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Ending Mass Incarceration: Support Among State Legislators for the Abolishment of Monetary Bail in Favor of a Risk Assessment Tool

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Ending Mass Incarceration:
Support Among State Legislators for the Abolishment of Monetary Bail in Favor of a Risk
Assessment Tool
by
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Undergraduate Honors Thesis under the direction of
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Table of Contents

Introduction	3
Chapter 1: The History of Bail and Examining Bail Reform	6
<i>I. Overview of the Bail Bond System</i>	7
<i>II. Discussion of New Bail Reform Policy</i>	17
Chapter 2: Policy Analysis	23
<i>I. Theory and Hypothesis</i>	24
<i>II. Data and Methodology</i>	28
<i>III. Results</i>	33
<i>IV. Discussion and Conclusions</i>	38
Chapter 3: Bail Reform in Louisiana	42
<i>I. Louisiana Specific Bail System Statistics</i>	43
<i>II. Predicting Louisiana</i>	45
<i>III. Conclusions</i>	48
Appendix	49

Abstract

The general concept of a system of monetary bail is inherently discriminatory against indigent populations. To determine a defendant's opportunity to be released pretrial New Jersey introduced a policy using a risk assessment tool rather than setting a monetary bail amount. This policy presents a more ethical standard, is economically beneficial to the states adopting it, and leads to lower recidivism rates of the individuals released. At the time of this research, seven states were identified as having voted on bills either abolishing or reducing reliance on monetary bail. This research seeks to determine what factors influence state legislators to support or oppose a bill of this nature. I constructed a model examining the demographic factors of the legislator such as party affiliation and gender, as well as the demographics of the legislator's district such as the poverty rate, racial makeup of the district, and the number of state and local prisons located there. I also measure the likelihood of a vote given different levels of intensity of the reform bill being adopted. Lastly, I use the created model to predict whether comprehensive reform of this type would be adopted in Louisiana given our legislators' specific demographics and found a positive result. Bail reform adoption is on the rise in the United States and this research helps explain why.

Introduction

Lavette Mayes' was arrested for getting into a heated argument with her ex-mother-in-law while enduring arduous divorce proceedings. Her first interaction with the criminal justice system, she was charged with aggravated battery and a bail of \$250,000.¹ Prior to this, Mayes had a thriving new business operating a school van service and was renting a house for herself and her two children. After spending fourteen months in county jail, her business collapsed, she lost her home, and her children's lives were irreparably damaged.² Mayes told the Pew Charitable Trusts' *Stateline*, "I lost everything" because she could not afford to pay bail.

We hear stories like Mayes' often, stories of how the poorest in our society are inherently discriminated against in our criminal justice system. Monetary bail is an insidious tool used for the purpose of keeping the impoverished imprisoned while the wealthy go free, with no regard

¹ Wiltz, Teresa "Locked Up: Is Cash Bail On the Way Out?" *Pew Charitable Trusts; Stateline*. March 2017. <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/01/locked-up-is-cash-bail-on-the-way-out>

² See id. 1

for public safety. The legal system has needed reform for decades, and New Jersey was just the state to spearhead the campaign. On January 1, 2017 the overhaul of New Jersey's bail system went into effect, abolishing monetary bail in favor of using a risk assessment tool to determine a defendant's flight risk and threat to public safety.³

The first chapter of this paper discusses the history of bail in the United States and addresses reform from relevant perspectives: ethical, economic, and concerns for public safety. Given the current system of insidious discrimination, reform would allow for a more ethical treatment of the poor and minority citizens who are most affected by prejudiced criminal justice policy. The monetary bail and pretrial detention systems are more economically costly than a system that allows for release of defendants pretrial. Lastly, research shows that pretrial release has no significant negative effect on community safety in the short run and is argued to be safer in the long run. Next, we look in depth at the new New Jersey reform and the assessment tool used. I track the other avenues through which bail reform has begun to blaze a trail across the country including at the county level, state court systems, and Congress.

Given this burgeoning bail system, it begs the question as to how state legislatures are managing to pass such a massive overhaul, or more importantly why. The second chapter of this paper is dedicated to original research. This research was primarily created to develop a model to understand what factors influence a state legislator to vote YES or NO on a bill regarding monetary bail reform and pretrial release. The methodology combines state legislators from Alaska, California, Colorado, Connecticut, Delaware, New Jersey, and Texas, all of which are states that have had reform bills progress to a vote by at least one chamber through their state

³ Foderaro, Lisa "New Jersey Alters Its Bail System and Upends Legal Landscape." *New York Times*. February 2017. <https://www.nytimes.com/2017/02/06/nyregion/new-jersey-bail-system.html>

legislatures. This research uses original datasets collected about individual legislators from these states to determine which factors are statistically significant in affecting their vote. The model examines the demographic factors of the legislator such as party affiliation and gender, as well as the demographics of the legislator's district such as the poverty rate, racial makeup of the district, and the number of state and local prisons located there. Lastly, it measures the likelihood of a vote given different levels of comprehensiveness of the reform bill being adopted. The statistical significance of these factors are determined and then we gauge the impact each variable has on the vote.

Finally, the last chapter of this paper addresses how this type of bail reform could affect Louisiana. Louisiana's high rates of incarceration are unmatched in the United States and this bail reform would relieve a major economic burden on county jails, taxpayers, and our legislative budget. Recommending that Louisiana adopt this reform, I then used the model created by reviewing other legislators' data to predict whether or not Louisiana, according to this model, would adopt such a comprehensive bail reform as this using Louisiana legislators' demographic data. Monetary bail and the discriminatory practice of pretrial detention are collapsing as a new system is developed for the ethical treatment of vulnerable individuals and the betterment of our communities.

Chapter 1:
The History of Bail and Examining Bail Reform

I. Overview of the Bail Bond System

A. Historical Background of Bail

The United States has acknowledged a defendant's right to bail within the criminal justice system since the establishment of our Constitution. The 8th Amendment states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."⁴ However, the definition of bail had not been authoritatively defined, and over the years its meaning has been brought into question. The most common definition of bail is as the amount of money put up by a defendant charged with a crime in order to be released pretrial.⁵ Yet, in the 1946 case *UNITED STATES ex rel. RUBINSTEIN v. MULCAHY*, U. S. Marshal, the court defined the object of bail prior to trial as a way to "guarantee the presence of the accused when required without the hardship of incarceration before guilt has been proved and while the presumption of innocence is to be given effect."⁶ The question circulating the criminal justice systems across the nation is whether or not *monetary* bail is necessary or ethical to be the determining factor in guaranteeing a defendant's presence at trial.

Historically, the United States has already legally acknowledged the unrighteousness of pretrial detention, the act of detaining a defendant in prison before their trial. The Bail Reform Act of 1966 declared that in *federal* courts any defendant accused of committing a crime would be released from custody without having to procure a bail or bond, providing that the prosecution

⁴ The Bill of Rights: A Transcription. National Archives. America's National Documents. <https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-amendment-viii>

⁵ *West's Encyclopedia of American Law, edition 2*. S.v. "bail." Retrieved March 2018 from <https://legal-dictionary.thefreedictionary.com/bail>

⁶ Robert L. Sandblom, "Constitutional Law: Right to Bail" *Michigan Law Review*, Vol. 51, No. 3 pp. 389-408. *The Michigan Law Review Association*. January 1953. <http://www.jstor.org.libezp.lib.lsu.edu/stable/pdf/1285609.pdf>

could not definitively prove the defendant would flee the jurisdiction given this freedom.⁷ However, critics of the 1966 Act claimed its approach was too liberal: it did not consider community safety when releasing possibly dangerous defendants to the public and they feared too many defendants would choose to “jump bail,” failing to appear for trial after their release.⁸ In response to these worries, Congress responded by enacting the Bail Reform Act of 1984 which amended the law so that pretrial detention would be based on the danger to the community, rather than solely on the defendant’s flight risk.⁹

Since 1966, federal courts have allowed for defendants to be released pretrial without requiring that monetary bail be posted. However, states have not adopted the same policies. States across the U.S. continue to abide by a system of cash bail, where defendants are arrested and brought to prison, where a judge has the discretion to set a monetary value to their freedom. If the defendant can afford the bail, they are allowed freedom pretrial, otherwise they spend months in prison before they are even convicted. Each state has the discretion to create its own laws regarding its criminal justice system, so they vary greatly across the spectrum. Regardless of the variety, most states continue to abide by the monetary bail system that was abolished in federal courts decades ago.

B. The Ethical Perspective

Socioeconomic Discrimination The major concern with the current system of monetary bail is that it is inherently discriminatory against poor populations and favors the wealthy. Looking at New Jersey prisons, Alexander Shalom contends, “...we do not tend to confine the most

⁷ “The Bail Reform Act of 1966.” Finch McCrainie LLP. 2017. <http://finchmccranie.com/table-of-contents-3/ii-the-arrest-stage/d-the-bail-determination/1-the-bail-reform-act-of-1966/>

⁸ “The Bail Reform Act of 1966.” Finch McCrainie LLP. 2017. <http://finchmccranie.com/table-of-contents-3/ii-the-arrest-stage/d-the-bail-determination/1-the-bail-reform-act-of-1966/>

⁹ “The Bail Reform Act of 1966.” Finch McCrainie LLP. 2017. <http://finchmccranie.com/table-of-contents-3/ii-the-arrest-stage/d-the-bail-determination/1-the-bail-reform-act-of-1966/>

dangerous -- we jail the poorest among us.¹⁰ On an average day in New Jersey county jails, 1059 defendants were held at bails they could not pay of \$1000 or less. Another 489 defendants were held for bails between \$1001 and \$2500.¹¹ With bail amounts as low as \$1000, the crimes committed are likely to be misdemeanor or drug offenses. This means that over 1500 individuals sit in prison because their economic status does not allow them to buy their way out of jail, despite the fact that the level of crime committed is minor. Moreover, not only are poor defendants held pretrial on low bail amounts, but wealthy defendants are released pretrial (despite possible community safety concerns) on high bails because they can afford to pay the price. Tiffany Li, a wealthy real estate heiress, was released on a bail of \$70 million after being arrested for allegedly conspiring in the murder of the father of her two children.¹² Cameron Terrell, an 18-year-old gang member from South Los Angeles was charged with the murder of 21-year-old Justin Holmes. He posted a \$5 million bail and was free to rejoin society before his trial.¹³ Stockbroker Bernie Madoff was released on a \$10 million bail after his arrest for conducting a \$50 billion ponzi scheme defrauding thousands of investors. These murderers and frauders were released pretrial without concern for community safety solely because they had the money to do so.¹⁴ Meanwhile, Lavette Mayes sat in prison for over a year on her first charge of a

¹⁰ Alexander Shalom, "Bail Reform as a Mass Incarceration Reduction Technique," 66 Rutgers L. Rev. 921 (2014).

