

Toward an Optimal Bail System

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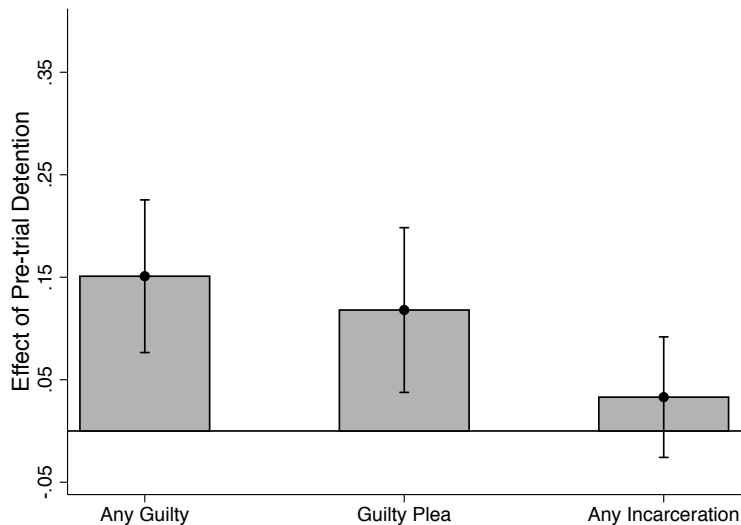
Motivation

- ▶ Pre-trial detention is increasingly common in the United States
 - ▶ On any given day, about 500,000 defendants are detained before trial
 - ▶ Over 20% of prison and jail inmates in the US are awaiting trial
 - ▶ Median detention length is 51 days for felony defendants in the US
- ▶ High rates of detention coincide with stringent release conditions
 - ▶ Less than 25% of felony defendants are released without monetary bail
 - ▶ Average bail amount is now \$55,500 for felony defendants
- ▶ Bail conditions difficult to meet for most defendants
 - ▶ In our data, average defendant earned less than \$7,000 prior to arrest
 - ▶ Only 50% of defendants post bail even when it is set at \$5,000 or less

The Bail System

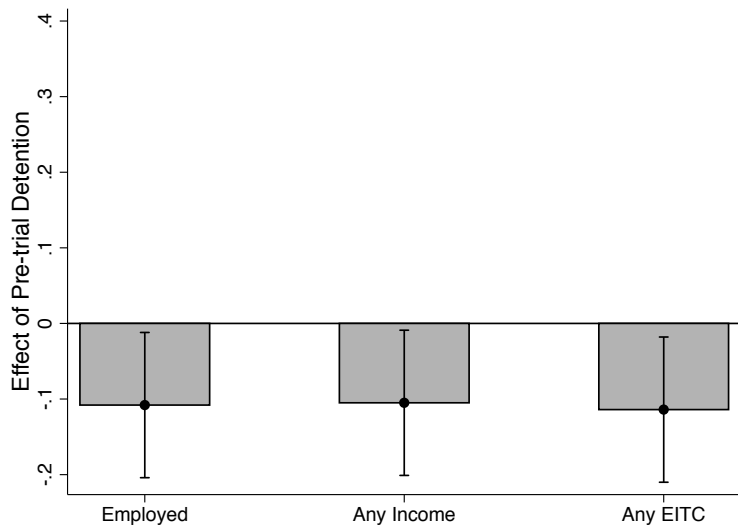
- ▶ In theory, the bail system meant to accomplish three goals:
 - ▶ Release almost all defendants to prevent infliction of punishment prior to conviction
 - ▶ ABA: “deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many instances, deprives their families of support”
 - ▶ Ensure that all defendants appear at court proceedings
 - ▶ Protect the public by preventing new crime

Empirical Evidence on Trade-offs - Case Outcomes



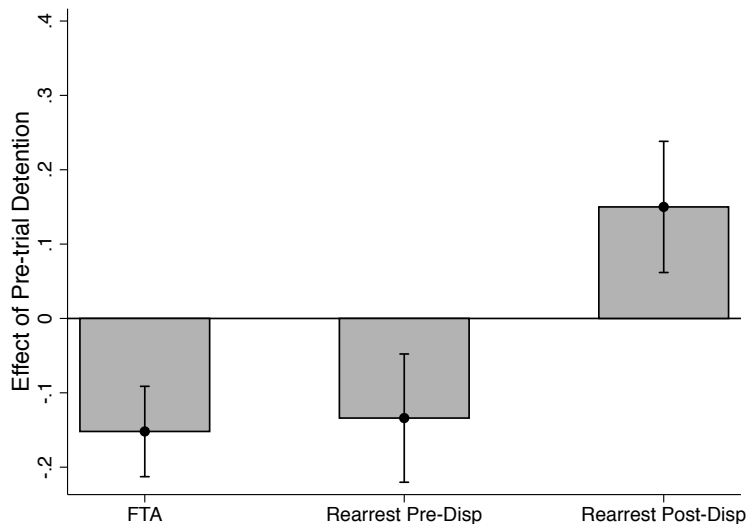
Source: Dobbie, Goldin, and Yang (2018)

Employment and Social Benefits



Source: Dobbie, Goldin, and Yang (2018)

Flight and Pre- and Post-Trial Crime



Source: Dobbie, Goldin, and Yang (2018)

Partial Cost Benefit Calculation

Costs of Pre-trial Detention

- ▶ Loss of Freedom = \$158 to \$2,015
- ▶ Decreased Total Earnings = \$18,960 (NPV)
- ▶ Decreased EITC/UI Benefits = \$10,041 (NPV)
- ▶ Increased Jail Costs = \$20/day \times 14.4 days = \$288
- ▶ Net Increased Future Crime = \$26,123 to \$70,104

Benefits of Pre-trial Detention

- ▶ Decreased Flight = \$1,185 \times 15.6 pp = \$185

Costs – Benefits of Pre-trial Detention = \$55,385 to \$101,223

CBA to Policy

- ▶ Partial cost-benefit suggests unless huge deterrent effects (or other unmeasured benefits to detention), releasing more defendants on the margin likely hugely welfare-improving
- ▶ ROR as default
- ▶ Monitoring or supervised release as alternative to detention
- ▶ Alternatives to reducing FTA
 - ▶ Fishbane et al. (2018) find that text reminders in NYC lead to 21% reduction in FTA