Cash Bail and Court Compliance: Impacts of a Prosecutor-Led Reform

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Abstract

This study tests how monetary bail and pretrial supervision affect court compliance. In February 2018, Philadelphia's prosecutor announced that his office would no longer request monetary bail for defendants charged with certain eligible offenses. Using a difference-in-differences approach that compares outcomes of eligible/ineligible cases during the months before/after the reform we show that this policy led to an immediate 22% (11 percentage point) increase in the fraction of eligible defendants released with no monetary or supervisory conditions (ROR), but had no detectable effect on the likelihood of spending the pretrial period in jail. The main effect of this policy was therefore to reduce the use of monetary collateral and supervision to incentivize court compliance among released defendants. This allows us to test the impact of such release conditions on court appearance rates and recidivism. We find no evidence that these conditions affect pretrial misconduct.

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1 Introduction

Across the United States, many jurisdictions are moving to reduce or eliminate the use of cash bail as a condition of pretrial release. This movement is motivated by the concern that many defendants are being detained pretrial solely because they cannot afford their bail amount. Recent research has documented the many costs of pretrial detention: it disadvantages a defendant in their case and increases the likelihood that they will plead guilty and receive more severe sentences (Gupta et al., 2016; Stevenson, 2018b). Some evidence suggests it will also destabilize labor market attachment and increase future criminal behavior (Heaton et al., 2017; Leslie and Pope, 2017; Dobbie et al., 2018). However, despite the focus on pretrial detention in the literature, this is not the modal pretrial experience. More people are actually released pretrial than detained. And most of those who are released are released onto monetary bond or under supervisory conditions (Reaves, 2013).

Monetary bond is designed to be a collateral to ensure that released defendants would return to court (Schnacke et al., 2010). It increases the monetary cost of failing to appear, which should act as a deterrent (Becker, 1968). As jurisdictions move away from monetary bail there is a concern that nonappearance rates will increase. With this in mind, jurisdictions have expanded the use of pretrial supervision as an alternative method of ensuring appearance and preventing crime. Monetary and supervisory conditions may reduce misconduct, but they also impose costs. The payment of bond can place financial strain particularly on the indigent, and the conditions of supervision can be burdensome to meet. Despite the prevalence of use, research on the efficacy of such release conditions is scarce.

We provide new evidence on the impacts of monetary and supervisory release conditions by evaluating a Philadelphia reform. On February 21, 2018, Philadelphia's recently-elected district attorney, Larry Krasner, announced that his office would no longer be requesting monetary bail for defendants charged with a wide variety of eligible offense categories. Nicknamed the "No-Cash-Bail" policy, this decree applied to nearly 2/3 of all cases filed in the city of Philadelphia, including both misdemeanors and some nonviolent felonies. We use court dockets web-scraped from the Pennsylvania Unified Judicial System to evaluate the effects of this policy.

Immediately after the decree, we document a sharp increase in the fraction of eligible defendants who are released without monetary or supervisory conditions (this is known as release on recognizance, or ROR). Using a difference-in-differences approach, comparing eligible to ineligible cases, we estimate that the No-Cash-Bail policy led to a 22 % (11 percentage point) increase in the ROR rate. However, it had no detectable effect on the likelihood of being detained pretrial for at least three days: the coefficients are close to zero and we fail to reject the null. Thus, while jail populations are rapidly

declining during this period, this is unlikely to be due to the No-Cash-Bail policy. Why do we see no effect on the detention rate? Most likely this was because there was effectively no change in the requirement that defendants pay large amounts for release. Most of the increase in ROR can be explained by a decline in the use of lower monetary bond (in which the defendant is released after paying a 10 % deposit on a bail bond of $5,000 or less), in the use of supervisory conditions, and in release on only the promise to pay a certain sum should they fail to appear in court (unsecured bail).

