

Costs of Bail Reform

One of the many arguments used by proponents of Bail Reform has been the purported cost savings that would be provided by alternative release mechanisms.

For example, there is the claim that by eliminating “money bail” and implementing a robust pretrial services agency, a county can save millions of dollars. Proponents calculate this figure by taking the total cost of a jail (labor, rent, materials, etc.) and divide it by the number of days in a year and then multiply it by the number inmates in a day. They then come up with a cost per jail bed. Every person they release for free can then be multi-plied by the cost per jail bed and you have your savings.

The problem with this type of calculation is that most of jail costs aren’t variable, but rather they are fixed. Letting one person out of jail does not save money because costs are not

based on occupancy. The corrections officers must still be paid, the debt service on the bonds taken to build a jail must still be paid, electricity must still be paid and the food must still be bought. The only way to save money in a jail is by closing a wing or an entire jail.

Another fault in this type of cost analysis is that it is done under the assumption that jail population numbers are static. They are making a false assumption that if someone is released from jail, the bed they are removing him from is now empty and they have no “bed cost,” thus a savings. Once again, the reality of this scenario doesn’t add up in that way. Jail populations are not static, they are very much fluid. If a jail bed is freed up, it is not left empty, but rather filled with another inmate. As you can see, there really is no realistic “jail bed” calculation that can be attributed to eliminating “money bail.”

In the process of explaining to people how much money the pretrial programs can save (which we have just shown, they don’t), they rarely, if ever, talk about how much these pretrial programs cost. Well here is an idea about how much money it costs to let defendants out of jail for free. Washington D.C. is consistently touted as the gold standard in pretrial services programs. In fact, there is no “money bail” in D.C. The cost of this gold standard pretrial program...\$68 million annually. The number of defendants managed by this program...12,000. That equates to a cost of \$5,666 per defendant. Now what would it look like to implement the same Gold Standard in every county in Texas?

In Harris County, approximately 56,000 arrests are made annually. At a cost of \$5,666 per defendant, the total cost for a DC gold standard pretrial services agency in Harris County would be over \$217,296,000. That definitely does not sound like a cost savings.

Other states have done costs analysis of pretrial programs, as well. Some have been done by prominent economists. Here are the results.

Bail Reform in New York

**Estimated at over
\$200 million**

(Towson State University Report)

Bail Reform in New Jersey

**Estimated at over
\$500 million**

(Towson State University Report)

Bail Reform in California

**Estimated between
\$1-\$3 billion**

(Senate/Assembly Appropriations
Fiscal Analysis)

Do Texas counties have the appetite to spend billions of tax dollars to release accused criminals from jail?

Will Texas Taxpayers support legislators who spend billions of tax dollars releasing accused criminals from jail?

