dollars. But while there is wide consensus that bail reform is needed, there's disagreement about what it should look like. California Proposition 25 aims to uphold Senate Bill 10 (SB10), which was featured in the film, as a solution to the cash bail system. SB10 ends cash bail, but replaces that system with crime predictive algorithms, increased law enforcement surveillance and more judicial discretion. Experts at MIT, Harvard, and other leading academic institutions argue that these algorithms are racially biased and exacerbate already existing injustices in the system.¹⁴ There is also a risk that in lieu of money bail, too many people may be unnecessarily assigned onerous forms of supervision, such as electronic monitoring, which advocates argue can be nearly as punitive as being in jail.¹⁵

Additionally, *Trapped: Cash Bail in America* vividly demonstrates the key role judicial discretion plays in pretrial incarceration. The Bail Project founder Robin Steinberg points out in the film, “judges don’t have to take the recommendations of prosecutors in setting cash bail. This problem could go away tomorrow if judges just exercised their discretion and began to release people.” Most judges, however, are former prosecutors, and have historically used their discretion to preventatively detain the accused. Policies like SB10 expand the power of judges to detain people without a conviction. These proposed solutions to money bail reinforce the very system that enabled the bail bonds industry, while creating and expanding new private industries, such as the tech companies that create predictive algorithms and sell electronic monitoring devices, replicating the bail bond model for the 21st century. There are varying proposals across jurisdictions, but these are the main elements that advocates tend to agree on: 1) ending money bail; 2) releasing the majority of people as they await trial with no conditions except making all court appearances; and 3) increasing the use of “pretrial services,” such as transportation to court appointments and texted court reminders, which studies have shown can significantly improve court appearance rates.

Discussion Questions

1. What is something new you learned about money bail that you hadn’t previously considered?
2. How did it feel to hear the stories of Brianna Noah and William Evans and the impact of pretrial incarceration on their families?
3. How did watching judicial behavior in the courtroom influence your perspective on judges?
4. *Trapped: Cash Bail in America* demonstrates that money bail creates an inequitable system. What do you believe would be an effective alternative to bail based on what you learned?

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Legal Reflections on *Trapped: Cash Bail in America*

By Twyla Carter

“I am a survivor. I made it through so many things that I ... I could put them all out there, but you don’t have time to wait. But I made it through incarceration. I made it through [inaudible] ... \$55,000 just keeping me there. They knew I wasn’t guilty. I did a whole year. There shouldn’t be a bail to put people in cages.”

This bold speech made by one of the disrupters in *Trapped: Cash Bail in America* accurately describes how wholly ineffective the criminal legal system is at ensuring justice for all.

“76% of the people that are being held in our local state jails across this country, are being held there before they have been convicted of a crime. They’re being held there pretrial.”

When someone is accused of committing a crime, even a serious violent crime, they are innocent until proven guilty. While the government always has the full burden of proof, the reality is that 95% of all criminal cases end with a guilty plea. The primary reason people plead guilty instead of making the government prove their guilt at trial is because they need to get out of jail. Nearly 500,000 people are detained in local jails every night because they cannot afford to pay bail on a nonviolent charge for which they are held pretrial. The criminal legal system neither ensures public safety nor does it hold people accountable for their alleged crimes. The high conviction rate does not prove that people are guilty; rather it only proves that people are too poor to defend themselves from a position of freedom.

Litigation can be a powerful and necessary tool for permanent and transformative change to the criminal legal system. It does not matter if a person is accused of a nonviolent crime for which the person is innocent or a serious violent crime for which the person is guilty, there cannot be two systems of justice: one for the haves and one for the have nots.

Trapped: Cash Bail in America highlights how effective class action litigation can be in challenging the use of cash bail. The Eighth Amendment of the U.S. Constitution prohibits the imposition of excessive bail. However, challenges to pretrial detention where bail is based on wealth are typically raised under the Fourteenth Amendment because jailing people who cannot afford to pay cash bail, without meaningful consideration of other possible alternatives (i.e., daily or weekly in-person or telephone reporting), infringes on both due process (fair treatment according to established rules and principles) and equal protection requirements. In many jurisdictions around the country, people are in jail because they cannot afford to pay a predetermined amount of bail set by a preprinted schedule (a “bond or bail schedule”). These preprinted schedules contain a list of crimes and an arbitrary dollar amount associated with each crime. The crime for which a person is charged then dictates how much money they must pay to get out of jail regardless of their financial circumstance.

