

THE BAIL PRO²JECT

How Real Bail Reform Creates a Safer America

Replacing a System Based on Wealth
with One Based on Safety

For decades, the debate around public safety and cash bail has rested on a false premise: that charging money for pretrial freedom keeps us safe. But real public safety doesn't come from punishing poverty – it comes from building a justice system focused on safety, not wealth.

Bail reform offers a commonsense, data-driven path forward. It strengthens communities by ensuring that decisions about pretrial release are based on actual safety, not on how much money someone has. Still, some politicians rely on fear-based rhetoric to attack bail reform, hoping to appear “tough on crime.” This explainer offers facts to counter the fear, and makes the case for a safer, fairer system.

What Is Public Safety?

While violent crime in the United States is near its [lowest point](#) in more than 50 years, many people still feel unsafe in their communities. To have an honest conversation about improving public safety, we must begin by defining what that means.

Real safety is more than just the absence of crime. It's being able to walk home at night without fear. It's taking a bus ride and knowing you'll arrive safely. It's feeling connected to your neighbors and trusting that the justice system will prevent harm, and hold people accountable when harm occurs.

Everyone deserves to be safe and to feel safe in the place they call home.

“***The current cash bail system undermines true safety. It doesn't ask whether someone is dangerous or likely to flee court, it only asks if they can afford to pay for their release.***”

How Cash Bail Fails Public Safety

The current cash bail system undermines true safety. It doesn't ask whether someone is dangerous or likely to flee court, it only asks if they can afford to pay for their release. That means people with money can walk free even if they pose a threat to others, while people without money can sit in jail for days, weeks, or even years, even if they're accused of a minor offense.

Pretrial detention is deeply destabilizing. All before your court date, you're stripped from your family and livelihood, locked behind bars in dangerous and overcrowded jails. Even short jail stays [lead](#) people to lose their jobs, homes, and even custody of their children. These conditions cause people detained pretrial to be [more likely](#) to plead guilty, even if they're innocent, just to come home. This trauma deepens the root causes of crime – creating instability that actively harms public safety. Studies show that the chance of re-arrest rises from [24%](#) after one day in jail to [45%](#) after three days.

Even when cases are weak or ultimately dismissed, the damage is done. Nearly [one-third](#) of The Bail Project's clients have their cases thrown out entirely – meaning people suffer devastating consequences of pretrial detention for no legal reason at all. And the cost to taxpayers is immense: an estimated [\\$14 billion](#) is spent each year incarcerating people pretrial, with broader collateral costs reaching up to [\\$140 billion](#).

Meanwhile, those with enough wealth can pay their full cash bail amount and walk free the same day as their arrest, no matter the risk they pose to others. Real estate heir [Robert Durst](#), accused of murder and known to be a flight risk, was released on \$250,000 bail and fled. [Harvey Weinstein](#), accused of raping multiple women, was released after paying \$5 million. This two-tiered system of justice leads to perverse and unsafe outcomes.

How Bail Reform Builds a Safer, Smarter System

[Real bail reform](#) replaces the flawed logic of cash bail with a system focused on safety and fairness. Rather than relying on a person's wealth, it empowers judges to make individual decisions based on whether someone poses a risk to public safety or is unlikely to return to court.

In a reformed system, most people are released to await trial at home, with no cost attached. When the court needs to consider a more serious case, a judge holds a hearing to assess specific risk. Detention is used only when there's no safe alternative – making it a deliberate and rare outcome, not a default. And instead of financial conditions, judges can assign supportive measures – such as court date reminders and referrals to mental health services – that actually promote stability and reduce missed court appearances.

These reforms can and should be shaped to meet each state's needs. Under the Tenth Amendment, states have the authority to design their own justice systems. That flexibility helps communities develop solutions that work for them, and protects against harmful one-size-fits-all mandates from the federal government.

The Evidence Is Clear: Bail Reform Works

The idea that cash bail is essential for public safety is not just outdated, it's disproven. Jurisdictions that have reformed or eliminated cash bail show that public safety and fairness are not in conflict, but deeply connected.

[A 2024 analysis](#) from the Brennan Center for Justice found no statistically significant link between bail reform and increases in crime. The findings confirm what decades of research and on-the-ground experience make clear: wealth is not a reliable indicator of risk, and using it as a stand-in for safety undermines justice.

