



# BAIL REFORM WILL MAKE TEXAS SAFER

**Texas judges should make decisions about who is released from jail pretrial and who is detained based on their potential risk to the safety of the public and the safety of the victim. Basing the decision on risk rather than whether a person can afford bail will lead to safer Texas communities.**

In our current bail system, public safety suffers on account of two failures. First, dangerous people who can afford money bond are routinely released. Second, on the other end of the spectrum, non-dangerous, low-risk people are unnecessarily jailed, separating them from their families and support systems and causing them to lose employment, all leading to an increased chance of their rearrest.

Bail reform would solve both problems. By giving judges the tools they need to make better informed decisions about pretrial release, they could keep dangerous people in jail and release non-dangerous people to their families - and ultimately keeping all Texans safer.

## **IMPLEMENTATION OF RISK ASSESSMENT TOOLS AND RISK-BASED RELEASE LEADS TO FEWER SERIOUSLY DANGEROUS PEOPLE BEING RELEASED, REDUCING CRIME RATES.**

- Horrible crimes committed by people who paid the money bond amount set in their case could be avoided if judges in those cases had better information about their criminal history and previous failures to appear, so that they could make risk-based decisions, rather than just setting a bond amount based on the offense charged.
- A 2017 study by Texas A&M's Public Policy Research Institute compared Tarrant County's money-based bail system and Travis County's risk-based system. The rate of new crimes being committed by people released before trial was 20% higher in Tarrant County's system, and 12% more new violent crimes committed by people released on bond in Tarrant County. This meant there were 13 more murders by people released pretrial in Tarrant County's money-based pretrial system.<sup>1</sup>
- New Jersey crime rates have plummeted since implementing a research-based, risk-based pretrial justice system in 2017. One year later, violent crime is down more than 30% percent compared to the year before bail reform was implemented, with homicides down 32% and robbery down 37%.<sup>2</sup>

## **QUICKLY RELEASING LOW-RISK, NON-DANGEROUS PEOPLE PRETRIAL ALSO IMPROVES THEIR OUTCOMES, MAKING IT LESS LIKELY THEY WILL BE REARRESTED IN THE FUTURE.**

- In a groundbreaking study of defendants in Kentucky jails, low-risk defendants held at least 2 to 3 days were almost 40% more likely to commit a new crime before trial than a low-risk defendant held no more than 24 hours. Further, the longer low-risk defendants were held, the more likely they were to reoffend. Those detained more than a month were 74% more likely to commit a new crime before trial than those released within 24 hours.<sup>3</sup>

- In another 2017 study, academic researchers found that controlling for all other factors, unnecessary pretrial detention led to an increase in future crime rates among Harris County misdemeanor defendants. Researchers examined outcomes of defendants who had previously been detained 18 months after that detention, and found pretrial detention 18 months prior was associated with a 30% increase in new felony charges and a 20% increase in new misdemeanor charges.<sup>4</sup>
- **These and other studies are compelling evidence that unnecessary time in jail leads to more criminal justice system involvement.** For one, pretrial detention makes it more likely low-risk defendants will lose their employment, lose their housing, and encounter family disruptions and other obstacles as a result of their jail stay. Also, when someone is held in jail, the more likely they are to plead guilty and be convicted, which will hinder their future employment and housing prospects.

## Bail reform keeps dangerous people in jail while releasing others to their families and communities, ultimately creating safer Texas communities.

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<sup>1</sup> Public Policy Research Institute at Texas A&M University, Liberty & Justice at 27, available at [http://www.txcourts.gov/media/1437499/170308\\_bond-studyreport.pdf](http://www.txcourts.gov/media/1437499/170308_bond-studyreport.pdf).

<sup>2</sup> Editorial, "Has bail reform been a success? Check the crime numbers, then decide," Dec. 5, 2018, available at [https://www.nj.com/opinion/2018/12/has\\_bail\\_reform\\_been\\_a\\_success\\_check\\_the\\_crime\\_num.html](https://www.nj.com/opinion/2018/12/has_bail_reform_been_a_success_check_the_crime_num.html)

<sup>3</sup> Christopher T. Lowenkamp et al., Laura & John Arnold Foundation, Hidden Costs of Pretrial Detention 10-11 (2013).

<sup>4</sup> Paul Heaton et al., The Downstream Consequences of Misdemeanor Pretrial Detention (2016), available at <https://www.law.upenn.edu/live/files/5693-harriscountybail>.



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