

Incentivizing a Safer and More Accessible Bail System Act

Subsidizing private sureties will balance liberty with public safety.

THE PROBLEM

A half-million presumptively innocent individuals are held in pretrial detention on any given day.

Some defendants are likely to violate the terms of their release, and sureties avoid taking these risks, yet **the majority are likely to abide by their terms.**



Meanwhile, those who are too poor to pay the surety fee regardless of risk remain stuck in jail, **costing taxpayers billions of dollars on custody costs.**

THE SOLUTION

Subsidizing surety fees up to the cost of pre-trial incarceration while holding sureties accountable for bad bail decisions will reduce the pre-trial population without compromising public safety.

- ✓ Protect judges' discretion to set high bail or no bail at all.
- ✓ Save taxpayers potentially billions of dollars annually.
- ✓ Hold sureties accountable for bad bail decisions.
- ✓ Preserve the constitutional tradition of bail.

Sureties will be able to harness new technologies and community engagement to predict a defendant's riskiness upon release and better monitor their behavior while on bail.

INCENTIVES MATTER



Private sureties have the best incentive to take on the "good risks" and leave the "bad risks" in pre-trial detention.

Incentivizing a Safer and More Accessible Bail System Act

SUBSIDIZING PRIVATE SURETIES WILL
BALANCE LIBERTY WITH PUBLIC SAFETY.

The Incentivizing a Safer and More Accessible Bail System Act would convert the cost of pre-trial incarceration of a defendant into a subsidy in a public bid for sureties.



The government would start the bid at the cost of pre-trial detention and have potential sureties bid downward.



If no firm is willing to be a surety even when the subsidy is highest at the cost of jail, then the defendant should and will remain incarcerated.



The final bid will reflect the optimal pretrial restraint, balancing the presumption of innocence with the need to protect public safety.



The removal of cash bail entirely gives the government unchecked authority to determine if a defendant should be jailed or released.



This decision would be made with far less information than a private surety could gather through analyzing the defendant's risk and community reputation.



The government would act without any incentive to protect the presumption of innocence or taxpayer dollars.

BOTTOM LINE

Removing cash bail entirely is a disastrous policy for public safety. Converting existing pre-trial costs into bail sureties will expand access to the bail system for poor defendants without additional risks to public safety. With the right subsidy, private firms have the correct incentives to balance risk and reward.