

Faculty Mentor: Dr. William Horner, Political Science

The insecurity of surety: How states have moved from cash bail to risk assessment

Katie Reich and William Horner

In recent years, large portions of the country have moved to either eliminate or drastically reduce the use of cash bail. The centuries-old practice has been scaled back in Washington D.C., New York, New Jersey, California, and Illinois. Instead, these areas have moved toward a pretrial risk assessment program. This research looks at each state in turn and examines how the legislation passed in each case. Understanding the chronology of how bail reform efforts have changed over the last decade allows for examination of failures and successes throughout the movement. Some states, such as Illinois, passed reform solely through legislation. In other cases, such as California and New Jersey, the reform was put to a vote. In every state, pretrial risk assessments drew significant backlash, which was sometimes enough to repeal the reform. The results and conclusion of the research will be presented at the undergraduate research conference in April 2021. Risk assessment programs, though they vary slightly from state to state, examine the details of a person's life to determine if they are a flight risk or not. Pretrial risk assessment programs are highly controversial and have been denounced by both the American Bail Coalition and Human Rights Watch. Further quantitative analysis is needed to understand the full scope of the issue, though this research provides the foundation and timeline necessary to understand the reform.