¹¹ Alexander Shalom, "Bail Reform as a Mass Incarceration Reduction Technique," 66 Rutgers L. Rev. 921 (2014).

¹² Sam Levin, "Wealthy murder suspect freed on bail as man accused of welfare fraud stuck in jail." *The Guardian*. April 2017. <https://www.theguardian.com/us-news/2017/apr/25/california-bail-system-tiffany-li-joseph-warren>

¹³ Dennis Romero, "Palos Verdes Teen Charged in Gang Murder Was a South LA Fixture." *LA Weekly*. November 20 2017. <http://www.laweekly.com/news/white-teen-accused-of-murder-cameron-terrell-was-a-south-los-angeles-regular-8868345>

¹⁴ James Quinn, "US Court frees Bernard Madoff on \$10m bail." *The Telegraph*. January 2009. <https://www.telegraph.co.uk/finance/financetopics/bernard-madoff/4225032/US-Court-frees-Bernard-Madoff-on-10m-bail.html>

violent crime with vast evidence for mitigating circumstances because she could not afford to pay the system. And, she lost everything for it.

Racial Discrimination In addition to the unethicity of the bail system against indigent defendants, studies have shown that the way judges set bail is racially discriminatory as well. A Connecticut 1991 news article reported that bail amounts were set 70% higher for black males than for white defendants.¹⁵ However, policy analysts know that using numbers at face value like this is irrelevant until other variables have been controlled for. However, after controlling for eleven variables and conducting an analysis on over one thousand New Haven arrests Ayres and Waldfogel concluded that bail amounts set for black male defendants were still 35% higher than those set for their white male counterparts for the same charges.¹⁶ Given the already distinct relationship between poverty and race in America, poor minority defendants truly experience the worst of both worlds in terms of discrimination in the criminal justice system in having an even higher set bail that they cannot afford.

Consequences of Pretrial Detention The reason this disparity is so important to correct is because of the effect that pretrial detention release has on defendants. Aside from the general loss of power of having one's freedom, poor defendants held pretrial lose control over key aspects of their lives. Once arrested, defendants can no longer pay their rent and are likely to lose housing if they are held for months in prison. Defendants lose their jobs, cannot pay child

¹⁵ Ayres, Ian and Waldfogel, Joel, "A Market Test for Race Discrimination in Bail Setting" (1994). Faculty Scholarship Series. Paper 1527.

http://digitalcommons.law.yale.edu/fss_papers/1527

¹⁶ Ayres, Ian and Waldfogel, Joel, "A Market Test for Race Discrimination in Bail Setting" (1994). Faculty Scholarship Series. Paper 1527.

http://digitalcommons.law.yale.edu/fss_papers/1527

support, and do not have access to adequate mental and physical healthcare.¹⁷ These defendants suffer for crimes they have not been proven to commit, ending up homeless, jobless, sick, and ostracized by their families because of their time spent in prison pretrial.

These reasons alone are disconcerting, but studies have also shown that being released pretrial can have a significant effect on a defendant's conviction. The system of plea bargains in the United States criminal justice system is already atrocious: 94% of state convictions are the result of guilty pleas. The Louisiana Project Report discusses the brokenness of criminal justice in Louisiana and across the U.S. and contends, "Plea bargaining...is not some adjunct to the criminal justice system; it is the criminal justice system."¹⁸ This is significant to the issue of pretrial release because studies have shown that in an effort to be released, criminal defendants detained pretrial feel more inclined to accept plea bargains than criminal defendants who have been released pretrial.¹⁹ Inmates held pretrial become worn-down after months in prison and beg their lawyers to do whatever it takes to get them out, agreeing to plea so they can receive credit for time served and see their release, despite the possible long-term consequences of accepting a guilty plea. This mindset is not one that individuals who post bail have to consider because living free for months means they do not experience the degree of desperation that defendants held pretrial for months do.

¹⁷ Alexander Shalom, "Bail Reform as a Mass Incarceration Reduction Technique," 66 Rutgers L. Rev. 921 (2014).

¹⁸ Gardiner, Daniel; MacMorran, Jason; and Hanlon, Stephen. "The Louisiana Project: A Study of the Louisiana Public Defender System and Attorney Workload Standards." *Postlethwaite & Netterville* and *The American Bar Association*. February 2017.

¹⁹ Alexander Shalom, "Bail Reform as a Mass Incarceration Reduction Technique," 66 Rutgers L. Rev. 921 (2014).

Additionally, another study found that the effect of being released pretrial in relation to employment opportunities is not solely a short-term problem.²⁰ Dobbie, Goldin, and Yang found suggestive evidence that pretrial release increases long term opportunities for formal employment and a defendant's probability of receiving tax- and employment-related benefits. Essentially, defendants detained pretrial not only face the problem of losing their current job, but are more likely to face a long-term struggle of regaining access to formal employment networks than would a defendant who could post bail.

Lastly, Di Tella and Schargrotsky's research found that individuals who randomly received electronic monitoring compared to detention had substantially lower recidivism rates to their peers held in pretrial detention.²¹ Recidivism here referring to the tendency of a criminal to reoffend. This reveals that the system of pretrial detention is contributing to the issue of crime being cyclical. There is speculation as to why this relationship exists, but the major argument is that it is likely due to the fact that the individual's connection to the job market has been shattered so they are forced to turn to the underground economy, sucked into lives of crime after being rejected from more formal employment networks. Regardless, the way we structure our criminal justice system should not be a factor that increases the crime rate via increased recidivism rates.

Being held pretrial affects an individual's housing, familial relationships, and individual freedom. It decreases long-term employment connection to the job market, increases the chances of conviction, and increases recidivism rates. The current United States system of requiring

²⁰ Will Dobbie, Jacob Goldin, Crystal Yang, "The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." *Princeton*. July 2016.

²¹ Will Dobbie, Jacob Goldin, Crystal Yang, "The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." *Princeton*. July 2016.

defendants to provide monetary bail for release from pretrial detention is an insidious discrimination against indigent populations with serious long term effects.

C. The Economic Perspective

From an economic point of view, pretrial detention in the form of monetary bail is a major burden on local, state, and federal taxpayers. The United States is the world leader in mass incarceration. With 2.2 million people currently in U.S. prisons, the Sentencing Project reports a 500% increase over the last forty years. Furthermore, this astronomical increase has been a result of changes in sentencing policy and law, not because of an increase in crime rate, which has been decreasing for decades.²² This dramatic incarceration rate increase has led to overcrowding of prisons and imposed serious financial burdens on these institutions. The National Association of Counties released a report about the issue county jails face regarding defendants held for pretrial detention. It revealed that in their massively overcrowded jails, the majority of the inmates are being held pretrial and determined to be low risk to society. Specifically, in 2015 67% of the total confined population in county jails was pretrial.²³ In addition, they assessed the county jail populations that use a risk assessment tool to determine risk for their detainees and found that 69% of jails reported that more than half of their defendants were classified as low risk.²⁴ Managing jail costs is a top challenge for up to 44% of county jails, and reducing the jail population is a priority for the majority of all county jails. Clearly, there is an economic crisis in

²² “Trends in US Corrections.” *The Sentencing Project*. June 2017.

<https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>

²³ Natalie Ortiz, “County Jails At a Crossroads: An Examination of the Jail Population and Pretrial Release.” *National Association of Counties*. Why Counties Matter Series Issue 2. July 2015. <http://www.naco.org/resources/county-jails-crossroads>

²⁴ Natalie Ortiz, “County Jails At a Crossroads: An Examination of the Jail Population and Pretrial Release.” *National Association of Counties*. Why Counties Matter Series Issue 2. July 2015. <http://www.naco.org/resources/county-jails-crossroads>

county jails of overcrowding prisons with pretrial, low risk detainees and our jails are struggling to meet these high expenditures.

Despite this national trend, different states have different statistics regarding the number of pretrial defendants housed in their prisons and how much it costs to keep them there. One study found that Alaska's pretrial detention population rose 81% from 2005 to 2014.²⁵ Another study found that the annual average (of the 40 participating states) cost to the taxpayers per inmate was \$31,286.²⁶ Of the 40 states participating, Kentucky maintained the lowest per-inmate cost at \$14,603 while New York maintained the highest at a \$60,076 annual cost to taxpayers.²⁷

In addition to these clear cut costs of the pretrial detention system, there are some unintended financial consequences as well. As discussed previously, being held pretrial permanently damages a defendant's ability to participate in the economic sector and negatively impacts employment opportunities. This would lead to an increase in the unemployment rate of the jurisdiction in which the defendant resided, decreasing the relative capital of the economy. Likely as a function of the smaller job opportunities, studies have shown that pretrial detention also leads to increased recidivism. An increase in recidivism rates means more individuals being housed in federal, state, and local prisons that need to be paid for. Ultimately, housing defendants pretrial is a costly business.

²⁵ "Alaska Moves to Eliminate Cash Bail." *Vera Institute of Justice*. January 2018.

<https://www.vera.org/blog/alaska-moves-to-eliminate-cash-bail>

²⁶ Marc Santora, "New York City's Annual Cost Per Inmate Is \$168,000 Study Finds." *The New York Times*. August 2013. <http://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html>

²⁷ Henrichson, Christian and Delaney, Ruth "The Price of Prisons: What Incarceration Costs Taxpayers." *Vera Institute of Justice*. July 2012. https://storage.googleapis.com/vera-web-assets/downloads/Publications/price-of-prisons-what-incarceration-costs-taxpayers/legacy_downloads/price-of-prisons-updated-version-021914.pdf

D. The Public Safety Perspective

Most lawmakers and members of the bail bond industry who oppose the abolishment of monetary bail and pretrial detention release argue on the issue of safety for the communities. Anecdotes and stories were plastered across the media to incite public fear, none more so than NPR's article "Did a Bail Reform Algorithm Contribute To This San Francisco Man's Murder?"²⁸ The article outlines the criminal history of Lamonte Mims, a 19-year-old who accosted a 71-year-old photographer, robbed him, and shot him dead with a handgun. At the time, Mims had been on felony probation for breaking into cars at a popular tourist spot a year before, then arrested again for gun possession and parole violations. After his second arrest was when Judge Reardon of San Francisco's Superior Court released him (based on his risk assessment score) with "assertive case management," a pretrial program requiring frequent check-ins. However, it was revealed a member of staff miscalculated Mims' score, leading the Judge to base her decision on an inaccuracy.²⁹ Stories of this nature understandably incite fear and upheaval in the public regardless of its cause being a miscalculation and not inherent of the system itself.

