



Bond Reform & Rising Crime Rates

Anshumi Jhaveri,^{1 3} Honorable J. Christian Becerra²

¹ J.F. Dulles High School, Sugar Land, TX

² 434th District Court, Richmond, TX

³ Gifted & Talented Mentorship Program, Fort Bend ISD



INTRODUCTION

Bail Bond is a way for a defendant to pay the jail to get out of jail until their court date. If the defendant can't afford bail, they must wait in jail until their court date. A Judge sets the bail amount during a bail hearing in court upon examining the nature of the crime and case details. Bond Reform is a controversial issue, and Texas is at its center of attention. Gov. Abbott recently signed SB6 into law, requiring people accused of violent crimes to put up cash to get out of jail. However, Civil Rights advocates argue that this causes discrimination against the poor and people of color, leading to overfilled jails and wealth-based detention. Texas Legislature argues this legislation is needed to keep dangerous people behind bars, pointing to examples of defendants accused of violent crimes being released on bond and then accused of new crimes. **This research endeavor aims to understand whether bond reform is responsible for rising crime rates in Texas.**

METHODOLOGY

This research focuses on Houston as a sample for Texas as it's the largest in both population and area. The study is both quantitative and qualitative research, and follows a Secondary Data Analysis in order to draw conclusions from statistics that have already been gathered about cash bail practices in Houston as well as the nature of violent crime rates. The research being looked at comes from multiple sources such as Duke Law, UH Law, TAMU Law, Houston Police Department, and the Civil Rights Corps. The data spans a 6 year period from 2015 to 2021 in order to get the most recent statistics. The data looked at includes many different variables such as race, income, and conviction results along with others.