In practice, the main impact of the reform was thus to change the conditions of release, not to change the number of people who were released. We can leverage this to test the impact that low monetary bail and other supervisory conditions has on the likelihood that the defendant will fail to appear in court (FTA) or have new charges filed against them. Our reduced form estimates yield precisely estimated null estimates of the effect of the No-Cash-Bail policy on FTA and recidivism: the upper bound of 95% confidence interval suggest that eliminating release conditions leads to at most a 0.7 percentage point increase in FTA and a 0.5 percentage point increase in the likelihood of being charged with the new offense. We then use an IV difference-in-differences strategy to directly assess the effect of ROR on pretrial misconduct. We again find no evidence that ROR leads to increased pretrial misconduct. Our estimates are noisy, but the point estimates are negative, and the upper bound of the 95% confidence interval suggest that eliminating release conditions leads to at most a 6.8 percentage point increase in FTA and a 2.4 percentage point increase in the likelihood of being charged with the new offense for the compliers in our sample.

To confirm the validity of our difference-in-differences approach, we ask whether the composition of cases changed at the time of the No-Cash-Bail reform. In particular, our identification would be undermined if police or line prosecutors' behaviors led to defendants being charged with ineligible instead of eligible offenses. We find no evidence of changes in arrest or charging practices. Both the frequency and composition of cases-filed were similar before and after the reform, and trends in outcomes were approximately parallel during the pre-reform period. Thus the change in ROR that we documented stems from a change in practices by the magistrate who is in charge of setting bail. These results are in-and-of-themselves notable. They demonstrate that the district attorney can influence outcomes, such as bail, over which the DA's office has no direct control.

Finally, we explore whether this increase in ROR affects defendants' financial well-being, as well as economic and racial disparities in bail and pretrial detention – both of which are important stated purposes of these kinds of policies. For the first question, we use economically-driven crimes (property and drug) as a proxy for financial needs. We find no decrease in these kinds of crimes, suggesting that the policy did not translate

into a reduction of economically motivated crimes. We then use triple differences to evaluate whether this policy especially benefited poorer and minority defendants. The estimates are too noisy to draw clear inference. It tentatively suggests that black defendants might have benefited more from the change than non-black defendants, as did poorer defendants; but the changes were not large enough to be detected with our research design.

This paper contributes to several literatures. First, we provide one of the first evaluations of the role that monetary bail and supervisory conditions play in ensuring court appearance and preventing pretrial crime. We show that release conditions can be eliminated for a sizable group of defendants with no detectable adverse consequences. It may be surprising that reducing the costs of failing to appear in court has little effect on appearance rates. This is at odds with a the theory and some empirical evidence that monetary penalties act as a deterrent (Bar-Ilan and Sacerdote, 2004). One interpretation could be that other penalties already exist for failing to appear in court: it's a crime that can result in a bench warrant, fines, or jail time. While very common in practice, the marginal deterrence gained from setting low monetary bond may be small. If failing to appear in court is a result of inattention rather than an intentional decision, interventions that increase the salience of appearance, such as text message reminders, is expected to have more effect than one that increases the costs of nonappearance (Fishbane et al., 2019).

From a policy perspective, given the many other jurisdictions that have enacted bail reform agendas that entail a reduction or elimination of monetary bail, expanded research on the potential adverse effects of such reforms is timely. Closest to our work is the Helland and Tabarrok (2004) evaluation of cash bail. Using propensity score matching, they find that felony defendants released with surety bonds are less likely to miss court appearances than similar defendants released on recognizance. One way that their paper differs from ours in that it is situated in jurisdictions where commercial bail bondsmen are common. Since bail bondsmen assume the financial risk of nonappearance, monetary bail serves less of a collateral role. Bail bondsmen are uncommon in Philadelphia, allowing us to better isolate the impacts of monetary collateral.[1]

Our paper also presents some of the first evidence on the role "progressive prosecutors" can play in bail reform.[2] On the one hand, we find that district attorney policy had an effect on bail setting practices, despite having no direct say in the decision. On the other hand, pretrial detention rates remained effectively the same: those who

[1]Philadelphia is not unique in this respect. In fact, some states, like Illinois or Kentucky, do not have commercial bail at all.