However, despite these concerns, the Pretrial Services Agency for the District of Columbia found that of suspects of nonviolent crimes who are released pretrial only about 1 percent commit a violent crime while awaiting trial.³⁰ The other argument often touted is a concern that defendants are a flight risk and will not return for their trials if released. Yet, the

²⁸ Westervelt, Eric "Did A Bail Reform Algorithm Contribute to This San Francisco Man's Murder?" *National Public Radio*. August 2017. <https://www.npr.org/2017/08/18/543976003/did-a-bail-reform-algorithm-contribute-to-this-san-francisco-man-s-murder>

²⁹ Westervelt, Eric "Did A Bail Reform Algorithm Contribute to This San Francisco Man's Murder?" *National Public Radio*. August 2017. <https://www.npr.org/2017/08/18/543976003/did-a-bail-reform-algorithm-contribute-to-this-san-francisco-man-s-murder>

³⁰ Keenan, Clifford T. "We Need More Bail Reform." Pretrial Services Agency for the District of Columbia. 2013. <https://www.psa.gov/?q=node/390>

same study found that of defendants released for nonviolent crimes, nearly 9 out of 10 return for trial. Opponents to the new bail reform are attempting to incite fear in the public, that this new system is untested and dangerous. Yet, this type of reform overhaul has been implemented at the federal level since the 1960s when the Bail Reform Act of 1966 was first established. At the time of the 1966 Act's passing, opponents argued the same concerns that opponents to New Jersey's bail reform are arguing now. Fear of public endangerment and lack of accountability in appearing for court led to Congress to enact the 1984 Bail Reform, as previously discussed. However, since its passage, studies have been done to retort the claims of the original bail reform opponents. Since the enactment of the 1984 Bail Reform, one study found that the pretrial detention rate rose up to 40%³¹, but the rates of pretrial crime and failure-to-appear rates were unaffected by the new legislation.³² Essentially, this means the passing of the law had little to no effect on deterring pretrial crime for those released, had little to no effect on deterring defendants from jumping bail, but it increased the number of defendants held pretrial regardless.

³¹ Wiseman, Samuel. "Discrimination, Coercion, and The Bail Reform Act of 1984: The Loss of the Core Constitutional Protections of the Excessive Bail Clause. (Cover Story)." *Fordham Urban Law Journal*, Vol. 36, No. 1, Jan. 2009, Pp. 121-157.

³² Kingsnorth, Rodney, et al. "Preventive Detention: The Impact of the 1984 Bail Reform Act in the Eastern Federal District of California." *Criminal Justice Policy Review*, vol. 2, no. 2, June 1987, p. 150)

II. Discussion of New Bail Reform Policy

A. Description of the Policy and Risk Assessment Tool Used

The United States' issue with monetary bail and pretrial detention in the criminal justice system is a widely known problem; therefore, it follows logic that states have begun attempts to correct it. New Jersey introduced the nation to this bail reform in 2014 with the passage of the Bail Reform and Speedy Trial Act. This policy mirrors the reforms adopted at the federal level and by the District of Columbia, retracting monetary bail in criminal proceedings. While other states have adopted laws reducing reliance on monetary bail for pretrial release, New Jersey was the first to conduct a complete overhaul of the system, abolishing monetary bail in its entirety in favor of using a risk assessment tool instead.³³ The new law determines that after arrest, instead of standing before a judge who sets a monetary bail amount, officials conduct a risk assessment of the defendant to determine their danger to the public and the likelihood that they would re-appear for trial, given their release.

The risk assessment tool being used by New Jersey and adopted by states across the U.S. is called the Public Safety Assessment (PSA) and was created by the Laura and John Arnold Foundation.³⁴ To develop this tool, researchers gathered an original dataset of over 1.5 million cases and studied almost 750,000 of those in order to determine the best predictors of criminal activity and failures to appear and develop a risk assessment tool based on those predictors.³⁵

³³ Foderaro, Lisa “New Jersey Alters Its Bail System and Upends Legal Landscape.” *New York Times*. February 2017. <https://www.nytimes.com/2017/02/06/nyregion/new-jersey-bail-system.html>

³⁴ “Developing a National Model for Pretrial Risk Assessment.” Laura and John Arnold Foundation. November 2013. http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf

³⁵ “Developing a National Model for Pretrial Risk Assessment.” Laura and John Arnold Foundation. November 2013. http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf

The tool developed relies on nine factors to best predict whether a defendant will commit new criminal activity (NCA), commit new violent criminal activity (NVCA), or fail to appear (FTA) in court for their trial.³⁶ The factors analyzed include age at current arrest; current violent offense; if there is a pending charge at the time of the offense; if there is a prior misdemeanor, prior felony, or prior violent conviction; if there is a prior failure to appear in the past two years or failure to appear after the last two years; and a prior sentence to incarceration.³⁷ The nine factors are iterated below along with which negative outcome they predict.

RELATIONSHIP BETWEEN RISK FACTORS AND PRETRIAL OUTCOMES			
Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		X	
2. Current violent offense			X
<i>Current violent offense & 20 years old or younger</i>			X
3. Pending charge at the time of the offense	X	X	X
4. Prior misdemeanor conviction		X	
5. Prior felony conviction		X	
<i>Prior conviction (misdemeanor or felony)</i>	X		X
6. Prior violent conviction		X	X
7. Prior failure to appear in the past two years	X	X	
8. Prior failure to appear older than two years	X		
9. Prior sentence to incarceration		X	
Source "Public Safety Assessment: Risk Factors and Formula." <i>Laura and John Arnold Foundation</i> . 2013-2016.			

³⁶ "Public Safety Assessment: Risk Factors and Formula." *Laura and John Arnold Foundation*. 2013-2016. <http://www.arnoldfoundation.org/wp-content/uploads/PSA-Risk-Factors-and-Formula.pdf>

³⁷ "Public Safety Assessment: Risk Factors and Formula." *Laura and John Arnold Foundation*. 2013-2016. <http://www.arnoldfoundation.org/wp-content/uploads/PSA-Risk-Factors-and-Formula.pdf>

Most importantly, the Arnold Foundation contends that the PSA is not a replacement for judicial discretion. They recommend this tool be used to standardize the measure by which judges determine the incarceration path of defendants, but allow the judges to maintain ultimate authority in the decision making process.³⁸ This tool is estimated to lead to less discriminatory bailing practices, safer communities, and a more fiscally responsible criminal justice system.

B. Benefits of New Bail Reform Policy

The benefits of this new bail reform policy can be viewed from the three perspectives discussed previously: ethical, economic, and public safety. Ethically, the main concern deals with discrimination against impoverished individuals. There are a plethora of ways that pretrial detention negatively affects defendants. Abolishing monetary bail ensures that poor defendants are not systemically discriminated against and therefore do not have to face the consequences of unemployment, homelessness, lack of medical attention, etc unless there is serious concern for public safety. It provides inmates with options of rehabilitation while maintaining the structure of their lives prior to their arrest. As stated previously, concerns about public safety regarding the release of nonviolent offenders with low risk assessments are unfounded. Research shows that releasing these individuals does not risk public safety and in the long run is better for society given the reduction in recidivism rates.

Finally, as previously discussed, jailing thousands of defendants pretrial is a costly structure to maintain, and a major goal of this bail reform is to address the economic costs of pretrial detention. In New Jersey, the state's pretrial jail population dropped by 35% from

³⁸ "Public Safety Assessment: Risk Factors and Formula." *Laura and John Arnold Foundation*. 2013-2016. <http://www.arnoldfoundation.org/wp-content/uploads/PSA-Risk-Factors-and-Formula.pdf>

January 2015 to January 2018 (one year after monetary bail was abolished).³⁹ This massive decrease in the number of prisoners would save taxpayers millions of dollars each year, given the \$30,000 average cost of housing inmates. Following New Jersey's example, Alaska was the second state to implement reform, abolishing monetary bail from their system. After the implementation of the overhaul, officials in Alaska estimated to save \$380 million dollars in corrections expenses.⁴⁰ States that have adopted these reforms are already seeing the economic benefit of the policy paying off and working in their distinct favor.

C. Other Avenues Through Which Reform Is Being Adopted

New Jersey may be the first state to adopt a bail reform policy, but its introduction of the reform is leading not only other states to follow but also other avenues of authority to adopt the reform policy as well. The U.S. has had states abolishing monetary bail via their court systems, cities and counties have ruled in favor of bail reform, and Congress has twice introduced bail reform bills arguing the issue should be of national concern.

At the time of this research, three states have abolished monetary bail in favor of risk assessments via ruling by their Supreme Court: Arizona, Maryland, and New Mexico. Arizona's policy went into effect in April 2017, urging judges to embrace the risk assessment system of individual's risk factors, meting out release options that should be favored over a standardized dollar amount.⁴¹ Maryland's Supreme Court voted unanimously in February 2017 to overhaul the

³⁹ Shipkowski, Bruce "Courts: Bail Reform Working, but Sustainable Funding Needed." *Associated Press. US News*. February 2018. <https://www.usnews.com/news/best-states/new-jersey/articles/2018-02-19/courts-bail-reform-working-but-sustainable-funding-needed>

⁴⁰ "Alaska Moves to Eliminate Cash Bail." *Vera Institute of Justice*. January 2018. <https://www.vera.org/blog/alaska-moves-to-eliminate-cash-bail>

⁴¹ Cassidy, Megan. "Bond companies 'extremely worried' as Arizona moves away from cash bail bonds." *The Republic*. USA Today Network. June 21 2017. <https://www.azcentral.com/story/news/local/arizona/2017/06/21/arizona-courts-back-away-cash-bail-system-bond-companies-worried/400209001/>

bail system and establish a system based on risk.⁴² Lastly, the Supreme Court of New Mexico indirectly established the policy by defending against bail reform opponents the policies set that allow the release of defendants pretrial without a monetary payment if there is no threat to public safety.⁴³

In addition to reform at the state level via the court system, reforms are being adopted at the city and county level as well. In Alabama alone, 78 cities had reformed their bail policies as of December 2017.⁴⁴ The efforts of community interest groups were instrumental in this process. For example, the Equal Justice Under Law group filed challenges to discriminatory bail practices in nine states and ended monetary bail in seven communities themselves.⁴⁵ Innumerable counties and jails across the U.S. continue to see the value in this systemic reform and are paving the way for state- and nationwide reform.