The result is that many people then stay in jail because the bail hearing does not uphold fair treatment according to the intent of the Constitution. In many jurisdictions around the country, a bail amount is set or adopted by a judge (if there is a bond or bail schedule) in a hearing that is not accessible to the public, lasts mere minutes, and where the accused person is not represented by a lawyer. Oftentimes the judge neither considers less restrictive alternatives to jail nor puts the reasons for the decision on the record – a decision that should be based on clear and convincing evidence. Furthermore, accused persons are often not provided with notice of an upcoming bail hearing so they can adequately prepare a response to the government’s allegations. There is no opportunity to promptly appeal a judge’s release decision so people remain detained with no meaningful opportunity to get out of jail before trial, which greatly increases the likelihood that they will plead guilty.

Legal claims against the cash bail system seek to vindicate two substantive federal rights: the right to a wealth-based bail determination that takes into account the accused person’s economic situation, and the right not to be detained pretrial unless the government proves the accused person poses a significant threat to others.¹⁷

Additionally, the Sixth Amendment¹⁸ of the United States Constitution and the U.S. Supreme Court guaranteed the right to effective assistance of counsel;¹⁹ therefore, lawyers must be provided at a bail hearing to those without financial means for representation. Certainly, all of the people featured in *Trapped: Cash Bail in America* who were in jail advocating for themselves to the judge could have benefited from having assistance of counsel. Moreover, because half of the jail population has a disability, legal claims may also include a challenge pursuant to Title II of the American Disability Act (ADA) and Section 504 of the Rehabilitation Act, which requires the court to consider an accused person’s cognitive, physical or other disabilities and make appropriate reasonable modifications so that they can participate fully and equally in the bail hearing. And as shown in the film, many bail hearings are held inside courtrooms in the jail hidden from public scrutiny. Therefore, legal claims may also include a First Amendment challenge for bail hearings that are held behind closed doors in violation of a right to access open courts.

While litigation is an effective weapon used in the fight to end the use of cash bail, we must critically evaluate what comes next. Some jurisdictions that have ended the use of cash bail rely upon algorithmic tools that don’t account for systemic racism, conflate needs and risks, and increase funding and power for law enforcement by expanding probation departments and surveillance capabilities. Transformative changes to our pretrial detention system require a reimagining of how we address social justice issues and hold people accountable. We must invest in community-based alternatives to incarceration by empowering directly impacted communities to create or enhance existing support services and come up with effective responses to violence and other harm. We cannot continue to put people in cages and place a dollar amount on their freedom.

The cash bail system is flawed when a person with access to money and resources, who is accused of a violent crime and might actually be a danger to the community, can buy their freedom, but a poor person like Brianna Jo Noah, the mother of two young boys, featured in the film, who was accused of possessing someone else's driver's license, cannot. "What the data shows is that 2.5 million people a year are held in jail cells on cash bail. The numbers are enormous, and it is why it is really becoming a human rights crisis in this country." As *Trapped: Cash Bail in America* so expertly proves, we must end the use of cash bail.