RESULTS

Figure 1: Number of Persons Arrested for Misdemeanors by Year

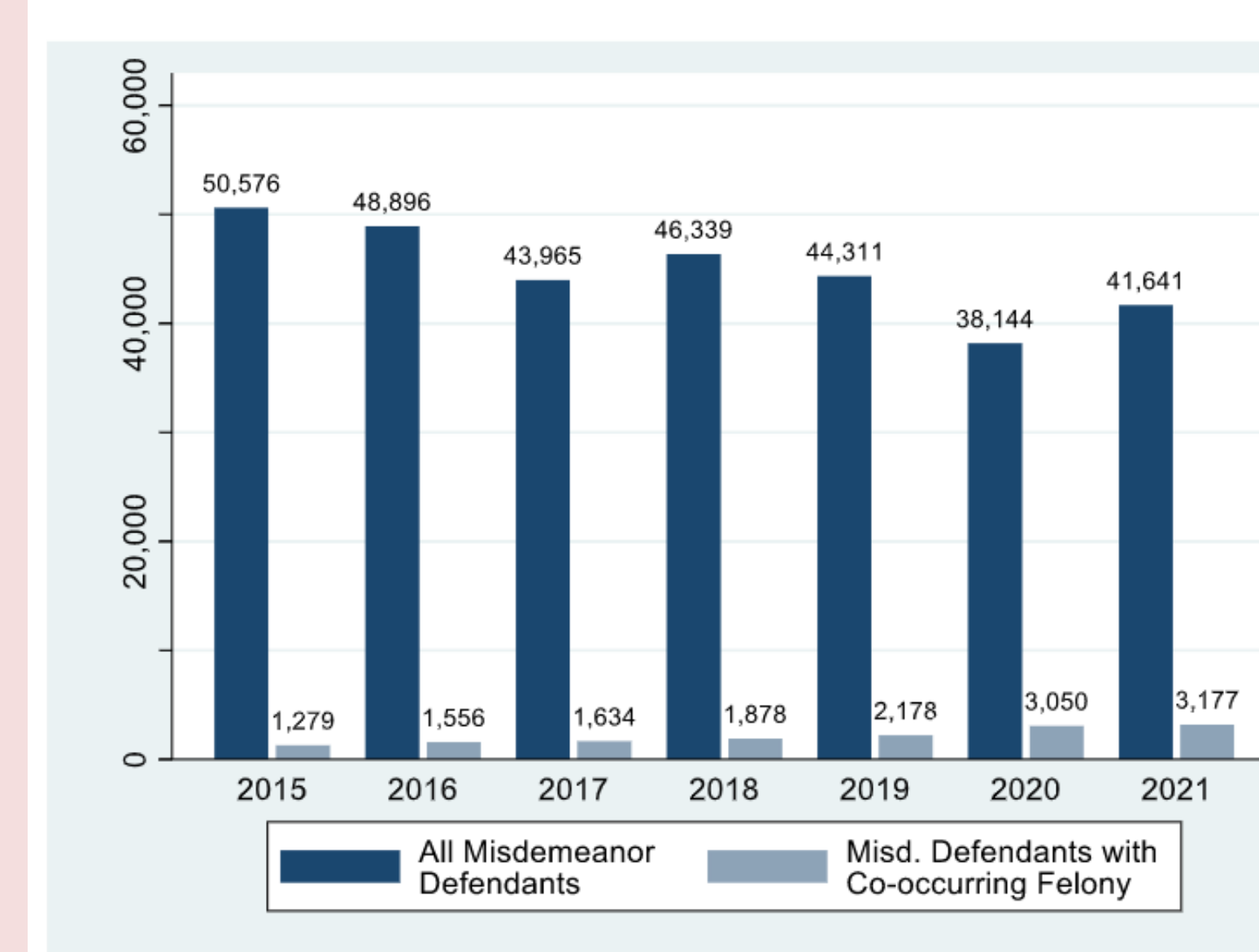


Figure 4: Racial Distribution of Misdemeanor Defendants

