

LJAF Report Shows Pre-Trial Release Beneficial

Synopsis: *Nevada's court system is one-year into a pilot program exploring the benefit of pre-trial release for the accused. Not surprising, bail bondsmen, the group which profits the most from pre-trial detention, is fighting the plan.*

Any one who is arrested and released before the assigned trial date is 14% LESS likely to be found guilty. A study reported in the [American Economic Review](#) shows those who can't make bail and held in pretrial detention take a significant personal financial hit compared to those who are free while waiting on their court date.

The study reviewed court records in Miami-Dade and Philadelphia also found bigger effects were seen for persons with not offenses in the preceding twelve-months. The paper also reports that people released before trial generally are given more favorable plea bargains than people who were detained.

The authors examined data connected almost one-half million persons detained and charged to court and tax records for the period ending in 2014.

The Conclusion

Pretrial detention might benefit society by increase court appearances or by reducing future crime. The long-term benefit to society balance those risks.

“Our results suggest it could be welfare-enhancing to look for alternatives to pretrial detention,” the authors noted. “For instance, recidivism rates are not significantly higher and electronic monitoring provides the same benefits of detention.”

The study authors, Will Dobbie, Assistant Professor of Public Affairs with Princeton, Jacob Goldin, Professor of Law at Stanford and Crystal S. Yang, Professor of Law at Harvard, made the study available for download <[here](#)>

Bail Bondsman Opposed Pretrial Release

Unsurprisingly, Nevada's bail bondsmen are fighting the change. For every person released, bail free, before trial, profits are lost by the bail providers.

Now a year into a trial program which changes how jurists select the defendants who have to post bail and those who can go free without bail, bail bondsmen are fighting the plan.

[Nicholas Wooldridge](#), a Las Vegas criminal defense attorney, said, "Historically, judges have looked at a person's charges and set bail as laid out on a schedule based on the crime."

The new plan looks at the defendant and decides if that person is apt to keep their court date and determine if they are a danger to the community if released pending trial.

Advocates for the new system argue [the bail system](#) doesn't review those factors and based a defendant's freedom strictly on the accused's ability to pay and make bail.

"For the poor, bail means jail," said Wooldridge. "Judges don't know if the person is a risk or not and too many persons have lost their jobs and homes because they've had to wait in jail for their court date."

The goal of the pretrial release program is to see they have only the right people in jail — and no one else. In Clark County, home to Las Vegas, four Justice of the Peace courts are taking part.

Heather Condon, the director of the pretrial release effort in Washoe County, where all courts are participating, said, "After a year, the programs is doing what was intended."

"The judge has an assessment form with a dozen questions to help in deciding what to do if there are prior misdemeanor or felony convictions," added Wooldridge.

The Takeaway

It only makes sense to do away with the cash requirement for bail. If those detained are released quickly, the person can keep their job and won't have to

commit a new crime to live. Everyone involved in the pilot program are pleased with the outcome to date. As a group, they are urging the process continue until pretrial release is the order of the day.