Lastly, regarding nationwide reform, Congress has even set out in the last two sessions consecutively to propose a bill ending monetary bail practices in state courts. In 2017, Senators Kamala Harris and Rand Paul introduced a bill to spend \$10 million annually for three years in providing grants to states that reformed their bail systems.⁴⁶ Even more considerable, in 2016 Congressman Ted Lieu introduced a bail reform bill seeking to use the power of Congress to

⁴² Wiggins, Ovetta and Marimow, Ann. "Maryland's highest court overhauls the state's cash-based bail system." Maryland Politics. *The Washington Post*. February 2017. https://www.washingtonpost.com/local/md-politics/maryland-highest-court-overhauls-the-states-cash-based-bail-system/2017/02/07/36188114-ed78-11e6-9973-c5efb7ccfb0d_story.html?noredirect=on&utm_term=.8ee7e9902f8b

⁴³ Lee, Morgan. "New Mexico Supreme Court Defends Bail Reforms From Lawsuit." *Associated Press*. August 2017. <https://www.usnews.com/news/best-states/new-mexico/articles/2017-08-21/new-mexico-supreme-court-defends-bail-reforms-from-lawsuit>

⁴⁴ <https://www.splcenter.org/news/2016/12/06/splc-prompts-alabama-cities-reform-discriminatory-bail-practices>

⁴⁵ <http://equaljusticeunderlaw.org/wp/current-cases/ending-the-american-money-bail-system/>

⁴⁶ <https://www.mercurynews.com/2017/07/20/kamala-harris-bail-reform-rand-paul-bill-congress/>

overrule state courts and eliminate the use of monetary bail in all states.⁴⁷ Bail reform is on the rise and this research assists in understanding the factors that influence legislators to support or oppose it.

⁴⁷ <https://lieu.house.gov/media-center/press-releases/rep-ted-lieu-introduces-no-money-bail-act-2017>

Chapter 2:
Policy Analysis

I. Theory and Hypotheses

The research question being analyzed here is what variables influence a state legislator's vote on a bail reform bill. The variables hypothesized include party affiliation, gender, poverty rate in the legislator's district, racial makeup of the legislator's district, the number of state prisons and local jails in the legislator's district, and the comprehensiveness of the reform bill.

Crime is a politically polarizing issue and support for policies regarding criminal justice reform often divide among party affiliation lines. The Republican position is often to purport a "tough on crime" stance, traditionally supporting stricter sentencing laws.⁴⁸ However, in recent years there has been a shift in these long-held beliefs in the Republican party as prison reform becomes a hot-button issue. Some high profile republicans such as Chris Christie and Ted Cruz have spoken out supporting laws reducing prison time or reforming federal drug laws.⁴⁹ Still, the party's traditional values to see stricter sentencing laws and harsher punishments remains prominent. Recently, the Democratic party has taken a stronger stance and committed itself to reforming the criminal justice system including, "ending mass incarceration."⁵⁰ They often tout equality as one of their main concerns and have garnered heavy support from minority communities as a result. Despite the recent Republican inter-party collision, it is clear Democrats support reform for the defendants more than Republicans in most aspects of criminal justice reform. Therefore, I hypothesize that:

⁴⁸ "Republican Views on Crime." *Republican Views*. August. 2015.

<https://www.republicanviews.org/republican-views-on-crime/>

⁴⁹ "Republican Views on Crime." *Republican Views*. August. 2015.

<https://www.republicanviews.org/republican-views-on-crime/>

⁵⁰ Chammah, Maurice "Two Parties, Two Platforms on Criminal Justice." *The Marshall Project*. July 2016. <https://www.themarshallproject.org/2016/07/18/two-parties-two-platforms-on-criminal-justice>

H1: The party identification of a state legislator affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. Democratic state legislators are more likely than Republican state legislators to support a bill regarding this bail reform.

It is highly speculated in academic fields whether gender has a significant influence in legislators' voting trends. Society typically views women as caregivers, more compassionate to individuals who make mistakes. Regarding the issue of crime, one study suggests that women's psychology is premised on an "ethic of care" rather than an "ethic of justice" as a man's is.⁵¹ According to this study, women are more likely than men to support policies related to social welfare and are significantly less likely to support the death penalty. This creates a trend in women supporting less harsh and more ethical treatment of inmates. Given this information, I hypothesize that:

H2: The gender of a state legislator affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. Women are more likely than men to support a bill regarding this bail reform.

Individuals living in poor households experience double the rate of violent victimization as individuals in high-income neighborhoods.⁵² Studies show that social class is associated with

⁵¹ Hurwitz, Jon.; Smithey, Shannon "Gender differences on crime and punishment." *Lewis University. Political Research Quarterly* v. 51 no1 (Mar. 1998) p. 89-115.

http://www2.lewisu.edu/~gazianjo/gender_differences_on_crime_and_.htm

⁵² Erika Harrell, Lynn Langton, Marcus Berzofsky, Lance Couzens, and Hope Smiley-McDonald "Household Poverty and Nonfatal Violent Victimization, 2008-2012." *US Department of Justice, Bureau of Justice Statistics*. November 2014.

<https://www.bjs.gov/content/pub/pdf/hpnavv0812.pdf>

street crime, where the poor are more likely to commit crime as well as be victim to crime.⁵³

Given this information, it follows logic that constituents from a poor neighborhood would be more likely to support criminal justice reform, given that it affects them more than high-income neighborhoods. Citizens in poverty and their family members and friends are more likely to be in prison so they would more likely support a reform. Because legislators are meant to represent the opinions of their of constituents, I hypothesize:

H3: The poverty rate in a legislator's district affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. Legislators with a high poverty rate are more likely than legislators with a low poverty rate to support a bill regarding this bail reform.

Similarly to the poverty rate, studies show there is a correlation between the racial makeup of a district and the crime rate. Given this, it follows logic that citizens from districts with a high percentage of minorities would be more likely to support reform while citizens from districts with a high white population would be less likely. Thus, I hypothesize, again assuming legislators follow their constituents viewpoints on issues:

H4: The racial makeup of a legislator's district affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. Legislators with a higher percentage of white constituents are less likely than legislators with a low percentage of white constituents to support a bill regarding this bail reform.

⁵³ "Who Commits Crime?" *University of Minnesota*. Social Problems: Continuity and Change. <http://open.lib.umn.edu/socialproblems/chapter/8-3-who-commits-crime/>

Legislators are elected to their positions by their constituents because the constituents believe the legislator will work to improve the lives of the people in their district. Employment is one of the single most critical factors constituents care about regarding their district. Legislators often vote in a way that protects employment opportunities in their district. A bill that reduces reliance or abolishes monetary bail has the real possibility of causing prisons to shut down due to lack of prisoners and thereby reduce employment opportunities for a legislator's constituents.

Given this, I hypothesize:

H5: The number of state prisons in a legislator's district affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. As the number of state prisons in a legislator's district increases, the likelihood of their voting YES on the bill decreases.

H6: The number of local jails in a legislator's district affects whether a legislator votes YES or NO on a bill abolishing or reducing reliance on monetary bail. As the number of local jails in a legislator's district increases, the likelihood of their voting YES on the bill decreases.

Finally, criminal justice reform often has a highly controversial nature. It involves concerns about community safety as well as human and civil rights concerns for the defendants. The more contentious and controversial a bill is, generally the more difficult the bill is to pass. Therefore, I hypothesize:

H7: The comprehensiveness of the reform affects whether a legislator votes YES or NO on a bill regarding monetary bail reform. As the bill becomes more comprehensive, the likelihood of their voting YES on the bill decreases.

II. Data and Methodology

The states that have filed a criminal justice reform bill abolishing or reducing reliance on monetary bail that are being discussed in this analysis are Alaska, California, Colorado, Connecticut, Delaware, New Jersey, and Texas. All seven of these states have had bills sent through their state legislatures that either completely abolish or reduce reliance on monetary bail systems, many introducing the use of a risk assessment tool instead. The individual bills of each state and their current status can be found in Table 2.1.

Table 2.1 Dependent Variable, Voting Records								
	Bill	Status	House		Senate		Total	
			Yes	No	Yes	No	Yes	No
Alaska	SB 91	PASSED	28	11	16	2	44	13
California	SB 10	In Progress	-	-	26	11	26	11
Colorado	HB 13-1236	PASSED	63	1	35	0	98	1
Connecticut	HB 7044	PASSED	88	62	29	7	117	69
Delaware	HB 204	PASSED	38	3	15	5	53	8
New Jersey	S 946	PASSED	53	7	29	5	82	12
Texas	SB 1338	FAILED	-	-	21	10	21	10
Totals			-	-	-	-	441	124

The dependent variable in this study is a legislator's vote on their respective state's bill regarding bail reform. This information was accessed via each state legislature's individual voting records. In the analysis, a NO vote was coded as 0 and a YES vote was coded as 1. Legislators that abstained or were excused/absent from the vote were stricken from the dataset, marked as missing values, and not used for analysis. These states and the level of measurement provides 564 observations. The exact votes of each state can be found by chamber in Table 2.1.

The independent variables in this analysis, the variables I use to attempt to explain the variation in voting behavior are party identification of a legislator, the gender of a legislator, the poverty rate in a legislator's district, the racial makeup of a legislator's district, the number of state prisons in a legislator's district, the number of local prisons in a legislator's district, and the comprehensiveness of the reform bill.

Party identification and gender of the legislators were both coded as dichotomous variables in this analysis. They were determined by looking at the state legislature websites and legislator's self reported data. Party identification was categorized in this research by coding Republicans as 0 and Democrats as 1. Similarly, for gender, males were coded as 0 and females were coded as 1. The coding was done in this manner to reflect the hypotheses that Democrats (1) and females (1) were more likely to vote YES (1) on the bill. The mean for party identification was 0.53, meaning the legislators were slightly more likely to be Democrats, and it ranged from 0 to 1. The mean for gender was 0.3, indicating that legislators were much more likely to be male, and the range was again 0 to 1.

The poverty rate and the racial makeup of a legislator's district were both collected via the Census Reporter, an interactive website allowing citizens to view data from different

locations across the United States.⁵⁴ The information here is taken from the American Community Survey 2016 1-year data collected from the census. I searched for every state district individually from the seven states being used, then found the percent white in the district in the demographic section's race and ethnicity section. Then, I found the poverty rate in the economics section, where it is reported as the percent of persons under the federal poverty line. In this research both the poverty rate and the percentage white in the district are ratio variables, so they are coded as such. For example, if a district had a poverty rate of 24.9% it was input in the dataset as 24.9, and if it was 49% white it was input in the dataset at 49. In this way, both of these variables would range from 0 to 100 in the hypothetical, but their exact ranges can be found in Table 2.2.

Note: After an initial analysis found that neither the poverty rate nor racial makeup of the district was statistically significant, I reconfigured the racial makeup of the district variable to be dichotomous to reflect the pattern used for other works of research. In this way, the legislators were labelled as either having a majority white or majority minority district, where a population with 50 percent white or above was coded as 0 and a district with less than 50 percent white was coded as 1. This led to a slightly different result where the racial makeup of the district was statistically significant, but with such a minor impact and such little change to the other variables that it was excluded from the final analysis and the results shown below reflect the initial analysis.