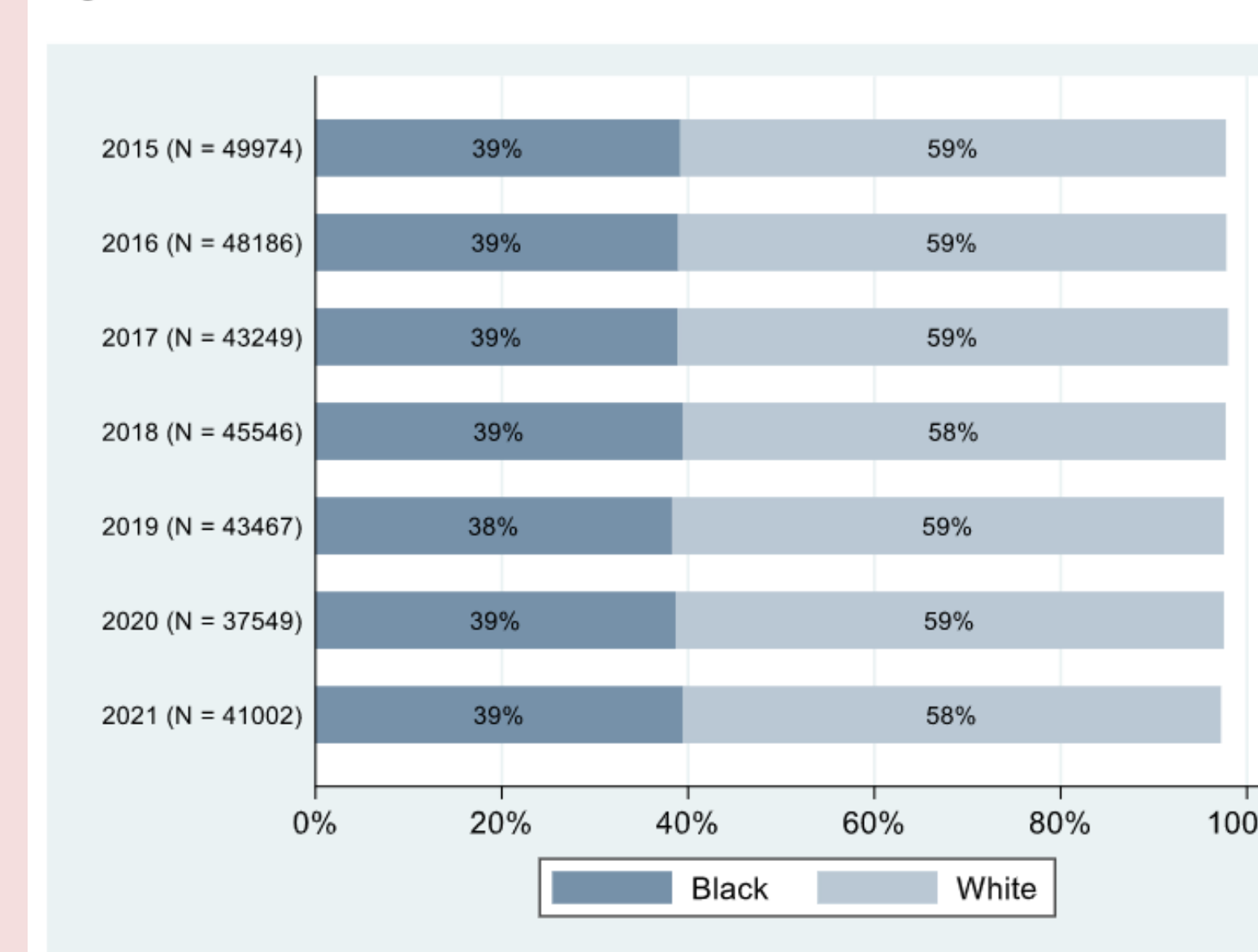


Figure 12: Share of Misdemeanor Cases in which Defendants Were Released on a Bond before First Setting

