Pretrial Justice Myths and Research-Informed Realities

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Myth #1

Cash bail is the best/only way to ensure people appear in court.

Reality

Cash bail is *not* the best – nor the only – way to ensure people appear in court. Alternatives like court notification programs, which send reminders similar to the kind you might get for a dentist's appointment, may actually be more effective. Click here to learn more!

Myth #2

Most people who get arrested are probably guilty.

Reality

Arrest does not equal guilt. People are innocent until proven guilty, and criminal cases are often dismissed. In some counties, over half of processed cases get dismissed in any given year. Even people convicted are not always guilty. There have been 3,763 wrongful convictions since 1989, and that only includes the cases that were successfully exonerated. Click here for more details.

Myth #3

Nobody would plead guilty to a crime they did not commit.

Reality

It's not that simple. Regardless of guilt or innocence, many people plead guilty as part of a plea deal. The alternative – facing trial, risking a longer sentence – is too costly for some defendants. Additionally, several factors unrelated to guilt, including being held in pretrial detention, increase the likelihood that a defendant will plead guilty. Click here for the scholarly scoop.

Myth #4

Bail reform threatens public safety and causes crime rates to increase.

Reality

Sources of evidence matter. Some claims[i] about bail reform and crime are based on anecdotal evidence and descriptive agency reports that show increases in crime after bail reforms are passed. However, other factors (like COVID-19) may also contribute to changes in crime rates, so we must rely on rigorous research to tell us whether bail reforms themselves *cause* changes in crime rates. Research using causal methods to test this claim has found *no empirical evidence* that bail reform leads to increased crime rates. Still unsure? Click here.

Myth #5

"Allowing people to await trial outside of jail wastes public resources by forcing law enforcement officers to '[re]arrest the same individuals, sometimes for the same crimes, while they await trial on the previous charges.'" [ii]

Reality

We can save time and money on both law enforcement *and* correctional operations with bail reform! Whether someone is released or detained pretrial, there are always tradeoffs. While some people who await trial outside of jail are rearrested, most successfully remain in the community *without* getting rearrested. Plus, detaining millions of people who could be released safely is costly for taxpayers, and it contributes to overcrowding in our jails. Click here for the evidence.

Research-Informed Reality #1

Empirical evidence on the relationship between cash bail and appearance in court is mixed (Scheadler et al., 2025), with some studies finding that being released on cash bail is actually associated with higher odds of failure to appear (FTA; Copp et al., 2022; Smith et al., 2020). An alternative way to ensure people will appear in court is through court notification programs, which may be even more effective at preventing FTAs than cash bail (Ferri, 2022; Fishbane et al., 2020). One study found that these reminders not only reduced the FTA rate by 37%, but also may have mitigated racial disparities, with results of the intent-to-treat analysis revealing that Black and Hispanic participants in particular benefitted from receiving court date reminders (Ferri, 2022). [Back] [See references]

Research-Informed Reality #2

At the state level, many, if not most, criminal cases get dismissed. For example, in one Texas criminal court, 58% of cases between 2017 and 2022 were dismissed (Hartley et al., 2025). For cases that make it all the way to conviction, there is still a chance that the defendant was innocent. Loeffler and colleagues (2019) estimated a 6% rate of wrongful convictions among one sample of state prisoners, while Gross and colleagues (2014) estimated a wrongful conviction rate of about 4% among people sentenced to death. There are several documented causes of wrongful convictions (e.g., mistaken eyewitness testimony, official misconduct, etc.), but one of the leading contributors to wrongful arrests and convictions is the widespread use of presumptive drug field tests, which are notoriously unreliable (Miller et al., 2023). According to a report released by the Quattrone Center for the Fair Administration of Justice, these tests are involved in about 773,000 arrests a year, despite their well-known lack of precision and tendency to yield false positives (Miller et al., 2023). [Back] [See references]

