

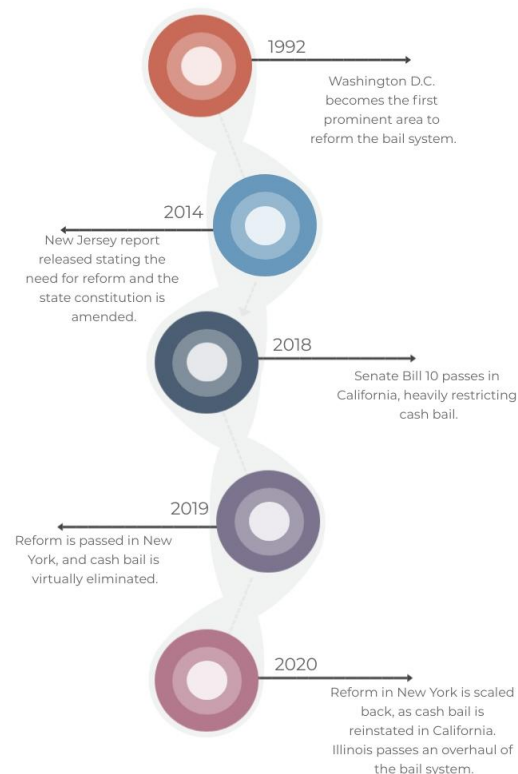


The insecurity of surety: How states have moved from cash bail to risk assessment

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Overview

- National attitude toward bail has shifted, states follow
 - Kalief Browder, George Floyd
- Despite many states following, they have all done so differently
- Limited focus



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Washington D.C.

- DC implemented bail reform in 1992, the first to do so
- Laid the groundwork
- Legislative, with no voters
- Distinct from other examples as it is not a state and has a substantially different governing system



New Jersey

- New Jersey followed suit, passing reform in 2014 and implementing it in 2017
- New Jersey did not fully eliminate bail
 - Scaled back cash bail
 - First state to do so
- Mix of legislative and voting
 - State government realized that reform was needed, but voters had to participate to amend the state constitution to allow for these changes



California

- California passed SB 10 in 2018 through legislation, heavily restricting the use of bail
- SB 10 was almost immediately challenged by the American Bail Coalition
- This resulted in Proposition 25, which became an issue on the ballot in the November 2020 election
- After the election, it became clear that cash bail would be reinstated across the state
- California attempted to pass reform through legislation, but it was ultimately repealed through votes



New York

- New York passed reform through legislation, with the example set by California
- Reform is passed in 2019, and goes into effect very quickly
- Outrage is sparked as reports emerge that crime has spiked since the reform
- Lawmakers decide to scale back the reform, undoing a significant portion of the reform
- New York passed and walked back reform all through legislation with no voter interaction



Illinois

- Illinois passed reform through legislation in January of 2021
- Perhaps the most sweeping overhaul yet, the Illinois reform eliminates cash bail entirely
- Due to the recency of the Illinois reform, this project is not able to examine the after effects of the reform
- Illinois voters also did not have a say in the reform



Conclusion

- It seems apparent that it is most likely for reform to stick when it is passed by a mixture of legislative decisions and voter interaction
 - New Jersey is the only state examined that implemented reform before 2021 and did not have it overturned
- In the future, this is the model that should be followed when attempting to pass bail reform