[2]Other than Larry Krasner, district attorneys who ran on a platform of change have been recently elected in Houston (Kim Ogg), Chicago (Kim Foxx), Boston (Rachael Rollins), or Baltimore (Marilyn Mosby).

were released on recognizance as a result of the reform would have been able to secure release even in its absence. Thus, while the evidence is consistent with the common characterization of the prosecutor as being an influential player in criminal justice, not all prosecutorial bail policies translate into substantial effects on the jail population.

Finally, our paper provides new evidence about the objective function of bail magistrates. Several recent papers model the bail decision as a function of the costs of pretrial misconduct and the costs of incarceration (Kleinberg et al., 2018; Arnold et al., 2017). The policy that we study did not change these costs, nor did it provide new information about riskiness to the bail magistrates. Yet their decisions changed significantly. Understanding the decision-making framework of criminal justice officials is of first order importance to understand how policy changes might translate into judicial practices. Our research highlights an avenue for future research on this question: the institutional relationships between the various criminal justice agencies.

The remainder of the paper is organized as follows. In Section 2, we provide some background on the use of cash bail in the United States, and describe the Philadelphia No-Cash-Bail policy. In Section 3, we present our data and our main empirical strategy. Section 4 presents our main results. We first evaluate how the No-Cash-Bail policy affects ROR, pretrial detention, FTA and recidivism. In order to understand our findings, we look at how the policy affected the behavior of various criminal justice actors, and then evaluate how an increase in ROR affected defendant behavior. Section 5 evaluates whether the policy affected defendants differently by race and neighborhood income. Section 6 concludes.

2 Bail: general background and practices in Philadelphia

2.1 Bail in the United States

Although criminal jurisdictions across the United States vary in the particulars of the pretrial process, there are many commonalities.[3] After arrest, a defendant is brought to a police station where they are booked, and where they must remain until a judge (or magistrate) has had an opportunity to review their case. At this initial appearance, the judge will determine what conditions of release, if any, are appropriate for the defendant. The judge may take input on this decision from the prosecutor's office or defense counsel, but the final decision is made by the judiciary. Conditions of release may include the payment of monetary bail, an agreement to follow certain conditions set by the court (e.g. curfew, drug testing, check-ins with a pretrial officer, etc.),

[3]For an overview see Liu et al. (2018).

an agreement to pay a certain amount should the defendant fail to appear in court (unsecured bond), and the promise of a third party (either a professional bail bondsmen or a friend/family member) to supervise and ensure appearance. If the defendant pays the monetary bail amount and/or agrees to the conditions they will be released. If not, they will remain detained pretrial until the disposition of the case.

Monetary bail has long been one of the most common conditions of release. In 2009, among felony defendants in large urban counties, 33.7% were held on bail, 38.2% were released on financial conditions, and only 14% were released on recognizance (Reaves, 2013). While there are no nationally representative statistics on pretrial release for misdemeanors, Stevenson and Mayson (2018) find that 40% to 100% of misdemeanor defendants across eight diverse jurisdictions were required to post monetary bond.

The main goal of monetary bail is to ensure that those who are released from jail show up in court for their appointed dates. Monetary bail acts as collateral; if the defendant fails to appear in court, the bail amount will be forfeited. Note, however, that other substantial penalties exist for failing to appear in court. Failing to appear is a crime that can result in jail sentences or fines. If a defendant fails to appear the judge will issue a bench warrant for their arrest. Once they have been located the defendant may not be able to secure pretrial release again. The FTA goes on the criminal record and may influence the bail decision for any future arrests.