The number of state prisons in each legislator's district was also an original dataset that I collected. I used the census of state prisons collected in 2005 as the original source of data.⁵⁵ It

⁵⁴ <https://censusreporter.org/profiles/04000US34-new-jersey/>

⁵⁵ United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. Census of State and Federal Adult Correctional Facilities, 2005. Ann Arbor, MI: Inter-university

included the address, city, and zip code of each state prison, so I copied the address of every prison in all seven of the states individually and searched for which legislator represented that district using a “Find My State Legislator” website.⁵⁶ The mean average over all the states was 1.13, but it ranged from 0 to 18. We decided to code it in the analysis as ranging from 0 to 7 or more, rather than running analyses up through 18.

While state prisons were believed to be significant to this research, it might have skewed the truth of the data if there were districts that had no state prisons but many local jails attached to it or vice versa. However, calculating the local jails variable was less straightforward than state prisons. The local jails dataset was collected similarly to the state prisons, using the census from 2006.⁵⁷ After beginning the data collection process, it was revealed that many of the “local jail” institutions were actually rehabilitation centers and therefore vastly overestimating the number of local jails in each district. The local jails in each district ranged from 0 to 38, but the mean was only 0.86. It became clear that using an increasing function as with the state prisons would not be accurate representation of the data. To correct for this, the local jails were coded as a dummy variable. If there were no local jails in a district, it was coded as 0 and if there was the presence of a local jail (or more) in the district, it was coded as 1. Here, the mean was 0.27 and ranged from 0 to 1. Both measurements can be found in Table 2.2.

The last variable considered was the comprehensiveness of the reform. The degree of intensity of each state’s reform was determined by reading the individual bills of each state as

Consortium for Political and Social Research [distributor], 2010-01-26.

<https://doi.org/10.3886/ICPSR24642.v1>

⁵⁶ https://openstates.org/find_your_legislator/

⁵⁷ United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. Census of Jail Facilities, 2006. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-01-26. <https://doi.org/10.3886/ICPSR26602.v1>

well as news articles written about them. Then, I grouped states together based on how progressive their reform bill was. Colorado was the least comprehensive reform, given that it was implemented in 2013 around the same time as New Jersey's and before massive reforms began catching fire across states. Colorado, the "least comprehensive" reform, was coded as 0. Next, Delaware and Texas were both coded as "less comprehensive." These bills did not eliminate the cash bail system, but they encourage the use of the risk assessment tool over relying solely on monetary bail as the determinant for release. Delaware and Texas were coded as 1. Then, California and Connecticut were considered "more comprehensive." They overhauled their systems to an extent, removing cash bail entirely from certain types of offenses but not all, and they both include use of a risk assessment tool instead. California and Connecticut are coded as 2. Lastly, Alaska and New Jersey had the "most comprehensive" reform bills, including a complete overhaul of the bail system, abolishing monetary bail entirely and focusing on risk assessment tools as determinants of a defendant's release. The "most comprehensive" reform was coded as 3.

Table 2.2 Descriptive Statistics				
Variable	How It's Measured	Mean	Range Min	Range Max
Vote	0: No 1: Yes	-	0	1
Party Identification	0: Republican 1: Democrat	0.53	0	1
Gender	0: Male 1: Female	0.3	0	1
Poverty Rate	% of population below federal poverty line	11.88	1.9	40.7
Racial Makeup (% White)	% of population white	62.23	9	95
State Prisons	Number of state prisons (increasing function)	1.13	0	7+
Local Jails	Increasing function 0: No presence of local jails 1: Presence of local jails	0.86 0.27	0 0	38 1
Comprehensiveness of Reform	0: least comprehensive 1: less comprehensive 2: more comprehensive 3: most comprehensive	1.81	0	3

III. Results

To get the results, we input the data, set up the dependent and independent variables, and conducted a logistic regression to determine which of the independent variables were statistically significant in predicting a legislator's vote. The logit results are shown in Table 2.3.

Table 2.3 Logit Analysis Results			
		Number of observations =	564
		LR chi2(7) =	174.75
		Prob > chi2 =	0.0000
		Pseudo R ² =	0.2954
Log likelihood = - 208.43054			
Variable	Coefficient	Z-Score	P> z
Party Identification	3.404	7.50	0.000***
Gender	0.589	2.09	0.037***
Poverty Rate	0.020	0.61	0.543
Racial Makeup (% White)	0.004	0.33	0.740
State Prisons	- 0.138	- 1.90	0.058**
Local Jails	0.101	1.63	0.104
Chamber	- 0.451	- 1.61	0.107
Comprehensiveness of Reform	-0.377	-2.91	0.004***
***Statistically significant at the 99th confidence interval			
**Statistically significant at the 90th confidence interval			

The log likelihood ratio (chi2(7)of 174.75) is significant at the 99% confidence interval (Prob>chi2=0.0000) which indicates that the overall model *is* explaining variation in legislative votes, the dependent variable. The pseudo R² of 0.2954 indicates that this model with these independent variables as predictors is explaining roughly 30% of the variation in legislative vote. For the independent variables, the p-value determines statistical significance and the coefficient relays the direction in which the variable predicts the outcome.

Party identification is statistically significant at the 99th confidence interval with a p-value of 0.0000 with a positive coefficient, confirming my hypothesis that Democrats are more likely than Republicans to vote for criminal justice reform. Gender is statistically significant at

the 99th confidence interval with a p-value of 0.037 with a positive coefficient, confirming my hypothesis that women are more likely than men to vote for a criminal justice reform. The number of state prisons is statistically significant at the 90th confidence interval at a p-value of 0.058 with a negative coefficient, confirming my hypothesis that legislators with more state prisons in their district are less likely to vote for reform. Finally, the comprehensiveness of the reform is statistically significant at the 99th confidence interval with a p-value of 0.004 with a negative coefficient, confirming my hypothesis that as the reform bill becomes more comprehensive, legislators are less likely to vote for it.

After determining which variables were statistically significant, I determined the impact of each of the statistically significant variables on the model. Because the model is estimated using a logistic regression and the dependent variable is dichotomous, the coefficients could not be easily interpreted to gauge impact. Therefore, clarify was used to generate predicted probabilities that allow us to interpret the substantive impact of the independent variables. Using clarify expanded the dataset from roughly 600 observations to 1000 observations in order to accommodate the simulations needed to gauge impact and it then appended the missing values to the bottom of the original dataset.

After using clarify, we set all of the independent variables to their modal category (i.e. their most frequent value) and changed only the statistically significant variable for which we wanted to gauge impact. The results of each variable follows.

When the independent variables are set at the modal category (Democrat for party identification) the overall likelihood of a vote YES is .96. Switching a legislator's party identification from Democrat (the modal category) to Republican drops the likelihood of a

legislator voting YES from .96 to .48. These results show that party identification has a large impact on the likelihood of passage, the largest in this analysis.

Likelihood of a Vote As <i>Party ID</i> Changes					
Party ID	Quantity of Interest	Mean	Std. Err.	[95% Conf. Interval]	
Democrat	Pr(vote=0)	0.04	0.014	0.017	0.070
	Pr(vote=1)	0.96	0.014	0.930	0.983
Republican	Pr(vote=0)	0.52	0.060	0.404	0.632
	Pr(vote=1)	0.48	0.060	0.367	0.596

When the independent variables are set at the modal category (male for gender), the overall likelihood of a vote YES is .96. Gender has a small impact on the likelihood of passage. Switching a legislator’s gender from male (the modal category) to female increases the likelihood of a legislator voting YES from .96 to .98.

Likelihood of a Vote As <i>Gender</i> Changes					
Gender	Quantity of Interest	Mean	Std. Err.	[95% Conf. Interval]	
Male	Pr(vote=0)	0.04	0.014	0.017	0.070
	Pr(vote=1)	0.96	0.014	0.930	0.983
Female	Pr(vote=0)	0.02	0.009	0.008	0.043
	Pr(vote=1)	0.98	0.009	0.956	0.992

When the independent variables are set at the modal category and number of state prisons is set to 0, the overall likelihood of a YES vote is .97. The number of state prisons has a small impact on the likelihood of passage. As the number of state prisons increase from 0 to 7, the likelihood of a vote slowly decreases from .97 to .91.

Likelihood of a Vote As # of State Prison Increases					
# of State Prisons	Quantity of Interest	Mean	Std. Err.	[95% Conf. Interval]	
No State Prison	Pr(vote=0)	0.032	0.0121	0.014	0.062
	Pr(vote=1)	0.970	0.0121	0.938	0.986
1 State Prison	Pr(vote=0)	0.036	0.0136	0.017	0.069
	Pr(vote=1)	0.964	0.0136	0.930	0.983
2 State Prisons	Pr(vote=0)	0.042	0.0159	0.019	0.081
	Pr(vote=1)	0.958	0.0159	0.919	0.981
3 State Prisons	Pr(vote=0)	0.048	0.0193	0.021	0.096
	Pr(vote=1)	0.952	0.0193	0.904	0.979
4 State Prisons	Pr(vote=0)	0.056	0.0238	0.021	0.115
	Pr(vote=1)	0.944	0.0238	0.885	0.979
5 State Prisons	Pr(vote=0)	0.065	0.0299	0.023	0.136
	Pr(vote=1)	0.935	0.0299	0.864	0.977
6 State Prisons	Pr(vote=0)	0.075	0.0376	0.023	0.168
	Pr(vote=1)	0.925	0.0376	0.832	0.977
7 State Prisons	Pr(vote=0)	0.087	0.471	0.023	0.208
	Pr(vote=1)	0.913	0.471	0.792	0.977

When the independent variables are set at the modal category and comprehensiveness of reform is set to 0 (the least comprehensive reform) the overall likelihood of a YES vote is .98. The degree of intensity of the reform has a small impact on the likelihood of passage. As the comprehensiveness of the reform increases from 0 (least comprehensive) to 3 (most comprehensive), the likelihood of passage decreases from .98 to .95.

Likelihood of a Vote As <i>Comprehensiveness of Reform</i> Increases					
Comprehensiveness of Reform	Quantity of Interest	Mean	Std. Err.	[95% Conf. Interval]	
0 = least comprehensive	Pr(vote=0)	0.02	0.0086	0.006	0.039
	Pr(vote=1)	0.98	0.0086	0.961	0.994
1 = less comprehensive	Pr(vote=0)	0.03	0.0103	0.011	0.051
	Pr(vote=1)	0.97	0.0103	0.949	0.989
2 = more comprehensive	Pr(vote=0)	0.04	0.0136	0.017	0.070
	Pr(vote=1)	0.96	0.0136	0.930	0.983
3 = most comprehensive	Pr(vote=0)	0.05	0.0199	0.023	0.101
	Pr(vote=1)	0.95	0.0199	0.899	0.977

IV. Discussion and Conclusion

Although societal and political discussion suggests that bail reform policies of this magnitude are highly controversial and difficult to pass, this research indicates that likelihood of passage is high. We hypothesize which factors influence a legislator’s vote on a bill of this nature and the results confirmed multiple of the hypotheses.

