Description: On any given day, approximately 500,000 individuals are in pretrial detention in the US, held in local jails not because they are considered a flight risk or a public safety risk, but because they are poor and cannot afford bail or a bail bond. While research has shown that almost all people detained pretrial eventually plead guilty, there has been no attention to what may be the most ethically egregious aspect of pretrial detention: the pretrial detention of people who are ultimately not determined to have committed a crime. In this talk, I draw on the experiences of people who were jailed anywhere from a few weeks to several months to shed light on this phenomenon and, in so doing, question contemporary legal definitions of the presumption of innocence and punishment.

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