Historically and legally, monetary bail is not supposed to be used as a de-facto detention order. In fact, the legal phrase "right to bail" is understood as a right to release (Schnacke et al., 2010). In Stack v. Boyle, the Supreme Court held that "bail set at a figure higher than an amount reasonably calculated to fulfill this purpose [assuring the presence of the accused in court] is 'excessive' under the Eighth Amendment."[4] Nonetheless, many defendants are detained pretrial because they cannot post bail. Only about 50% of felony defendants with monetary bail set are able to pay to secure release, and, among jail inmates awaiting trial, 9/10 are detained on a monetary bond (Cohen and Reaves, 2007). In most jurisdictions, a defendant who cannot afford their bail bond may borrow it from a professional bail bondsmen. Bail bondsmen usually require a nonrefundable deposit payment. They assume the financial risk that the defendant will fail to appear in court and are granted certain powers of supervision and arrest to ensure that their client is in court at the appointed times.

Many jurisdictions are currently reforming their bail system. One of the main tenets of reform is the reduction or elimination of the use of monetary bail. For example, in 2016, New Jersey essentially eliminated the use of monetary bail. California passed a major legislation to eliminate monetary bail, however that is on hold until brought before general referendum. "Progressive prosecutors" around the country have run

[4]Stack v. Boyle, 342 U.S. 1 (1951)

on platforms of reducing the use of cash bail, and such policies have already been implemented in many jurisdictions. However, bail reform skeptics have expressed concern that reducing monetary bail could result – or already has resulted – in unwanted consequences such as increasing non-appearance[5] or crime.[6]

Jurisdictions that move away from monetary bail have often expanded their capacity to supervise released defendants. Pretrial supervision can encompass a variety of different conditions, including required meetings with a pretrial supervision officer, drug testing, limitations on travel, and so forth. The hope is that these supervisory conditions will help ensure appearance in court and prevent crime. However they are expensive and impose burdens on the defendant. Critics also argue that their use will result in net widening with little benefit in decreased misconduct.

2.2 The pretrial process in Philadelphia

Anyone who is arrested in Philadelphia gets brought to a nearby police station, where they are booked and placed in a holding cell. The police officer will then send the report associated with the arrest to the district attorney's office, where a prosecutor reviews the case and determines what charges to file. Once charges have been filed, the defendant is interviewed by a pretrial services officer. The pretrial services officer makes a recommendation for the bail amount, taking into account the defendants' charges, criminal history and life circumstances. Their recommendation is not binding and bail decisions often differ from what was recommended (Shubik-Richards and Stemen, 2010). After the pretrial interview, the defendant is ready for the bail hearing. This takes place over videoconference: the defendant remains in the holding cell and communicates via video with the presiding magistrate. Representatives of both the DA's office and the public defender's office are in the courthouse with the magistrate. While the representatives can make suggestions for the appropriate bail amount, the final decision is made by the magistrate, who is an employee of the judiciary. Neither the magistrate nor these representatives are, in general, attorneys.

The bail hearing typically lasts only a minute or two, during which the magistrate reads the charges, schedules the next court date, determines eligibility for public defense, and decides the conditions of release. These conditions include:

- ROR (Released On Recognizance): The defendant is released solely on their promise to return to court.

[5]E.g. according to some reports, non-appearance increased after Harris County stopped detaining misdemeanor pretrial defendants who could not afford monetary bail. http://texasallianceforsafecommunities.org/victims/press-release-tasc-issues-statement-on-rising-failure-to-appear-rates-in-harris-county/

[6]E.g. DA Krasner's bail reform policies have been blamed for increasing homicide rates in Philadelphia. https://6abc.com/head-of-philly-homicide-unit-reassigned-amid-growing-murder-rate/4976017/

- Supervised release: The defendant is released with supervisory conditions, such as drug testing, weekly meetings with the pretrial supervision officer, restrictions on travel, restrictions on who they can interact with, and so forth. Monetary bail is not required.
- Unsecured monetary bail: The defendant does not need to post any money for release, but if they do not show up to their court date, they owe the court their bail amount.
- Secured monetary bail: The defendant must pay a deposit (10% of the bail amount) to be released. If they don't show up in court they forfeit the deposit and owe the court the remaining bail amount.
- Bail denied: The defendant is ordered to be detained pretrial. (Used rarely in Philadelphia.)