Discussion Questions

1. How do you feel when you learned that Black and Latinx defendants receive bail amounts that are twice as high as those set for White defendants? What was your reaction to learning that 25% of Black defendants are more likely to be detained because of cash bail? Does this stark racial disparity show us anything about whiteness and criminality or white privilege or both? What must be done to end the racial disparity? [These questions are grounded in the following segment of the film: 00:24:00 – 00:25:24]
2. What was your reaction to watching the bail hearings in Harris County? Did you notice Black woman in jail who said that she was homeless and then plead guilty to the charge of not having her child in school? What about the Black woman who had her bond raised from \$1000 for possessing less than 2 ounces of marijuana to \$2000 because the judge did not like her response? How do these examples differ from the hearing of the White man who told the judge that he had an upcoming custody hearing and the judge lowered his bond? [These questions are grounded in the following segment of the film: 00:46:44 – 00:48:33]
3. What was your reaction to hearing from the bail bond industry? Do you think they are providing a service or a disservice to low income people in the criminal legal system? Why or why not? How did you feel when you learned that the United States and the Philippines are the only countries that permit a for-profit bail bond industry? What was your reaction to learning that, in 2016, American bail bonds companies made \$3 billion? [These questions are grounded in the following segment of the film: 00:31:45 – 00:34:33]
4. How can lawyers and grassroots organizers work together in your jurisdiction to bring about permanent and transformative change to the criminal legal system? Who should lead the effort? The lawyers or the grassroots organizers? [These questions are grounded in the following segment of the film: 00:18:43 – 00:19:38]
5. If your jurisdiction eliminated the use of cash bail, what types of community-based programs would help ensure that people accused of a crime will return to court and will not cause harm in the community pending the resolution of a criminal case? [These questions are grounded in the following segment of the film: 00:40:10 – 00:42:12]

16. *Bearden v. Georgia*, 461 U.S. 660 (1983).

17. *United States v. Salerno*, 481 U.S. 739 (1987).

18. The Sixth Amendment guarantees the right to counsel for “[a]ll criminal prosecutions” and that guarantee of counsel extends to all “critical stages” of the prosecution.

19. *Rothgery v. Gillespie Cnty.*, 554 U.S. 191 (2008).

Reflections on Racial Justice and the Cash Bail System

By Catherine Meeks

Trapped: Cash Bail in America brilliantly portrays several layers of the great challenge that faces the United States as we make an effort to reform the manner in which we address crimes and those who commit them. One of the most pressing issues is systemic racism and the way in which it is woven into every aspect of the United States cultural narrative and the systems that support daily life. Along with this destructive narrative is the long term belief of the supremacy of white skin which is manifested across most spectrums of our society and leads to devaluing those who are poor.

The United States is constructed upon the indefensible idea that some people are more valuable than other people simply because of skin color, which is a part of the legacy of slavery. This notion supports the conclusion that Black and Brown community members are less important than White community members and deserve to be treated with less respect, to be over policed, and to be punished unfairly by the judicial system. This notion causes 25% more people of color to be required to pay cash bail than White people. The investigation into the ways that this is demonstrated by the cash bail system lies at the heart of the issues raised in *Trapped: Cash Bail in America*. This is the foundation that makes it possible to create such systems that put Black and Brown people as well as poor people in positions to be treated as if they are less human than White people.

This denigrating system is accompanied by an inordinate desire to punish those suspected of breaking laws. The foundation of the criminal court system is grounded in this attitude which results in a greater focus upon punishment than rehabilitation. Unfortunately, this attitude seems to prevail in many faith communities, though one would hope to find grace and a willingness to give a second, third, or fourth chance to persons seeking forgiveness. What is the role of mercy in the punitive system of mass incarceration in the U.S.? If mercy could more often enter into discussions of judgment and sentencing there might be greater compassion and care for those put in our jails and prisons. Truly everyone is more than the worst thing that they have done. All human beings are multi-faceted and complex, and all human beings deserve to be treated in ways that allow their dignity to be affirmed.

Trapped: Cash Bail in America detailed current legislative efforts to reform the cash bail system, for example Senate Bill 10 (SB10) in California. The testimony of those in the cash bail industry evidenced how too often economic interests determine what is “just,” even in circumstances when all parties will experience negative impact. It would be painful for bail bonds people to close their businesses and have to begin again, and as evidenced in the film, the industry in California employs many women and persons of color. However, does it make sense to continue to maintain a system that hurts thousands of our fellow siblings so that bonds people do not have to change? Is it possible that thoughtful people, who are seeking to work for justice and respecting the rights of all people regardless of their racial heritage or economic status, might be able to imagine other ways to solve the issue of getting folks back to court on their assigned court dates?

