



Ending Cash Bail to Advance Pretrial Justice

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Kalief Browder—a name that should be familiar. Kalief was 16 years old when the police arrested him for allegedly stealing a backpack in 2010. The district attorney charged him with robbery, grand larceny, and assault. His bail was \$3,000—an amount that his family could not afford. His incarceration at Riker’s Island for more than 1,100 days (nearly 3 years), with 700 days in solitary confinement, all the while he was never convicted of a crime. While incarcerated, Kalief experienced physical abuse by the guards and was deprived of basic necessities like meals and showers. Mentally, the prolonged period of solitary confinement resulted in a deterioration of his psychological well-being to include depression, anxiety, and multiple suicide attempts. Prosecutors dismissed his case in 2013. The physical and psychological trauma that Kalief endured at Riker’s Island followed him until he died by suicide in 2015.

The practice of ending cash bail has been a topic of interest in pretrial reform conversations. **Cash bail or money bail** is the practice of placing a monetary amount on a person while pending trial so that they have the option to post money or property in order to be released. The American judicial system leans on the ideology of “**innocent until proven guilty**.” The practice of cash bail is contrary to this belief. Its original purpose was to **ensure people would return to court**, however, it has perpetuated mass incarceration as it keeps individuals who may be unable to pay in the system longer. Although Kalief’s story is well known, it is not unique, there are thousands of people everyday who languish in jail due to the inability to pay a monetary amount.

Why Cash Bail Undermines Public Safety

Cash bail criminalizes poverty. Individuals who cannot afford bail often remain incarcerated for weeks or months before trial. Research shows that **imposing a monetary condition for pretrial release does not significantly improve court appearance rates or enhance public safety**. Instead, it places greater burdens on **individuals, taxpayers, and communities**.

Prolonged pretrial detention impacts individuals on a physical, psychological, and social level. Incarceration puts people at **higher risk for physical violence, sexual assault, and suicide**. Indirect consequences of incarceration can result in **loss of housing, employment, and family systems**. Individuals often lose their housing due to being unable to pay bills or they are unable to find suitable living upon release. Similarly, employment is either lost while incarcerated, and barriers to finding employment arise upon release.

The practices of cash bail impact marginalized communities, especially **people of color** and **women**. Although women are proportionally incarcerated at lower rates than men, they are detained due to social and economic circumstances. Women are typically less financially independent than men and more susceptible to abuses within the system. Even in 2025, it has been found that women only make 83 cents **to every dollar a man makes**, which the financial means to post any bail amount can become burdensome to both the individual

and their families.

Similarly, cash bail continues to fuel the poverty cycle and disproportionately impacts people of color. Black and brown defendants are often **25 percent** more likely than white defendants to be held in pretrial detention than their white counterparts and Black and brown defendants are also **10-25 percent** more likely to need to pay bail money to be released awaiting trial. With nearly half of the people in America struggling to afford a **\$400 emergency expense**, cash bail places people in a situation where they need to decide whether to pay bills or for freedom.

Detaining people for long periods, especially for low-level, non-violent offenses, is an expensive and inefficient use of taxpayer funds. On average, taxpayers spend **\$14 billion** on keeping innocent individuals incarcerated. Prolonged detention creates a burden on public resources. Increased demands on health care systems, mental health and chemical health treatment, public transportation, and other services, which are the very systems shown to be more effective in reducing mass incarceration.

State Reforms Show the Way Forward

Many **jurisdictions** across the country, including the District of Columbia, New Jersey, California, and most recently Illinois, have passed legislation to eliminate this inequitable practice.

- **The District of Columbia** passed the **Bail Reform Act in 1966** emphasized the use of release on personal recognizance in the federal courts. It officially eliminated cash bail practices in 1992 and replaced it with a risk assessment tool that evaluated a person's likelihood of success. DC has found that without cash bail, **94 percent** of defendants are released, and **88 percent** appear at their court dates.
- **New Jersey** virtually ended cash bail in 2017 and replaced cash bail with an algorithmic system to determine who should be kept incarcerated or not based on age, prior convictions, and failure to appear in court. As a result, there has been a **20 percent reduction in New Jersey's overall jail population**, and 95 percent were released, and 89 percent appeared for trial dates.
- **California** moved to a cashless bail system through the California Money Bail Act, signed in 2018. This bill **failed** in 2020 by voters in a referendum.
- **Illinois** became the first state to end cash bail through the Pretrial Fairness Act, which is a part of the Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act in 2021. This act eliminated cash bail and vowed to only detain if a person "poses a real and present threat to the safety of any person or persons or the community". The Pretrial Fairness Act began in September 2023, and after a year, the **results** vary. However, the rate of defendants held decreased from 51 percent to 9 percent, and the number of people detained in Cook County Jail has decreased. There were marginal results for people returning to court, but the rates continue to show more people appearing at their hearings.

Policy Recommendations and Alternatives

Eliminating cash bail is only half of the problem—state lawmakers should prioritize holistic and equitable solutions when addressing criminal justice issues. There have been some efforts to produce alternatives to cash bail, including **releasing people on personal recognizance and utilizing unsecured bonds**. Being released on personal recognizance is releasing someone on the basis that they will return to court without financial obligations. Unsecured bonds still require a monetary amount paid, but only if the defendant fails to return to

court. These practices promote autonomy in the system, while also managing the number of people who are stuck behind bars. Other alternatives that target increasing court appearances is through the use of text notifications or calls as reminders. These digital reminders have increased court appearances by **95 percent**.

Discussions around bail reform are as urgent as ever. President Donald Trump just issued an **executive order** on August 25, 2025 to **end funding** to governments that offer cashless bail systems despite the evidence that cashless bail systems do not increase crime. Although the President cannot unilaterally end cash bail systems, executive orders like this will make it even harder in passing legislation moving forward. Ending practices that perpetuate mass incarceration helps to increase public safety and takes a step closer towards the values the judicial system was built.