Real-world outcomes support the data. After Illinois became the first state to fully eliminate cash bail in 2023, the state saw a [7%](#) drop in violent crime and a [14%](#) decline in property crime. These improvements occurred under a system that prioritized judicial discretion and evidence-based risk assessments.

New Jersey implemented sweeping bipartisan bail reforms in 2017. By 2020, violent crime had dropped by [20%](#), and property crime fell by [25%](#). The jail population shrank significantly, while court appearance rates remained high – showing that people return to court without financial coercion.

Harris County, Texas – a large and politically diverse jurisdiction – ended cash bail for most misdemeanors. The result: [no corresponding increase in violent crime](#). Their experience shows that it's possible to reduce unnecessary incarceration while maintaining public safety.

These outcomes aren't isolated. They're part of a growing national consensus among researchers, legal experts, and communities: bail reform works.

Smart on Crime: Protecting Bail Reform, Rejecting Fear

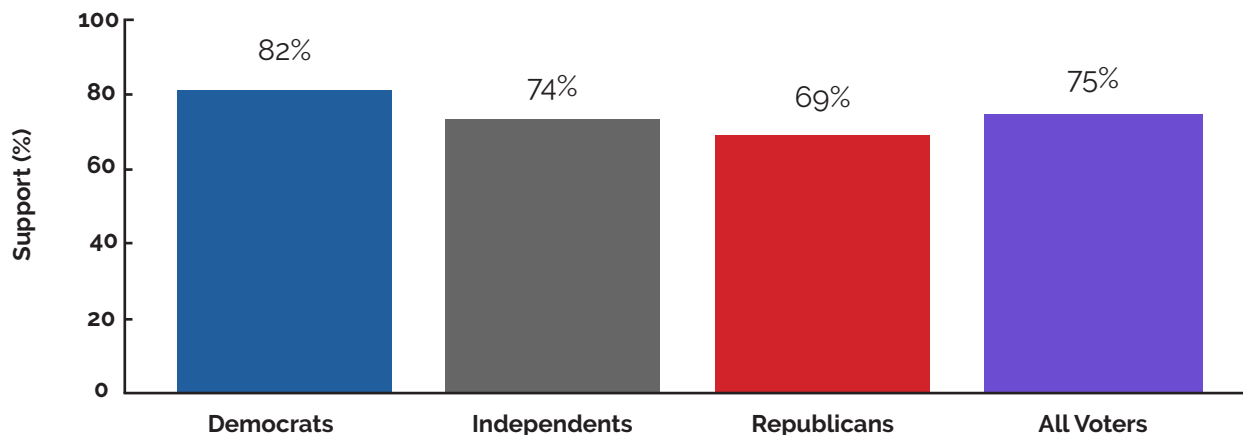
The question before us is not whether we want safe communities – we all do. The real question is whether we will rely on facts or fear to get there. Being “tough on crime” may still make for good soundbites, but being smart on crime makes for good policy and safer communities.

Opponents of bail reform often weaponize fear and [misinformation](#) to attack policies that are working. They use isolated anecdotes to imply widespread chaos, ignoring data and dismissing the experiences of communities that have implemented reform successfully. These tactics don't just distort the truth, they actively threaten progress.

Bail reform is not a fringe idea, it's a mainstream solution supported across the political spectrum.



What's more, this fear-based backlash ignores what the public actually wants. A recent national poll shows that [75%](#) of voters support ending the practice of jailing people before trial if they've been charged with a nonviolent offense. That includes [82%](#) of Democrats, [74%](#) of independents, and [69%](#) of Republicans. In other words, bail reform is not a fringe idea, it's a mainstream solution supported across the political spectrum.



The public is ready to move forward. They understand that jailing people because they're poor does not make us safer. This is not a niche issue. [One in two people](#) in the United States has had an immediate family member incarcerated, meaning millions have interacted with this broken system. They know that a justice system should be rooted in safety, not wealth, and that reform is not a threat – it's an opportunity.

We must demand the same clarity and courage from our leaders. Elected officials, judges, and policymakers must reject the politics of panic and embrace bail reform, which is backed by data, experience, and public will.

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