Discussion Questions

1. *Trapped: Cash Bail in America* includes a scene wherein judges set bail. We see a judge raise a woman's bail from \$1000 to \$2,000. What implicit or explicit biases do you think guided this judgment? In what ways did you see bias, racial or otherwise, influence the cash bail system as depicted in the film?
2. Brianna Noah was arrested for using someone else's driver's license and her bail was set at \$50,000. She was a first time offender. Her bail was reduced to \$5,000, which she was still unable to pay, and finally she was released on recognizance (ROR). What are your thoughts about this process and the manner in which the bail amount fluctuated? What does it demonstrate about how bail is determined?
3. What role do you think the desire to punish folks for wrongdoing plays in the cash bail system?
4. *Trapped: Cash Bail in America* shows the negative impact cash bail has upon poor folks regardless of their skin color. What do you think would be a better system for ensuring that folks show up for trial after being released from jail?
5. If you were arrested and could not pay your cash bail, how would you wish to have the issue resolved?
6. The Eighth Amendment states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Is bail set at \$50,000 for low-level, nonviolent, law breaking excessive? Should determining what is "excessive" depend upon one's class or income?
7. The Fourteenth Amendment gives people the right not to have their rights taken away before a conviction. Cash bail causes people to have their freedom taken prior to conviction simply because they are poor. What are your thoughts about such a practice? What can faith-based groups do to prevent this from happening?
8. One of the defendants in *Trapped: Cash Bail in America* stated, "There is no life behind our name in terms of the court." What does she mean? Do you think that the life of those who are held in jail for indeterminate amounts of time because they cannot pay cash bail are considered less worthy than the lives of other U.S. residents?
9. Cash bail adversely affects poor people and people of color. *Trapped: Cash Bail* demonstrates that people of color are 25% more likely to be detained than White people and their bail set at a higher rate. What are your thoughts about the role of racism in the cash bail system?
10. Discuss why the amount of cash bail is different for people of color and women than for White men?

Activities for Further Exploration

1. Divide the viewing audience into small groups of 3-4 persons and have them complete the following task. Make a list of five alternatives to cash bail that would allow people accused of nonviolent offenses to leave jail until the time of trial. Once the list is made, each small group should present their list to the larger group. The larger group will then discuss the lists in an effort to determine one list of five alternatives to the cash bail system. The large group should then reflect upon the process and what they learned by engaging it. [Estimated activity time = 20 minutes]
2. Divide the viewing audience into pairs of two and invite each person to select a “key player” in the cash bail system whose perspective they can adopt – defense attorneys, judges, prosecutors, defendants, bail bonds people, or family members. For eight minutes, the pairs should discuss how they, in their selected role, view the cash bail system. This activity allows the viewing audience to empathize with, or step into the shoes of, key players at all levels of the system. Facilitators might find it useful to write short descriptions of each key player on index cards that will aid the pairs in thinking critically about the complex roles individuals play in the cash bail system. Reconvene the large group and invite participants to share about their individual choices. [Estimated activity time = 45 minutes]
3. Organize a debate around the following proposition: **Cash Bail is a detriment to hundreds of thousands of individuals in the U.S. because they cannot pay the amounts that are demanded from them, and thus it should be abolished.** Divide the viewing audience into small groups of three persons. Assign each group the the position of “pro” or “con” in response to this proposition. Groups should draw upon the information presented in *Trapped: Cash Bail in America* and, if they have access to smart phones, should be permitted to do simple research on the matter.

Each group will have fifteen minutes to prepare their argument. A “pro” group will then be matched with a “con” group and they can stage their debate. After this is completed, the entire group can engage in reflective conversation about the arguments and how this influenced their perspectives. [Estimated activity time = 1 hour]

4. Create a panel comprised of five members of the viewing audience. These five individuals will assume the roles of: 1) Brianna, 2) Brianna’s mother, 3) Brianna’s father, 4) the judge, and 5) a bail bonds person who refuses assistance to Brianna’s family as they do not have necessary collateral (this is fictional and not in accordance with the film or Brianna’s story). Assign a moderator to oversee the panel. Each panelist should present their perspective on the situation. The moderator can then field questions from the audience that further explore each individual’s experience in the case. The point of the exercise is to understand the complexity of the cash bail system and its impact on Brianna and her family. Allow the panel presentations and Q&A to continue for around 30 minutes. Then spend time debriefing about the ideas presented and have the group brainstorm alternatives to creating such hardship for Brianna and her family. [Estimated activity time = 45 minutes]

A Trauma-Informed Approach to Screening *Trapped: Cash Bail in America*

By Rev. Storm Swain, Ph.D.