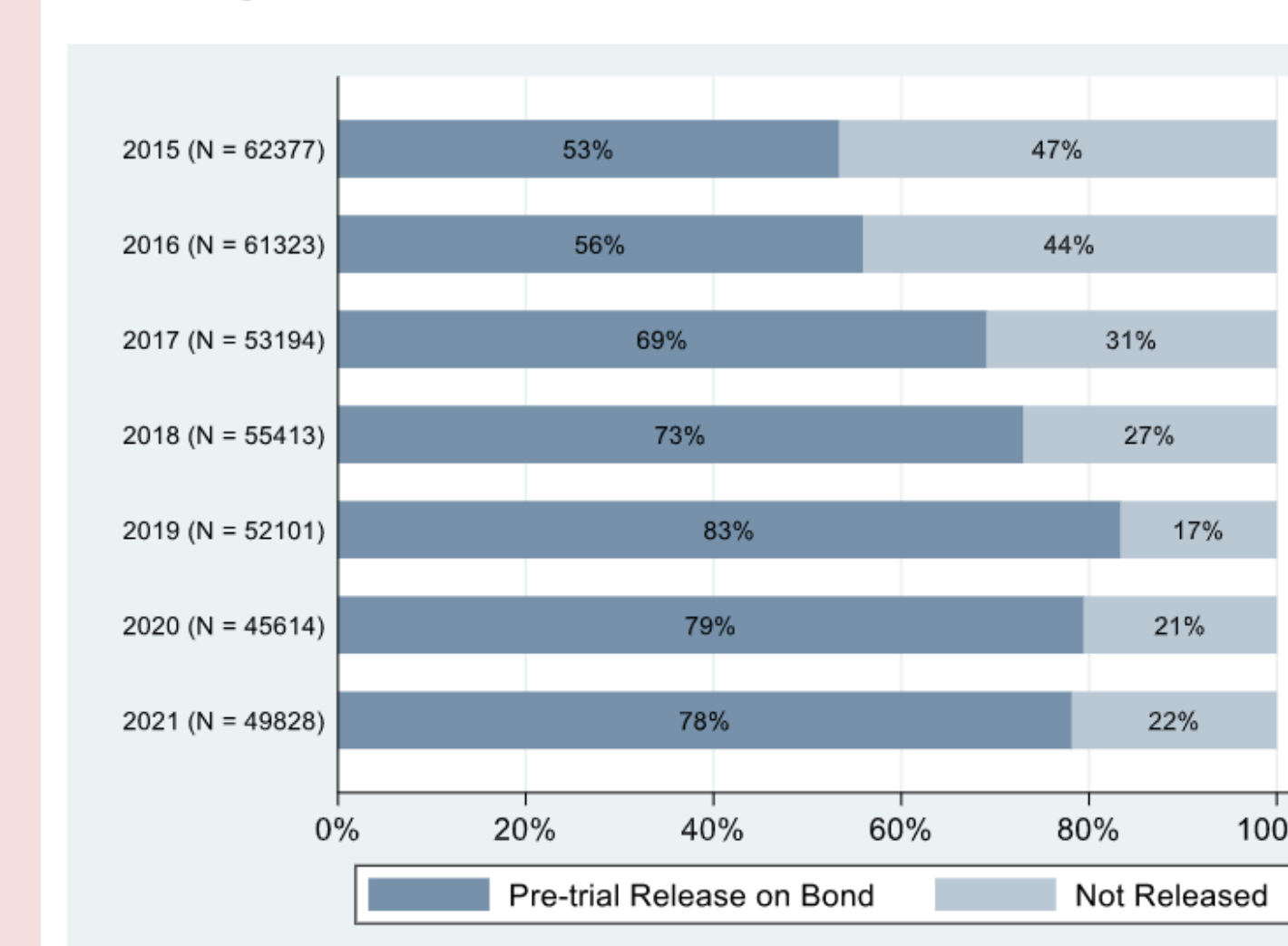


Figure 15: Case Disposition Outcomes

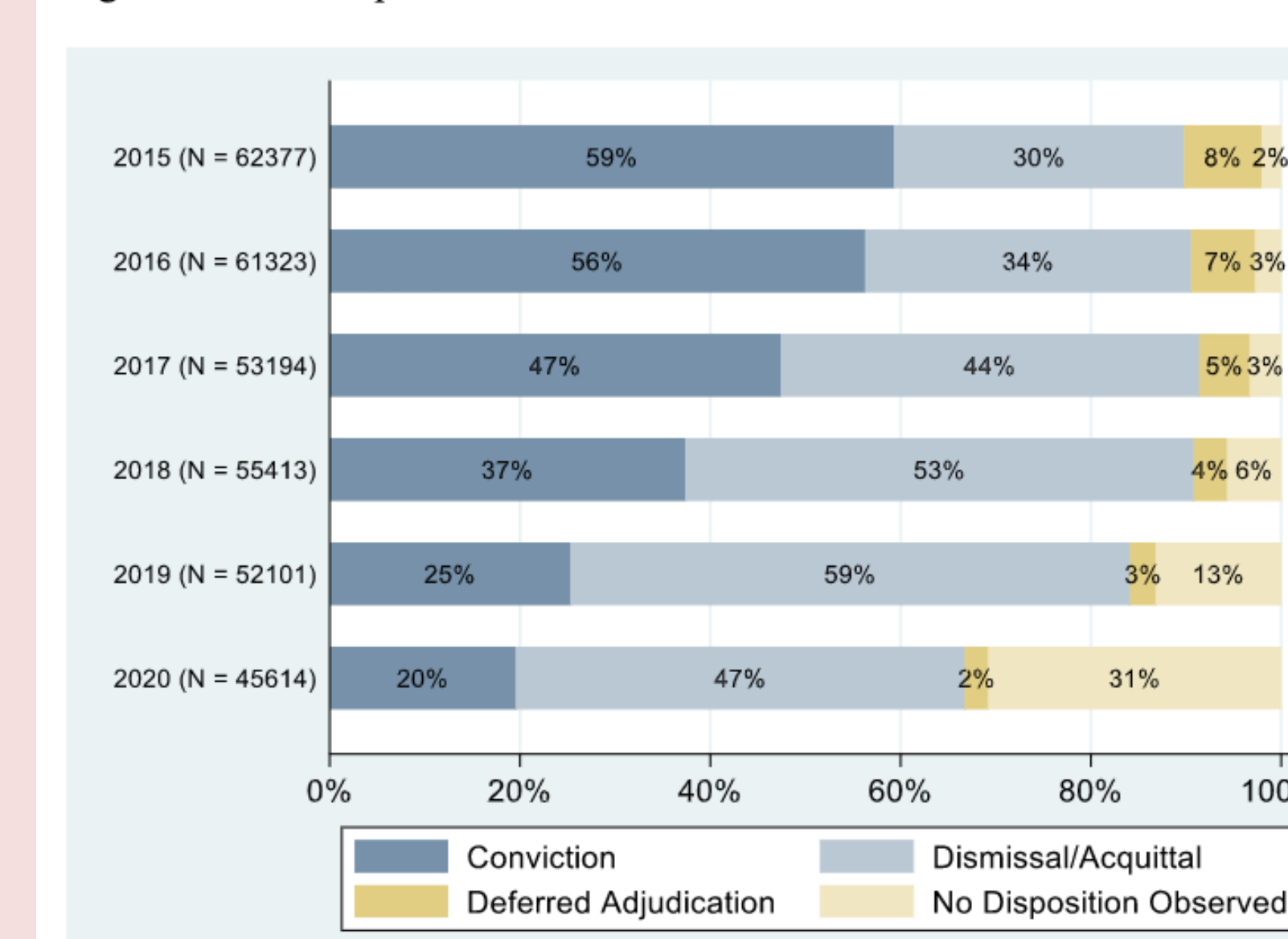


Table 6: Share of Misdemeanor Arrestees with a New Case Filed within 90, 180, and 365 Days

| Year | New Case Filed Within | | | | | | Obs. |
|------|-----------------------|--------|----------|--------|----------|---------|-------|
| | 90 Days | | 180 Days | | 365 Days | | |
| 2015 | 11% | (5598) | 16% | (8202) | 24% | (11905) | 50576 |
| 2016 | 11% | (5510) | 16% | (7981) | 23% | (11321) | 48896 |
| 2017 | 11% | (4801) | 16% | (6899) | 22% | (9851) | 43965 |
| 2018 | 11% | (5106) | 16% | (7230) | 22% | (10152) | 46339 |
| 2019 | 10% | (4625) | 15% | (6596) | 21% | (9171) | 44311 |
| 2020 | 11% | (4125) | 16% | (6010) | 23% | (8647) | 38144 |

Conservative financial estimates are that Harris County budget saves \$6.6 million per year from these changes and that individuals/families arrested for misdemeanors save \$60 million per year.

And even as more people have been released, repeat arrests for new crimes have not increased and pretrial failure from either arrest or nonappearance in court has declined. The Harris County bail reforms have not led to an increase in pretrial crime.

Graphs: <https://sites.law.duke.edu/odonnellmonitor/>

DISCUSSION

The data indicates through both quantitative and qualitative data that despite the fact that more and more people are being released on bond, crime rates haven't gone up in Harris County. Repeat arrests have not increased as shown in Table 6, and Misdemeanor Arrests have also significantly decreased as shown in Figure 1. Furthermore, there were about 24,000 fewer convictions in 2021, as people aren't coerced into taking guilty pleas because they have the ability to hire a proper lawyer and get back to their jobs and responsibilities. Most importantly, as shown in Figure 15, only 25% of Misdemeanor Arrests result in conviction as people are able to demand jury trials - that's 59% down from 2015. A limitation of this study is that it only examines data from Houston. A future study may look at results from multiple metropolises.

SOLUTION

This issue is largely partisan. Many Judges choose to make the bail decision based off what their party would want, however after being mentored under Judge, the solution seems clear. Judges must put away party politics in determining bond, and must look strictly at the nature of the crime and the other factors that influence how much bond can be, such as one's income and criminal record. While the data shows that crime rates haven't increased, that doesn't mean repeat offenders should be let out on bond. Each case and crime is different, and must be treated that way. It's incredibly important to vote in our Judicial elections, as Judges make these decisions.