

Bail Elimination, The Numbers Do Not Add Up

Ken Berke 9/8/17

There is much talk regarding the need to eliminate bail. Recently, misinformed Senators Kamala Harris and Rand Paul have proposed taking millions of dollars from law abiding taxpayers to provide toward those charged with a crime. Bail elimination advocates have advised them that hundreds of thousands of defendants are languishing in jail and eliminating bail will save taxpayers money. Using simple logic and math it is clear their claims are false.

First false claim: Hundreds of thousands of defendants are languishing in jail:

According to FBI data there are 11 million arrests each year in the US which is about 210,000 arrests each week¹. According to Prisonpolicy.org there are approximately 650,000 individuals in jails throughout the US². About one third of the 650,000 individuals are serving a sentence leaving a pretrial population of 450,000. This is the false number that bail elimination advocates use to promote their agenda. Of the 450,000, there are defendants who should be held pending their trial. These are the violent, career criminals.³ Prisonpolicy.org agrees about a third of the pretrial population are violent offenders who should not be released due to the heinous crime charge. This removes about 150,000 who can be “safely” released. We know from jail studies in Los Angeles County⁴ and in New Jersey⁵ that about half of the pretrial defendants have no bond because of a violation, detainer, out of county warrant, etc. Based on this data, another 150,000 could not be released under any condition. Therefore, **the true “safe” pretrial population is about 150,000**. Of the true 150,000 remaining, most will be released and monitored through some type of bail within hours or days at no cost to taxpayers.

At 210,000 arrests per week it is easy to see there would be millions in jail awaiting trial if the current bail system did not work.

What is the true daily pretrial defendant jail population?

11,000,000	annual arrests (210,000 weekly) in the United States
600,000	daily jail population
- 150,000	sentenced population
- 150,000	violent offenders
- <u>150,000</u>	defendants with no bond due to violations, detainers, holds, etc.
150,000	true number of pretrial defendants is less than 3% of those arrested annually

Second false claim: Eliminating bail will save taxpayers money

Bail elimination advocates state it will save taxpayers \$38 million per day. They base their calculation on the erroneous 450,000 pretrial population multiplied by a daily housing cost of about \$80 per defendant. Multiply by 365 days per year to come to the false savings of \$14 billion per year. Here’s where they are proven to be wrong: First, only about 150,000 of the 450,000 pretrial population can get of jail for the reasons noted above. The current bail system already releases and monitors most of the “safer” defendants at no cost to taxpayers. Second, they would need to **hire thousands of government workers** to perform the current bail function. **It would cost billions!** Therefore, there will be no savings, **only taxpayer cost!**

New Jersey was duped into this false premise: Beginning January 1, 2017, New Jersey eliminated monetary bail due to the perverse misinformation provided to legislators. State Assemblyman Bob Andrzejczak, a democrat was in favor of “reform” based on the false information presented. He wrote a letter on July 3, 2017, just 6 months after implementation, stating bail reform is an “absolute disaster”.⁶ **Crime rate is up 13%** and there has been **“exponential” cost to taxpayers** because the **pretrial population was “greatly exaggerated”**. A New Jersey jail study showed only about 12% of the jail population (about 1800 defendants) were in jail on minor, non-violent offenses on any given day.⁵ The vast majority of the 12% were released and monitored within hours or days of the arrest through the current bail system at **no cost to taxpayers**. Dr. Daraius Irani, executive director of the Regional Economic Studies Institute located at Towson University in Maryland, testified NJ “reform” would cost taxpayers over \$200 million annually. New Jersey was duped into spending millions by criminal welfare advocates based on a handful of defendants charged with a crime.

Logically and mathematically the numbers do not add up.

1. *FBI: UCR 2015 Crime in the United States* <https://ucr.fbi.gov>
2. *Mass Incarceration: The Whole Pie* www.prisonpolicy.org/reports/pie2016.html
3. *Felony Defendants in Large Urban Counties, 2009* <https://www.bjs.gov/content/pub/pdf/fdluc09.pdf>
4. *Evaluation of the Current and Future Los Angeles County Jail Population* <http://www.jfa-associates.com/publications/>
5. *New Jersey Jail Population Analysis* https://www.drugpolicy.org/sites/default/files/New_Jersey_Jail_Population_Analysis_March_2013.pdf
6. *Bob Andrzejczak Letter* <http://www.usbailreform.com/letter-nj-assemblyman-bob-andrzejczak-warns-california-lawmakers-bail-reform-absolute-disaster>