Documentary film screenings engage the visual, auditory, emotional centers of the brain for everybody, and, as a screening host, it is important to be aware that the topic of a documentary is likely to relate in some way to the lived experience of persons in the room. An audience member experiences both the **content** of the film, and the **context** of a film screening. During a screening, a person who has experienced traumatizing experiences may be triggered by the documentary, and their bodies may experience a fight, flight, or freeze response.

Anyone could be a survivor of traumatic experience, and not everybody's trauma response looks the same. Trauma does not mean someone is sick or weak; it means that someone is both a survivor and is vulnerable. With the right conditions, traumatic experience can be addressed, worked through, metabolized, healed, and provide an impulse for social change and personal growth.

Odyssey Impact has prepared suggestions for taking a trauma-informed approach to your screening of *Trapped: Cash Bail in America*. In engaging any documentary film, we need to attend to the three following spaces:

1. The Holding Space: The host should build trust and establish safety before a screening to create a space that is as safe as possible for all audience members.
2. The Suffering Space: Audience members who identify with subjects of the film may find themselves grieving losses anew for others, for whom the subject material may be new, empathy with the suffering of others can foster accountability and inspire action in new ways. Hosts need to be open to audience members experiencing the film in different ways.
3. The Transforming Space: Through solidarity and discussion, hosts can help engage audiences to reconnect with the ordinary goodness of life and community, through compassion and action.

The following sections offer hosts the opportunity to think critically about how they can seek to cultivate spaces that attend to audience members' traumas with compassion.

1. The Holding Space

Traumatic material warnings are not enough when the subject is in the room. When screening a documentary that contains emotionally provocative content, we need to be conscious of the likelihood that audience members may have experienced or witnessed, or been connected to someone, who has experienced the situation or similar to that being screened. This trauma-informed reality needs to shape our awareness, attitude, and actions before, during, and after a screening.

As a host, we need to attend to the context of a screening to make the experience of the content something that can be witnessed and processed in ways that are not overwhelming. The Holding Space is both environmental and relational, which in a trauma-informed approach seeks to establish a safe space for gathering, viewing, and discussing a documentary film, in a way that may lead to post-traumatic growth (small or large) rather than re-traumatization.

A trauma-informed approach seeks to build, even before the viewing of the film, a relational holding space that reminds people that they are not isolated, but in community, and it is okay to be vulnerable. Cultivating a holding space informs audiences that there are trusted others and intentional actions they can take to prevent or cope with being overwhelmed.

Knowing that a documentary engages almost all the sensory areas of the brain, attention to the sensory experience surrounding the film is important. For those with a history of trauma, this may be crucial in making the screening a safe space. For screenings in settings like educational institutions, community organizations, or houses of worship, this would mean attention to seating, lighting, sound, entry and exit, distractions, bathrooms, food and drink, etc.

The space should be set up well before attendees arrive, and the screening team should familiarize themselves with the space, and work out a plan before a screening, which includes decisions like - what lights to turn off first/last, and what to keep on.

Ideally, you would want to have a screening in a room that can be darkened but with some visible light for people to orient themselves when looking away from the screen, and safe enough to see to leave the room while the documentary is playing. Ideally the room should have multiple exits, and the seating should be set in a way that people can choose to leave their location without drawing too much attention to themselves.

If feasible, there should be a space adjacent to the room where the film is to be screened that people can be without leaving, perhaps with water and food, which provides normality and agency. This may also be a good space for quiet conversation.

It is important to research appropriate local resources for support, referral, and calls to action. If there will be outside presenters, especially representatives for support, it is critical to have these individuals introduced by local trusted persons. This will contribute to setting the scene, or framing the space before starting to play the documentary.

It is important to frame the screening well, through:

1. Building Trust by sharing identity and identification in context. For example: “Welcome to... [location]. I am...[Name and title]. You will notice, as you look around the room, that available exits are... and in case of an emergency exits are... [orienting to the physical space]. Bathrooms are... and there are [beverages/and appropriate food (e.g. not popcorn)] available [in another location]. This screening is of... [name of film and brief public description]. It is produced by/or shown in partnership with... [name of organization, with brief content of mission].”