Research-Informed Reality #3

Of the criminal cases that do not get dismissed, the overwhelming majority are resolved through plea bargaining instead of trial. In the 2023 fiscal year, 97% of federal defendants pleaded guilty (U.S. Sentencing Commission, 2023). When given the opportunity to skip the grueling trial process by pleading guilty in exchange for a lesser sentence, most people understandably take it (Bushway et al., 2014; Luna & Redlich, 2025; Redlich et al., 2023) – especially when they are offered credit for time served (Peterson, 2019). This willingness to cut one's losses and plead guilty is especially pronounced for people who cannot afford to post bail (St. Louis, 2022), with evidence suggesting that defendants held in pretrial detention plead guilty more quickly than those released into their communities (Peterson, 2019; Sacks & Ackerman, 2012). Further, a qualitative study by Euvrard and colleagues (2017) demonstrates how pretrial detention can function as a source of coercion, pressuring defendants to plead guilty against their will. This is concerning given that out of the 3,763 wrongful convictions recorded since 1989, 914 (24%) involved false guilty pleas (National Registry of Exonerations, 2025). [Back] [See references]

Research-Informed Reality #4

A "study" cited in this White House Fact Sheet can be found here. Notice how the report finds correlations rather than causal evidence, despite language implying otherwise. Most causal research on the relationship between bail reform and crime rates has focused on individual jurisdictions that have implemented reforms. For example, New York's Bail Elimination Act, which eliminated money bail and pretrial detention for virtually all misdemeanor and nonviolent felony defendants, went into effect on January 1, 2020. This legislation sparked heated controversy, with critics claiming it would create a revolving door for dangerous criminals and lead to heightened crime rates. However, evaluations of the policy tell a different story. [iii] One such evaluation uses interrupted time-series analysis and synthetic control methods to demonstrate that New York's bail reform effort did not cause an increase in aggregate crime rates in New York City (Zhou et al., 2023). A similar evaluation looked at state-wide rates by crime type and found that New York's bail reform effort did not produce any statistically significant increases in the rates of murder, larceny, or motor vehicle theft (Wu & McDowell, 2023). Another study used a difference-in-differences approach to measure the effect of a policy that expanded pretrial release for defendants charged with misdemeanors in Harris County, Texas. The results demonstrate that the reduction in pretrial detention produced no measurable increase in new criminal cases within one year, and a six percent decrease in new criminal cases over three years (Heaton, 2022). In an effort to examine the causal relationship between bail reform and crime at the national level, researchers at the Brennan Center for Justice also used a difference-in-differences estimation strategy to compare average crime rates between 22 cities that implemented bail reforms and 11 cities that did not. The results reveal no statistically significant differences in crime rates between cities with and without bail reforms (Craigie & Grawert, 2024). [Back] [See references]

Research-Informed Reality #5

According to the Pretrial Justice Institute (2017), it costs taxpayers $38 million dollars a day to keep people in pretrial detention, amounting to $14 billion annually (Wagner & Rabuy, 2017). Pretrial detention is related to economic costs at the local level, as well. Specifically, increases in county-level pretrial detention rates are associated with reduced employment rates and heightened poverty rates (Dobbie & Yang, 2021). Thoughtfully designed bail reform initiatives can alleviate these costs and address overcrowding by minimizing the number of people in jail without increasing re-arrests or crime rates. One way to achieve this is through a risk-based release approach, in which release decisions are informed by pretrial risk assessment predictions for new arrests and failures to appear. This approach can potentially reduce the pretrial detention population by 7% and new arrests by 13% (DeMichele et al., 2024), saving time and money on both correctional and law enforcement operations. [Back] [See references]

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[i] See, for example, the claims made in a 2025 White House Fact Sheet: https://www.whitehouse.gov/fact-sheets/2025/08/fact-sheet-president-donald-j-trump-takes-steps-to-end-cashless-bail-to-protect-americans/

[ii] Quote from President Trump's Executive Order, available here: https://www.whitehouse.gov/presidential-actions/2025/08/taking-steps-to-end-cashless-bail-to-protect-americans/

[iii] This is not to say that New York's bail reform legislation is perfect. The law imposes restrictions on judicial discretion to set cash bail for certain offense types, which may not be the best approach. In fact, a recent study found a small but statistically significant monthly increase in violent felony re-arrests among defendants with recent criminal history who were released under the new law because they had committed a bail ineligible offense (Koppel & Ropac, 2025). Nonetheless, if the question is whether quality bail reform leads to higher crime rates, the evidence-based answer is no.