Report: In Harris County, misdemeanor bail reform keeps low-level cases out of jail while preserving public safety

In the 2016 class-action ODonnell lawsuit, a federal judge ruled that bail practices in Harris County misdemeanor courts violated the U.S. Constitution. As a result, an injunction was imposed in 2017 and the county agreed to a consent decree in 2019 that eliminates monetary bail for most individuals charged with low-level misdemeanors, allowing them to await trial from their homes rather than behind bars. Bail practices for felony charges remained unchanged.

New research from the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania Carey Law School finds Harris County’s targeted misdemeanor reform has kept people with low-level cases out of jail and reduced wrongful convictions while preserving accountability and public safety.

The Project
Researchers followed 55,792 cases filed in 2017 for up to 5 years, comparing misdemeanor defendants exposed to the reform to similarly-situated but unaffected defendants charged with low-level felonies.

The Question
How did targeted pretrial release for people charged with misdemeanors affect case outcomes and their future contact with the criminal justice system?

The Findings
As a result of Harris County’s misdemeanor bail reform, people facing low-level misdemeanor charges: spend less time in jail awaiting release decisions, have fewer convictions and sentences to incarceration, have less repeat contact with the criminal justice system, and are making fewer plea deals.

- 6% new criminal cases over next 3 years
- +13% in misdemeanor releases within 24 hours following arrest
- -15% conviction rate
- -17% likelihood of jail sentence

Quick Facts
- The reform was widely effective, including for people of different ages, individuals of color, and individuals with prior involvement in the criminal system.
- Quattrone observed no evidence that the reform increased crime through more than 4 years of follow-up.
- With fewer people held pretrial, critical public resources can be directed toward other law enforcement priorities, such as fighting violent crime or detaining people with repeat violent offenses.

Sources
1. Platform and Resolutions as Amended and Adopted by the 2022 State Convention of the Republican Party of Texas

“We call upon the Texas Legislature to ensure bail in Texas is based only on a person’s danger to society, risk of flight, and criminal history.”
— Republican Party of Texas 2022 Platform