

Recent Research on Cash Bail and Pretrial Detention

Paul Heaton

Presentation for the Special Committee on
Criminal Justice Reform

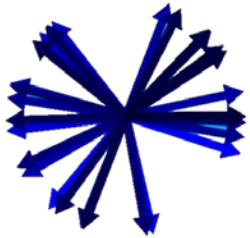
September 12, 2016



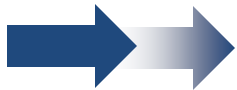
New Research Demonstrates Pretrial Detention Has Far Reaching Effects

	A	B	C
1	145		
2	657		
3	987		

Large, contemporary datasets with tens or even hundreds of thousands of cases

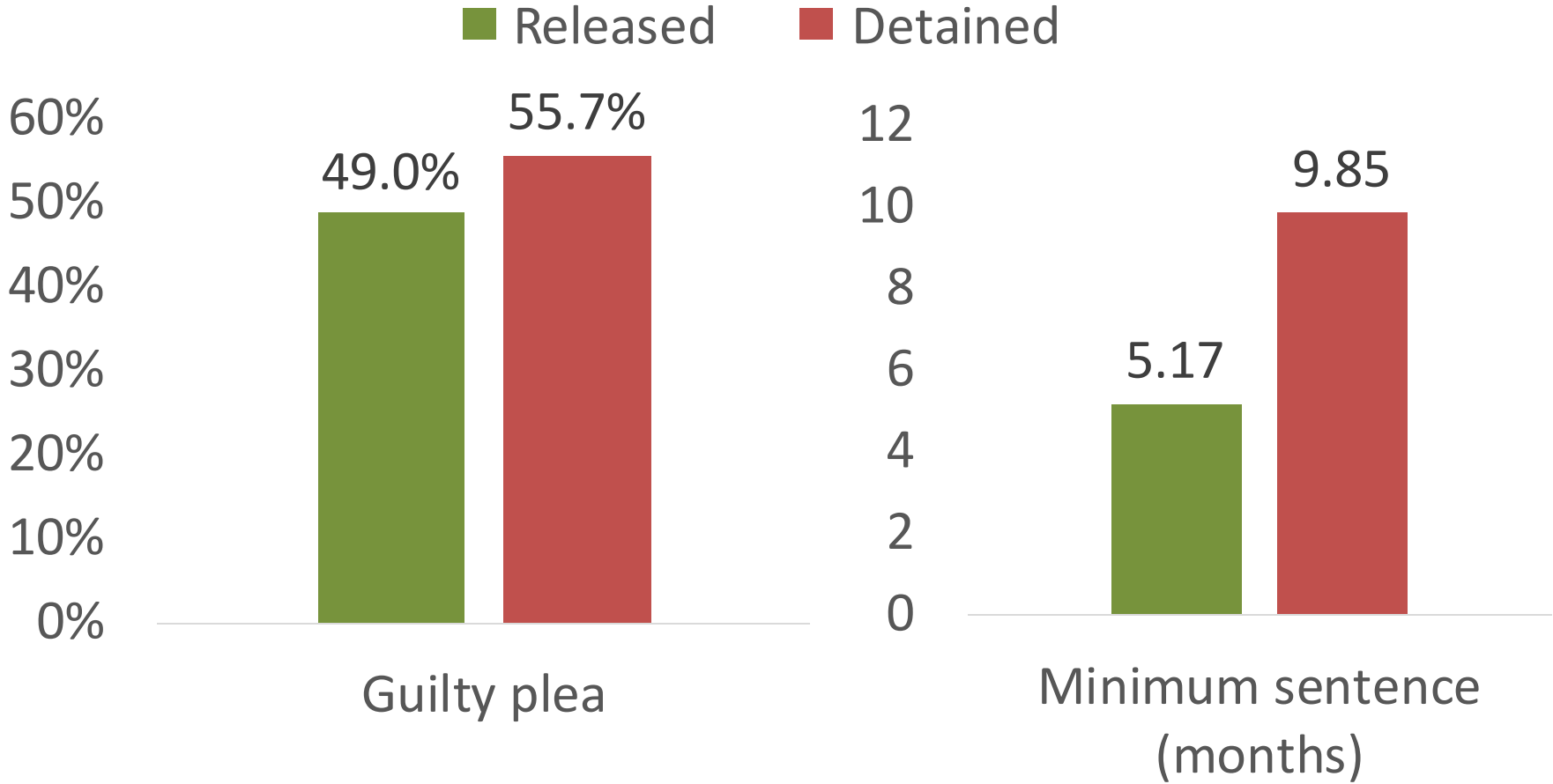


Uses “natural experiments” to measure effects of detention, not just correlation between detention and outcomes



Considers outcomes in the immediate case and in the future

Pretrial Detention Increases Convictions and Jail Sentences



Source: Stevenson (2016), <https://www.law.upenn.edu/cf/faculty/mstevens/workingpapers/Distortion-of-Justice-April-2016.pdf>



Pretrial Detention Impairs Future Outcomes

Released Detained



Over the 2-year period post-bail hearing



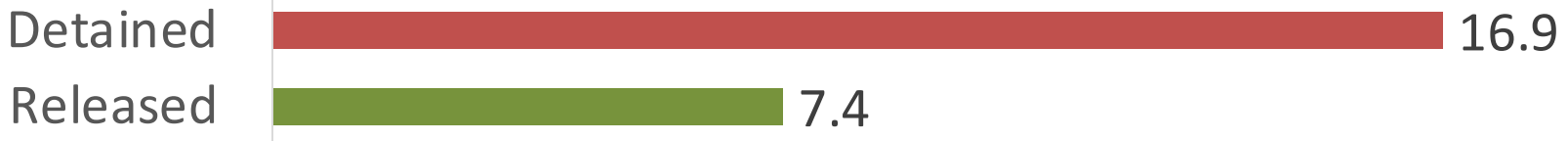
Source: Dobbie, Goldin, and Yang (2016), http://conference.nber.org/confer//2016/SI2016/CRI/Dobbie_Goldin_Yang.pdf

Detention is Particularly Problematic In Misdemeanor Cases

Conviction Rate



Length of Jail Sentence (Days)



New Felonies Per 100 Defendants, 18 Months Later



Source: Heaton, Mayson, and Stevenson (2016), <https://www.law.upenn.edu/live/files/5693-harriscountybail>

Potential Solutions



Lower bail/more release on recognizance for low-level offenders



Use of pretrial supervision alternatives other than cash bail



Better risk assessment



Improved reminder system

Details of Implementation Matter

Prior experimental study of pretrial release in Philadelphia found:



Reminder and orientation notification systems didn't affect failure to appear (FTA) or rearrest



More intensive supervision didn't reduce FTA or rearrest



Targeted enforcement of early violations didn't help

Takeaways for Philadelphia

- Successful pretrial reform can have many benefits for the city
 - Reduce incarceration expenditures
 - Lower crime
 - Better employment outcomes for defendants
- A number of viable options for reform exist
- Implementation will be crucial for success