Firstly, my hypothesis that Democrats are more likely than Republicans to vote YES on a bill regarding bail reform was confirmed. It was statistically significant and showed very high impact. However, legislative party affiliation was not only statistically significant and not only had the largest impact compared to other independent variables in this analysis, but its impact was almost 50% greater than every other statistically significant variable. This indicates that in the realm of bail reform policy, the single most important factor in a legislator’s vote in this model is determined by their party affiliation, over their gender, over constituent opinion, over constituent employment, over the comprehensiveness of the reform, etc.

My hypothesis that women are more likely than men to vote YES on this reform was also confirmed, but only had a minor impact in this analysis. My hypothesis that the more comprehensive the reform, the less likely a legislator was to vote for it was also confirmed. However, it was surprising that the comprehensiveness of the reform did not gauge a higher impact on whether legislators voted YES or NO on the bill. This, however, could be a result of the small number of states and the small range of comprehensiveness in their bills. Lastly, my hypothesis that the more state prisons a legislator has in their district, the less likely they are to vote for the bill due to concerns about constituent employment was also confirmed. This variable was the second most impactful, reflecting that constituent employment in this analysis is of serious concern to legislators and does impact their voting habits.

Some weaknesses were identified in this research post-analysis. After seeing that the model explains only roughly 30% of the variation in voting for legislators, I began to consider other variables that could have been used to explain the variation that could have been included in this model. The campaign contributions of prisons and bail bondsmen to state legislators could have a negative effect on their willingness to vote YES for a bill that could shut down a number of prisons statewide as well as have a destructive effect on the private bail bond industry. Another independent variable that could be considered is the strength and presence of interest groups in that state's legislature. Many interest groups such as the ACLU and the Vera Institute have expressed explicit interest in the issue of monetary bail. The strength of interest group presence in state legislatures could have had a strong influence in convincing legislators otherwise unlikely to vote for the bill to vote YES. Finally, one factor that was not included explicitly in the analysis, but was attempted to be included indirectly was the crime rate per legislator's district. Crime rate data is not collected and characterized by the legislative district in

a manner that was accessible at the time of this research, so it had to be excluded as an independent variable. Crime rates are generally only available via city and county limits, so in order to use it, it would have needed to be cross referenced by every district to see which cities and towns it encompassed and then apply the crime rates in that manner. Given the time restraint, a data collection to this magnitude was not possible to complete. However it is worth noting that the poverty rate and racial makeup of the district (both of which are highly correlated to crime rate) were both not statistically significant in this model, so crime rate might not be as applicable as we would have thought. This in itself would have been an interesting conclusion to be able to draw and should be considered for furthering this model in future research.

Another weakness considered in this research is that there was a relatively small number of states from which to draw data and do the analysis. Only seven states had adopted reforms in a manner that allowed them to be used in this research, leaving us with only 564 observations of individual state legislators. It would have been preferable to have a larger sample.

Lastly, as briefly discussed previously, as I went through the list of local jail data it was revealed that many of the centers were not local jails housing inmates but rather rehabilitation centers such as halfway houses, mental health facilities, and rehabilitation centers for addiction. We attempted to address our concern about this by affixing local jails as a dummy variable rather than coding it as state prisons were. However, it would have been preferable to be able to code it differently and separate the actual jails from rehabilitation centers. One interesting note that came out of this weakness was seeing that local jails had a positive coefficient while state prisons had a negative coefficient as we expected. One possible theory for this is that the rehabilitation centers in the local jail dataset skewed these results outside of just adding an exorbitant number of institutions to the data. A district with more rehabilitation centers might have a legislator more

likely to vote YES on a bill about bail reform because that legislator's district depends on reforming and rehabilitating individuals leaving prison, rather than keeping them locked up. It could also be reflective of the ideology of that district (and by extension their legislator) that defendants deserve to be treated more freely, that this district thinks more progressively regarding criminal justice reform in general. However, the local jails variable was not statistically significant and had conflicting data points so none of these observations could be confirmed.

In future research, to complement this model, more independent variables should be analyzed to explain the other 70% variation in the legislators' voting behavior. The local jails variable should be recoded and separated out to reflect the districts with high numbers of rehabilitation centers versus districts focused on housing inmates in local jails. Finally, as time progresses, hopefully more states will continue to adopt this reform and allow for research to be done with higher levels of observations.

Chapter 3:
Bail Reform in Louisiana

I. Examining Louisiana Specific Bail System Statistics

Louisiana is a state constantly struggling to stay afloat in most areas of societal welfare. It ranks at the bottom of almost every list from healthcare to education to poverty rates, etc. The one aspect of Louisiana, other than its unique cultural pull, that ranks highest is its incarceration rate. Louisiana has the highest incarceration rate, not only in the United States, but in the world. In 2013, it spent \$713 million on corrections expenses. Nearly twice the national average, one in every 75 adults in Louisiana is incarcerated: 850 people per 100,000 are behind bars, compared to national average of 496.⁵⁸ Since the 1980s, Louisiana's incarceration rate has skyrocketed from roughly 200 people per 100,000 to almost 900 people incarcerated per 100,000 in 2013. While the incarceration rate in Louisiana increased, the crime rate in the state actually dropped 40% from 1993 to 2013.⁵⁹ Some argue that this was a result of harsher sentencing but despite the statewide and national rhetoric that crime is at an all time high and sentencing reforms need to be harsher for the sake of public safety, the increase in incarceration had less than a 10% effect on decreasing the crime rate, and since the year 2000, it has had almost 0 effect.⁶⁰ The marginal effect on decreasing crime by adding more individuals to prisons remains at 0 today.

Given these statistics, it leads one to wonder why Louisiana continues to implement reform policies that incarcerate more and more individuals for low level crimes considering the severe consequences it has on the state and its citizens when it has been proven that high incarceration rates are not reducing crime. The main argument is Louisiana's severe ethical issues regarding the existence of privately run prisons and perverse incentives. The NYU Center for Law argues that the reason for Louisiana's astronomically high incarceration rate compared

⁵⁸ <https://www.brennancenter.org/press-release/new-report-increased-incarceration-had-limited-effect-reducing-crime-over-two-decade-3>

⁵⁹ <https://www.brennancenter.org/analysis/louisiana-fact-sheet-what-caused-crime-decline>

⁶⁰ <https://www.brennancenter.org/analysis/louisiana-fact-sheet-what-caused-crime-decline>

to the rest of the nation is “partly due to financial rewards given by the state to local sheriffs to keep jails full with state prisoners, a perverse incentive that helps fuel incarceration.⁶¹” This major ethical concern seems at first to be an underhanded type of business run model that would be kept from the public. However, in Louisiana the perverseness of its politicians and leaders is so normalized that they fear no retribution for blatantly unethical statements and mistreatment of prisoners. Governor John Bel Edwards passed legislation to reduce Louisiana’s incarceration population by diverting low-level nonviolent offenders from going to prison and Caddo Parish Sheriff Steve Prator responded vociferously, "In addition to the bad ones -- in addition to them -- they are releasing some good ones that we use every day to wash cars, to change the oil in our cars, to cook in the kitchen -- to do all that where we save money.⁶²" This raises severe questions about where the priorities of the leaders of Louisiana’s prison system lie.

Inherent in our system is an incentive for sheriffs to keep as many prisoners behind their bars as possible. There are two methods by which sheriffs get a monetary value off of their inmates: housing them during their sentences and hiring them out to work for free for the system that incarcerated them. Sheriffs actually get paid per prisoner they house and then make money off of them by forcing them to work for free.⁶³ In addition, most individuals incarcerated in Louisiana are sent to local jails, rather than a state facility. However, local jails are meant to be temporary housing for short term inmates and they are being used to hold prisoners for the duration of their sentences. Local jails do not have the resources or the capacity to provide inmates with rehabilitative programs and this leads to inmates locked up for years, then reentering society with no preparation. From an ethical viewpoint, the individuals in Louisiana’s

⁶¹ <https://www.brennancenter.org/press-release/new-report-increased-incarceration-had-limited-effect-reducing-crime-over-two-decade-3>

⁶² http://www.nola.com/politics/index.ssf/2017/10/louisiana_good_prisoners.html

⁶³ http://www.nola.com/politics/index.ssf/2017/10/louisiana_good_prisoners.html

criminal justice system are experiencing long standing systemic discrimination for the sake of personal gain rather than rehabilitation or a chance to reenter society.

In addition, from an economic viewpoint, Louisiana has more to gain from bail reform policies that reduce expenditures than almost any other state. Data for Louisiana's pretrial population is scarce and the only data readily available is that of the local jail population. In 2013, Louisiana local jails were housing roughly 2,500 defendants that were being held pretrial.⁶⁴ If, similar to New Jersey, Louisiana's pretrial prison population declined 35%, 875 inmates would be released, saving Louisiana (using \$31,286 as the estimated national average cost of inmates to taxpayers) over \$27.3 million. Furthermore, this is an extremely conservative estimate because the majority (66%) of the population held in Louisiana jails is held for the state prison system, meaning the 2,500 number used here vastly understates the pretrial population.⁶⁵ Given the knowledge that Louisiana's overall incarcerated population rests at over 54,000 individuals at any given time, it follows logic that 2,500 is a vast underestimate of the number of individuals held pretrial. However, it is clear regardless that the state has millions of dollars to save with the implementation of this policy.

II. Predicting Louisiana

Louisiana has not yet considered comprehensive changes to its bail system in the manner of abolishing monetary bail. Given the opinion that Louisiana could benefit from bail reform economically and ethically, I used the model created in this research to gauge the variables that influence legislators' support or opposition to reform and their impacts and used it to predict whether or not a bill of this nature could be passed in Louisiana.