Those framing the space would do well to make comments inclusive and not objectify those with a trauma history. For example, “Those of us who...” rather “Those of you that have experienced...”

2. Establish Safety by providing a road map that tells people what is going to happen and orienting them to the context. For example, “Our plan is to... [screen, provide space, panel/discussion/etc.]. I encourage you all to take care of yourselves, monitor your response, and if you feel overwhelmed, get re-grounded with your feet flat on the floor, look around and check out your surroundings, including behind you. You may find it helpful to consciously breathe in and out, three times, making sure you breathe out for one count longer [as that activates the parasympathetic nervous system].”

2. The Suffering Space

A trauma-informed approach recognizes that many more persons are survivors of traumatic experiences than may have been diagnosed with post-traumatic stress disorder. Beyond those who have suffered events that could have caused a loss of life, serious injury, or some form of sexual violence, many have survived other potentially traumatizing events, adverse childhood experiences, or a series of continual threats that have overwhelmed their physical, psychological, social, and spiritual resources to cope against such a threat or event.

For those who have not had the benefit of trusted others with whom they could share, remember, and work through the thoughts, feelings, and reactions associated with the traumatic experience, there may be a greater risk of being unconsciously triggered by a sight, sound, or other circumstance in a documentary film. This may activate the traumatic experience and risk re-traumatizing the person. Even those who have had the privilege of working through trauma can also be surprised and triggered unexpectedly.

Several practices can mitigate against being unexpectedly triggered, and other practices can help when it happens. In fact, a number of trauma survivors find it helpful to be able to experience the sense of solidarity with those who have suffered similar circumstances, and not only “lived to tell the tale,” but have allowed their story to be a gift of survival to others. They also may find it helpful to face their feelings in a safe space, in a gradual way, without becoming overwhelmed.

Cultivating a suffering space in which to view *Trapped: Cash Bail in America* can be aided by the following ten suggestions:

1. A screening is not therapy, therefore, practices around a screening must be appropriate to the context. Whether a screening is in a classroom, community center, or house of worship, any suggested intervention or practice is best offered generally to the group as information or education, and no one should be compelled to participate, nor singled out to disclose any traumatic history before or afterwards.
2. A brief explanation of what to expect by a trusted person, or someone who seems trustworthy, can go a long way towards countering an unexpected and unconscious response. This is best done in a non-anxious way where the presenter is settled or grounded in their own body, in touch with their emotions, and will not communicate anxiousness to the viewers.

3. When screening documentary films that focus on personal or communal violence, it is a good practice to have an experienced supportive community resource person, such as a local clergy person or a mental health professional, available for informal conversation should someone be triggered unexpectedly by the film's content. It is to be expected that some members of a group may self-select not to view a film they know might trigger traumatic associations. Oftentimes, knowing that they have the choice not to stay, or there is someone there to speak with should they experience distress, are other factors that make viewing a documentary feel safer than would be the case without these possibilities. Even when a support person may not be used, it does not mean their presence is not valuable.
4. Many people watching a documentary will have a strong emotional response, which is not uncommon or undesirable. Being triggered is an instinctual response that can precede emotion when a person unconsciously perceives they are under threat, perhaps in the same way they encountered during a traumatizing experience. They may react by wanting to (or actually) fleeing, getting ready to fight, or freezing up, and feeling incapable of action. These are all common ways our body instinctually copes with threat. Also, common are a crying out for those who could offer protection, or an instinctual reaching out for those in their care (this response is often called the "tend and befriend" response). The key thing to note is that these responses are faster than thought, and even emotion, and therefore do not necessarily seem rational or connected to present reality. These adaptive survival responses were necessary when they needed them, but when they remain, they can become emotionally destabilizing and demoralizing to the survivor.

Many people who experience "triggers" of reactivations of trauma become quite adept at managing or predicting them, and others may not know they are in distress. If a person self-discloses or is noticeably triggered by traumatic content, such as being unable to move after a screening, or in a discussion group, or leaves the room during the film, it is often helpful for a support person to sit or stand near them, without intruding on their intimate personal space (establishing safety).

