

New Jersey's cash bail reform reduced incarceration without increasing gun violence, study says

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New Jersey's 2017 cash bail reform law—which eliminated financial barriers to avoiding pretrial detention—successfully reduced the state's jail population without increasing gun violence, according to a study published this month in [JAMA Network Open](#) from researchers at Drexel

University's Dornsife School of Public Health and Boston University.

"We know that removing financial barriers to pretrial release can reduce mass incarceration and related health inequities without sacrificing community safety," said Jaquelyn Jahn, Ph.D., an assistant professor in the Dornsife School of Public Health.

"This paper offers another metric to discredit the argument against meaningful cash bail reform by showing that there were no increases to gun violence in the three years after New Jersey's bail reform policy was implemented."

The authors looked at data on rates of gun deaths from the Centers for Disease Control and Prevention's National Center for Health Statistics and on fatal and nonfatal shooting numbers from the nonprofit [Gun Violence Archive](#) from 2014 to 2019. The research team used 36 states that did not pass bail reform as a [control group](#), and controlled for other factors that may influence violence, such as gun law restrictions, rates of gun ownership, and state senate majority partisanship.

Before New Jersey's 2017 cash bail law, about 38% of the state's pretrial population were in jail—while legally innocent and awaiting a trial—solely because they could not afford bail. The law was successful at [substantially decreasing the pretrial population](#) in the years since it was passed: 8,899 people were detained before their court date in 2015, but that number dropped to 4,976 people in 2019.

Unlike previous studies that looked at rearrest and reincarceration rates, the current study measured how violence and [health outcomes](#) changed at the community level since bail reform was enacted. A 2023 [study](#) in *American Economic Journal: Applied Economics* found no evidence that cash bail has an effect on a defendants likelihood of re-arrest or show up for their trial.

"Our research shows that reducing pretrial detention has no measurable impact on firearm violence, suggesting we can significantly reduce the criminal legal system's footprint without harming community safety," said co-principal investigator Jessica T. Simes, Ph.D., an associate professor in Boston University's School of Arts and Sciences.

The [U.S. Constitution's Eighth Amendment](#) states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Despite this, a 2022 [report from the U.S. Commission on Civil Rights](#) noted that from 1970 to 2015, there was a 433% increase in the number of people who had been detained pretrial, and more than six out of 10 defendants were detained before their trial due to an inability to afford bail.

Cash bail policies also fuel racial and socioeconomic disparities in pretrial detention rates and higher bail costs for men and for Black and LatinX defendants. The same [2022 report](#) also noted study findings that Black defendants had bail amounts that were set at 35% higher than white men and Latino men faced bail amounts that were 19% higher than those of white men.

Proponents of ending cash bail say the policy may help close the gap in racial disparities in incarceration. Of the [1.2 million people](#) incarcerated in the United States, [32%](#) are Black, while Black Americans make up 12.1% of the overall U.S. population, according to the Bureau of Justice Statistics.

"Reducing pretrial detention helps keep families and communities intact, and potentially avoids many of the inequitable health consequences of jail for incarcerated individuals and their loved ones," said Jahn.

"And, programs that reduce gun violence by investing in communities help address racist histories of disinvestment. These and other measures

must be prioritized to stem pervasive gun violence in communities across the United States."

The authors noted that New Jersey has a uniquely comprehensive gun law environment, in addition to cash bail reform, but said the findings can help inform policy debates about bail reform nationwide. However, they also noted that [New Jersey's policy is not without important critique](#), especially related to racial inequities in outcomes of the state's pretrial risk assessment tool, which considers factors like other charges or past convictions.

"The public conversation often assumes a link between [gun violence](#) levels and what's happening in the criminal legal system, whether it's policing, prosecution, or incarceration. This study is important because it directly contradicts that assumption," said senior author Jonathan Jay, DrPH, JD, an assistant professor at Boston University School of Public Health.

More information: Jaquelyn L. Jahn et al, Evaluating Firearm Violence After New Jersey's Cash Bail Reform, *JAMA Network Open* (2024). [DOI: 10.1001/jamanetworkopen.2024.12535](https://doi.org/10.1001/jamanetworkopen.2024.12535)

Provided by Drexel University

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