⁶⁴ <https://www.prisonpolicy.org/profiles/LA.html>

⁶⁵ <https://www.prisonpolicy.org/profiles/LA.html>

Table 3.1 shows the results of predicting the likelihood of success in Louisiana. In order to gauge the likelihood of success in Louisiana, the logit model is estimated using the results from the seven other states and then Louisiana’s characteristics are substituted for those in the original model. For example, information from Legislator X from Texas is swapped out for information on Legislator Y from Louisiana. Then, using the coefficients generated by the original model, a predicted vote is generated based on the values of the independent variables for the Louisiana legislators. Since Louisiana has not voted on a reform, the value of comprehensive reform was estimated at two values: once with a value of 0 which indicates a weak reform bill and once with a value of 3 which indicates the most comprehensive reform. The likelihood of Louisiana passing weak reform according to this model is .84 and the likelihood of passing the most comprehensive reform is .67. The difference between weak and comprehensive reform is a substantial difference in terms of likelihood of passage but still indicates that such reforms would be successful.

Table 3.1 Likelihood of a Vote in Louisiana					
Comprehensiveness of Reform	Quantity of Interest	Mean	Std. Err.	[95% Conf. Interval]	
0 = weak reform	Pr(vote=1)	.84	0.1297	0.637	0.996
3 = comprehensive reform	Pr(vote=1)	.67	0.2433	0.362	0.988

Note: After initial analysis, it was clear the model was likely overestimating the likelihood of passage of criminal justice reform in Louisiana given the state’s prior history and current criminal justice system. I considered that this could be due to the model using states that have more liberally minded Republicans than those in Louisiana. In attempts to correct for this, I switched the party affiliation to represent an ideological affiliation rather than simply political

party, but it showed little to no change in the analysis. Therefore, the results shown here represent the initial method of research conducted as discussed above.

The actual predicted votes for each individual legislator from Louisiana can be found in Table A in the Appendix. Several of the more well known Louisiana legislators' predicted votes can be found below in Table 3.2 to illustrate the range of voting based on legislators that many individuals in Louisiana are familiar with the demographics and voting records of. For example, Senator Daniel Claitor is a male Republican and the chair of the Senate's Judiciary C committee. His likelihood of voting YES on a bill of this nature is .77 with least comprehensive reform and .51 with the most comprehensive reform. These predicted values are below the state's average of .84 and .67, iterating the idea that Senator Claitor would be less likely than the average Louisiana legislator to vote YES on a bill of bail reform. Senator Sharon Hewitt is a female Republican and provides that controversial viewpoint, given that being female we predict a more likely YES vote but being Republican predict a more likely NO vote. Her predicted likelihoods were .88 and .70 respectively for least and most comprehensive reforms.

Table 3.2 Louisiana Predictions: Likelihood of a Yes Vote		
NAME	Reform = 0 (Least Comprehensive)	Reform = 3 (Most Comprehensive)
Daniel Claitor	.7666575	.5147675
Sharon Hewitt	.8773113	.6977838
Karen Carter Peterson	.9960912	.9879927
Neil Riser	.8649592	.6740719
Tony Bacala	.6603669	.3856781
James Armes	.989474	.9681045
Alan Seabaugh	.6657271	.391378
Ted James	.9847453	.9542202
Dorothy Hill	.9922825	.9764794
Nancy Landry	.7949379	.5558918
Katrina Jackson	.9943964	.9828472

III. Conclusions

In this research, we discuss the ethical and economic benefits of abolishing monetary bail in favor of a risk assessment tool. Louisiana, being a state with concerningly unethical treatment of those in the criminal justice system, incredibly high rates of incarceration, and serious budgetary crises, stands to benefit from a policy that addresses all of these issues. Given the results compared to other measures of voting behavior in this state, it is likely that the model produced here overestimates the likelihood of a positive vote in Louisiana. It is for this reason that future avenues of research should focus on improving the model by adding independent variables discussed previously and correcting for differences of ideology within party affiliations. Future research could also focus on interest group participation and voter sensitivity to issues, providing insight onto how active citizens can support legislation to change our state and nation for the better. This research provides us with the unique opportunity to hold our legislators accountable in representing our interests.

Ultimately, bail reform is on the rise in the United States. The current system is unethical, economically unsound, and causes concern for public safety. Abolishing monetary bail is a policy dedicated to the rehabilitation of inmates, reducing recidivism rates, saving taxpayers millions of dollars annually, and contriving a system of incarceration that improves our society. Louisiana has the highest incarceration rate in the world and stands to benefit more from this policy implementation than any other state in the nation. This research shows us why legislators vote the way they do, gives us opportunity to develop more understanding of the factors that influence their votes, and provides us the citizens with a pathway on how to make a change.

Appendix

Table A: Louisiana Predicted Values, Likelihood of a YES Vote

NAME	Reform = 0	Reform = 3
Sharon Hewitt	.8773113	.6977838
Ed Price	.9919815	.9755772
JP Morrell	.9927968	.9780234
Wesley Bishop	.991601	.9744381
Karen Carter Peterson	.9960912	.9879927
Mack Bodi White	.779043	.5323677
Troy Carter	.9909279	.9724278
John Alario	.7690508	.5181205
Conrad Appel	.7769918	.5294099
Daniel Martiny	.761966	.50826
Jack Donahue	.7863808	.543093
Beth Mizell	.9034415	.751311
Dale Erdey	.8031126	.5684223
Yvonne Colomb	.9958268	.9871877
Regina Barrow	.993458	.9800134
Dan Claitor	.7666575	.5147675
Rick Ward	.8382441	.6259254
Eddie Lambert	.7865818	.54339
Gary Smith	.9911175	.9729935
Norby Chabert	.8066726	.5739749
RL Bret Allain	.8369591	.6237106
Fred Mills	.8191425	.5938979
Page Cortez	.7503494	.4925083
Gerald Boudreaux	.992092	.9759083
Dan Morrish	.8619841	.6685029
Jonathan Perry	.822357	.5991568
Ronnie Johns	.7780005	.5308623
Eric LaFleur	.9945205	.9832226
Jay Luneau	.9956187	.9865545
John Smith	.8296989	.6113639
Gerlad Long	.8319082	.6150918
Neil Riser	.8649592	.6740719
Michael Walsworth	.8516496	.6495706
Francis Thompson	.9958244	.9871802
Jim Fannin	.7680776	.5167543
Ryan Gatti	.8177163	.5915812
Barrow Peacock	.7951936	.5562792
John Milkovich	.9900813	.9699072
Gregory Tarver	.9925675	.9773344

James Morris	.7004641	.4302241
Sam Jenkins	.9881405	.9641618
Barbara Norton	.993045	.9787699
Cedric Glover	.9879406	.9635729
Alan Seabaugh	.6657271	.391378
Thomas Carmody	.675248	.4016902
Larry Bagley	.668311	.3941526
Raymond Crews	.7293766	.4653098
Dodie Horton	.7896638	.5479656
Eugene Reynolds	.988471	.9651371
Patrick Jefferson	.9900719	.9698794
Robert Shadoin	.7710857	.5209893
Jack McFarland	.7795255	.5330662
John Morris	.6798622	.4067766
Frank Hoffmann	.7159643	.4487023
Katrina Jackson	.9943964	.9828472
Marcus Hunter	.9900934	.9699434
Major Thibaut	.9853854	.9560838
Charles Chaney	.7782373	.5312038
Steve Plyant	.8239298	.6017487
John Anders	.9920725	.9758498
Terry Brown	.7032101	.4334437
Kenny Cox	.9918521	.9751897
Frank Howard	.7242447	.4588855
Lance Harris	.6936213	.4222993
Jeffrey Hall	.9887797	.9660493
Chris Hazel	.6791813	.4060223
Robert Johnson	.9869674	.9607115
Edmond Jordan	.9872558	.961558
James Armes	.989474	.9681045
Nancy Landry	.7949379	.5558918
Dorothy Sue Hill	.9922825	.9764794
Michael Danahay	.9880946	.9640266
AB Franklin	.6782647	.405009
Stephen Dwight	.6851427	.4126701
Mark Abraham	.6886261	.4166012
John Guinn	.7745927	.5259723
H Bernard LeBas	.9912586	.9734151
Julie Emerson	.7956783	.5570142
Dustin Miller	.9905105	.971184
Phillip DeVillier	.7438025	.4838509
John Stefanski	.7634354	.5102889
Stuart Bishop	.6376243	.3623041
Vincent Pierre	.9854866	.9563789
Jean-Paul Coussan	.7053008	.4359104
Mike Huval	.7035019	.4337872

Bob Hensgens	.7526516	.4955899
Taylor Barras	.7090645	.4403847
Blake Miguez	.6966479	.4257873
Sam Jones	.9900845	.9699167
Beryl Amedee	.8228704	.6000015
Jerome Zeringue	.718649	.4519796
Tanner Magee	.7079873	.4390997
Jerry Gisclair	.9856489	.9568524
Jerome Richard	.7196665	.4532278
Gregory Miller	.6684205	.3942706
Randal Gaines	.987246	.9615292
Ken Brass	.9884329	.9650248
Tony Bacala	.6603669	.3856781
Chad Brown	.9838189	.9515312
Denise Marcelle	.9916945	.9747179
Kenneth Havard	.6902097	.4183998
Barbara Carpenter	.9916463	.9745738
Valarie Hodges	.7947223	.5555654
Barry Ivey	.6730847	.3993257
Rick Edmonds	.6534413	.3784235
Patricia Haynes Smith	.9946498	.983614
Stephen Carter	.6898077	.4179426
Paula Davis	.7837214	.5391797
Franklin Foil	.9852564	.9557079
Rogers Pope	.6959899	.4250268
Robby Carter	.9917294	.9748223
Stephen Pugh	.7034519	.4337284
Scott Simon	.6803573	.4073259
Malinda White	.9940627	.9818381
Kevin Pearson	.7019318	.4319421
Mark Wright	.701834	.4318275
Kirk Talbot	.6780834	.4048088
Julie Stokes	.7739872	.5251083
Polly Thomas	.8064064	.5735576
Clay Schexnayder	.7018231	.4318146
Cameron Henry	.6841313	.4115352
Robert Billiot	.9868675	.9604182
Patrick Connick	.6793907	.4062541
Joseph Marino	.7009373	.4307773
Chris Broadwater	.7194628	.4529775
Rodney Lyons	.986958	.9606836
John Berthelot	.6895004	.4175933
Reid Falconer	.6616592	.3870455
Gregory Cromer	.6986986	.4281661
Walt Leger	.9881626	.964227
Joseph Stagni	.6951451	.4240521

Helena Moreno	.9942054	.9822692
Stephanie Hilferty	.7940353	.5545266
Sherman Mack	.74052	.4795682
Terry Landry	.9885444	.9653539
Joseph Bouie	.9857278	.9570829
Neil Abramson	.9864202	.9591075
Jimmy Harris	.988051	.9638981
John Bagneris	.9864518	.9591999
Edward James	.9847453	.9542202
Gary Carter	.9858254	.9573681
Raymond Garofalo	.7243858	.459061
Paul Hollis	.6890634	.4170972
Christopher Leopold	.6632903	.3887774

References

“Alaska Moves to Eliminate Cash Bail.” *Vera Institute of Justice*. January 2018.