Keeping at that person's same level or below, keeping a calm, firm, and non-anxious tone, and grounding yourself may be helpful. Knowing that a traumatic reaction can both precede and interfere with thought, it is helpful to either introduce yourself or remind them who you are, and what your role is, where you are (orienting them to the present), and what you plan to do (building trust).

For example, "Hi [name]. I'm [my name] from [organization], here for the screening of [film,] here at [location.] You look a little overwhelmed, so I'm going to sit here with you for a while, if that's okay, and just keep talking for a bit. You don't need to answer, but you look like you're holding your breath, and you may find it helpful to just take a big breath, and blow it out [modeling such breathing yourself]."

5. Keep interventions focused on the here-and-now, coping with and orienting to the present rather than exploring the past. You do not need to know what triggered the reaction, and any later question should be open-ended and invitational. For example, “Do you want to tell me what’s going on with you here?” It is okay if they don’t want to talk, or aren’t ready to do so.

Responses can range from flashbacks and other forms of re-experiencing to dissociation, where a person feels cut off from emotion, sensation, or may even feel disembodied. It may be helpful, if possible, to assess whether the person is experiencing too much or very little. If you are alongside someone whose coping resources are (temporarily) overwhelmed, it can be easy to feel anxious yourself.

6. Grounding yourself is part of being alongside someone who needs to be grounded. Whether a person is feeling too much or very little, it is helpful to direct their awareness to their here-and-now sensory experience. For example, “I’m wondering if you can hear my voice/ feel the seat beneath you and at your back (orienting). It would probably be helpful to open your eyes and notice that…” “You might find it helpful to flex your feet, and push them into the floor a bit, so you can feel the ground solid beneath you.” “How about we take three deep breaths, and blow some of the stress out (grounding)?”

It is important that you do not presume you can touch the other person, even if your intention is to give them a supportive hand-on-the-back or arm. You do not know how touch was connected to the traumatic experience and you do not know how touch will be received or interpreted.

7. When someone who has experienced a traumatic trigger is able to talk, continue to affirm their agency and orient them to the current reality through questions that help them move from that instinctual reaction, and regulating their emotional experience, to thinking about what is next. For example, “Would it be helpful for someone to get you a glass of water?” to “What do you need, here and now?”
8. It is not appropriate for a untrained person to delve into the content of someone’s traumatic experience as this may risk re-traumatizing them. However, they may wish to share something of their story and have you respectfully listen, and witness this, and affirm their ability to cope.
9. When it seems appropriate to start orienting to “What’s next?”, it is helpful to assess resources in the person’s life to process their experience. For example, “Who do you have that you can talk to about what happened here?” If they do not have anyone, then referral to a local resource (mental health practitioner, trusted and experienced clergy person, etc.) may be called for.
10. Orienting the person to leaving is a helpful way of engaging their own ability to care for themselves. For example, “What will you do today/tonight after you leave here?” “What might you do to take care of yourself?” “What do you need to do to be ready to leave?” Some way of closing the conversation is helpful for both of you. “I trust that you’ll do what you need to do to take care of yourself. All strength to you. I’ll let you collect yourself before you go. Bye, now.”

3. The Transforming Space

If you are able, start to turn the lights up slowly behind the viewers first, rather than turning them on all at once and startling those who may be still drawn into the experience of the documentary. If you have to turn lights on all at once, give people a verbal warning before you do so.

Moving into the central place to address the viewers, it is helpful to take a large breath – in and out - (or three) before you begin talking. This communicates taking care of yourself, and grounding yourself in the moment. Reaffirm the road map or plan of engagement that you outlined at the beginning of the movie to remind people or inform latecomers. Reaffirm the choice to stay or leave, and the ability to take a break before discussion may start.

A trauma informed approach to viewing *Trapped: Cash Bail in America* seeks to build a safe holding space with trustworthy people to facilitate the process, attend to suffering that arises, and discover life-giving transformation in community and conversation in an effort to build resilience in individuals and communities.

Suggested Readings

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