<https://www.vera.org/blog/alaska-moves-to-eliminate-cash-bail>

Ayres, Ian and Waldfoegel, Joel, "A Market Test for Race Discrimination in Bail Setting" (1994).

Faculty Scholarship Series. Paper 1527.

http://digitalcommons.law.yale.edu/fss_papers/1527

“Bondsman ‘Desperate’ To Regain ‘Unlawful’ Control Over Bail Process.” *ABQ Free Press*

Weekly. August 2017. <http://www.freeabq.com/2017/08/21/supreme-court-bail-suit->

[response/](http://www.freeabq.com/2017/08/21/supreme-court-bail-suit-response/)

Carter, Stephen “Bail Reform Is Overdue, But Finally Here.” *Bloomberg View*. February 2017.

<https://www.bloomberg.com/view/articles/2017-02-16/bail-reform-is-overdue-but->

[finally-here](https://www.bloomberg.com/view/articles/2017-02-16/bail-reform-is-overdue-but-finally-here)

Cassidy, Megan. “Bond companies 'extremely worried' as Arizona moves away from cash bail bonds.” *The Republic*. USA Today Network. June 21 2017.

<https://www.azcentral.com/story/news/local/arizona/2017/06/21/arizona-courts-back->

[away-cash-bail-system-bond-companies-worried/400209001/](https://www.azcentral.com/story/news/local/arizona/2017/06/21/arizona-courts-back-away-cash-bail-system-bond-companies-worried/400209001/)

Chammah, Maurice “Two Parties, Two Platforms on Criminal Justice.” *The Marshall Project*.

July 2016. <https://www.themarshallproject.org/2016/07/18/two-parties-two-platforms-on->

[criminal-justice](https://www.themarshallproject.org/2016/07/18/two-parties-two-platforms-on-criminal-justice)

Clayton, Jeff “Laura and John Arnold Foundation’s ‘neutrality’ on bail reform just a

facade?” *American Bail Coalition*. <http://www.americanbailcoalition.org/press->

[releases/laura-john-arnold-foundations-neutrality-bail-reform-facade/](http://www.americanbailcoalition.org/press-releases/laura-john-arnold-foundations-neutrality-bail-reform-facade/)

“Developing a National Model for Pretrial Risk Assessment.” Laura and John Arnold Foundation. November 2013. http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf

Engrossed Judiciary Act, September 24, 1789; First Congress; Enrolled Acts and Resolutions; General Records of the United States Government; Record Group 11; National Archives. <https://www.ourdocuments.gov/doc.php?flash=false&doc=12&page=transcript>.

Erika Harrell, Lynn Langton, Marcus Berzofsky, Lance Couzens, and Hope Smiley-McDonald “Household Poverty and Nonfatal Violent Victimization, 2008-2012.” *US Department of Justice, Bureau of Justice Statistics*. November 2014. <https://www.bjs.gov/content/pub/pdf/hpnavv0812.pdf>

Foderaro, Lisa “New Jersey Alters Its Bail System and Upends Legal Landscape.” *New York Times*. February 2017. <https://www.nytimes.com/2017/02/06/nyregion/new-jersey-bail-system.html>

Gardiner, Daniel; MacMorran, Jason; and Hanlon, Stephen. “The Louisiana Project: A Study of the Louisiana Public Defender System and Attorney Workload Standards.” *Postlethwaite & Netterville* and *The American Bar Association*. February 2017.

Henrichson, Christian and Delaney, Ruth “The Price of Prisons: What Incarceration Costs Taxpayers.” *Vera Institute of Justice*. July 2012. https://storage.googleapis.com/vera-web-assets/downloads/Publications/price-of-prisons-what-incarceration-costs-taxpayers/legacy_downloads/price-of-prisons-updated-version-021914.pdf

Henrichson, Christian “Incarceration Trends.” *Vera Institute of Justice*. 2018. <http://trends.vera.org/rates/louisiana?incarcerationData=pretrial>

Hill, Michael “Bond Industry Reeling from Bail Reform.” *NJTV News*. January 2017.

<https://www.njtvonline.org/news/video/bond-industry-reeling-bail-reform/>

Hurwitz, Jon.; Smithey, Shannon “Gender differences on crime and punishment.” *Lewis University. Political Research Quarterly* v. 51 no1 (Mar. 1998) p. 89-115.

http://www2.lewisu.edu/~gazianjo/gender_differences_on_crime_and_.htm

Keenan, Clifford T. “We Need More Bail Reform.” Pretrial Services Agency for the District of Columbia. 2013. <https://www.psa.gov/?q=node/390>

Kingsnorth, Rodney, et al. "Preventive Detention: The Impact of the 1984 Bail Reform Act in the Eastern Federal District of California." *Criminal Justice Policy Review*, vol. 2, no. 2, June 1987, p. 150) <http://journals.sagepub.com/doi/pdf/10.1177/088740348700200204>

Lee, Morgan. “New Mexico Supreme Court Defends Bail Reforms From Lawsuit.” Associated Press. August 2017. <https://www.usnews.com/news/best-states/new-mexico/articles/2017-08-21/new-mexico-supreme-court-defends-bail-reforms-from-lawsuit>

Levin, Sam “Wealthy murder suspect freed on bail as man accused of welfare fraud stuck in jail.” *The Guardian*. April 2017. <https://www.theguardian.com/us-news/2017/apr/25/california-bail-system-tiffany-li-joseph-warren>

Miller, Claire “Women Actually Do Govern Differently.” *The New York Times*. November 2016. <https://www.nytimes.com/2016/11/10/upshot/women-actually-do-govern-differently.html>

Ortiz, Natalie “County Jails At a Crossroads: An Examination of the Jail Population and Pretrial Release.” *National Association of Counties*. Why Counties Matter Series Issue 2. July 2015. http://www.naco.org/sites/default/files/documents/Final%20paper_County%20Jails%20at%20a%20Crossroads_8.10.15.pdf

“Public Safety Assessment: Risk Factors and Formula.” *Laura and John Arnold Foundation*.

2013-2016. <http://www.arnoldfoundation.org/wp-content/uploads/PSA-Risk-Factors-and-Formula.pdf>

Quinn, James “US Court frees Bernard Madoff on \$10m bail.” *The Telegraph*. January 2009.

<https://www.telegraph.co.uk/finance/financetopics/bernard-madoff/4225032/US-Court-frees-Bernard-Madoff-on-10m-bail.html>

“Republican Views on Crime.” *Republican Views*. August. 2015.

<https://www.republicanviews.org/republican-views-on-crime/>

Romero, Dennis “Palos Verdes Teen Charged in Gang Murder Was a South LA Fixture.” *LA*

Weekly. November 20 2017. <http://www.laweekly.com/news/white-teen-accused-of-murder-cameron-terrell-was-a-south-los-angeles-regular-8868345>

Sandblom, Robert L. “Constitutional Law: Right to Bail” *Michigan Law Review*, Vol. 51, No. 3 pp. 389-408. *The Michigan Law Review Association*. January 1953.

<http://www.jstor.org.libezp.lib.lsu.edu/stable/pdf/1285609.pdf>

Santora, Marc “New York City’s Annual Cost Per Inmate Is \$168,000 Study Finds.” *The New*

York Times. August 2013. <http://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html>

Shalom, Alexander “Bail Reform as a Mass Incarceration Reduction Technique,” 66 *Rutgers L. Rev.* 921 (2014).

Shipkowski, Bruce “Courts: Bail Reform Working, but Sustainable Funding Needed.”

Associated Press. US News. February 2018. <https://www.usnews.com/news/best-states/new-jersey/articles/2018-02-19/courts-bail-reform-working-but-sustainable-funding-needed>

“The Bail Reform Act of 1966.” Finch McCranie LLP. 2017. <http://finchmccranie.com/table-of-contents-3/ii-the-arrest-stage/d-the-bail-determination/1-the-bail-reform-act-of-1966/> *West's Encyclopedia of American Law, edition 2*. S.v. "bail." Retrieved March 2018 from <https://legal-dictionary.thefreedictionary.com/bail>

The Bill of Rights: A Transcription. National Archives. America's National Documents.

<https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-amendment-viii>

Tolan, Casey “Kamala Harris, Rand Paul introduce bail reform bill.” *The Mercury News*. July 2017. <https://www.mercurynews.com/2017/07/20/kamala-harris-bail-reform-rand-paul-bill-congress/>

“Trends in US Corrections.” *The Sentencing Project*. June 2017.

<https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>

United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics.

Census of State and Federal Adult Correctional Facilities, 2005. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-01-26.

<https://doi.org/10.3886/ICPSR24642.v1>

United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics.

Census of Jail Facilities, 2006. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-01-26. <https://doi.org/10.3886/ICPSR26602.v1>

Westervelt, Eric “Did A Bail Reform Algorithm Contribute to This San Francisco Man’s Murder?” *National Public Radio*. August 2017.

<https://www.npr.org/2017/08/18/543976003/did-a-bail-reform-algorithm-contribute-to-this-san-francisco-man-s-murder>

“Who Commits Crime?” *University of Minnesota*. Social Problems: Continuity and Change.

<http://open.lib.umn.edu/socialproblems/chapter/8-3-who-commits-crime/>

Wiggins, Ovetta and Marimow, Ann. “Maryland’s highest court overhauls the state’s cash-based bail system.” Maryland Politics. The Washington Post. February 2017.

https://www.washingtonpost.com/local/md-politics/maryland-highest-court-overhauls-the-states-cash-based-bail-system/2017/02/07/36188114-ed78-11e6-9973-c5efb7ccfb0d_story.html?noredirect=on&utm_term=.8ee7e9902f8b

Will Dobbie, Jacob Goldin, Crystal Yang, “The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges.” *Princeton*.

July 2016. https://scholar.princeton.edu/sites/default/files/wdobbie/files/dgy_bail_0.pdf

Wiltz, Teresa “Locked Up: Is Cash Bail On the Way Out?” *Pew Charitable Trusts; Stateline*.

March 2017. [http://www.pewtrusts.org/en/research-and-](http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/01/locked-up-is-cash-bail-on-the-way-out)

[analysis/blogs/stateline/2017/03/01/locked-up-is-cash-bail-on-the-way-out](http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/01/locked-up-is-cash-bail-on-the-way-out)

Wiseman, Samuel. "Discrimination, Coercion, and The Bail Reform Act of 1984: The Loss of the Core Constitutional Protections of the Excessive Bail Clause. (Cover Story)."

Fordham Urban Law Journal, Vol. 36, No. 1, Jan. 2009, Pp. 121-157.