For defendants with secured monetary bail, if the person fails to pay bail within 4-8 hours of the bail hearing, they will be transported to the local jail. They will remain there until the disposition of the case unless they can procure the bail deposit or obtain a bail reduction.

Professional bail bondsmen are allowed in Philadelphia, but they are less common than in other jurisdictions. This is partly because Philadelphia has a deposit system: the defendant is released if they can pay 10% of the total bail amount. If they comply with all release conditions 70% of the deposit will be returned when the case is disposed.[7]

2.3 The Philadelphia No-Cash-Bail reform

On November 7th, 2017, Larry Krasner was elected to the position of Philadelphia's district attorney (DA). He ran on a progressive platform, which included goals like lowering punishments for less serious crimes and reducing the use of pretrial detention.[8] However, and importantly for our research design, the exact timing of different reforms was not announced ahead of time.

On February 21st, 2018, DA Krasner announced that his office would stop seeking monetary bail if the lead charge was among a set of 25 low-level offenses. These offenses include both felonies and misdemeanors, and spanned from very low-level offenses, such as non-residential trespassing, to more severe offenses, such as burglaries with no person present, and include several drug charges, such as possession with an intent to deliver.[9] The goal of this reform was to reduce pretrial detention, and to avoid incarcerating

[7]This has recently been revised, and a compliant defendant will now receive their full bail deposit back.
[8]His agenda can be found here: https://krasnerforda.com/platform/
[9]A list of the most common eligible and ineligible offense categories can be found in Appendix Table 1.

defendants because they could not afford low bail amounts. Concretely, this meant that the DA's office would instruct their representatives at the bail hearing to ask that defendants with these lead charges be released on their own recognizance, or to not object if ROR was requested by the defendant's legal representative.

This reform is not the only measure that DA Krasner took to reduce the reach of criminal justice that winter. On Feb. 15th, the DA's office announced a change in charging practices for marijuana possession, retail theft and prostitution. Appendix Figure A1 shows that after that date, the number of charges filed for these offenses dropped. We remove them from our analyses. No other concurrent changes affected the prosecution of low-level offenses, or pretrial detention.

Over the last several years, Philadelphia has introduced several other changes to their pretrial system, such as early bail review, in which a judge reviews bail for cases in which a defendant is unable to pay, and a pilot project of providing pre-bail-hearing public defense to some defendants. However, these changes were implemented more than a year before the policy evaluated in this paper and should not affect our analysis.

3 Data and empirical strategy

3.1 Data and descriptive statistics

Our primary data source consists of court dockets web-scraped from the Pennsylvania Unified Judicial System. It is structured to include one observation per criminal case, and includes all criminal cases filed in Philadelphia from 2007 through April 2019. While we use the entirety of the court data to build criminal history and recidivism variables, our analysis focuses on cases whose initial bail hearing occurred in the six months before or the five months after the No-Cash-Bail reform. After dropping marijuana possession, prostitution, and retail theft cases,[10] duplicate cases (i.e. a defendant is brought for multiple cases on the same day),[11] and cases where covariates are missing,[12] our sample contains 24,604 observations.

The dockets include information on the defendant (first and last name, date of birth, gender, race, ZIP Code, and a unique court identifier), the charges (date of arrest, offense type), the bail hearing (date and time of the bail hearing, bail magistrate name, bail type and amount), whether and at what date and time bail was posted, and notes pertaining to each court appearance (including whether the defendant failed to appear). Using this data, we define several other main variables. First, we define

[10] Marijuana possession, retail theft and prostitution cases constitute ∼10% of pre-reform caseload.

[11] 8.5% of defendants have multiple cases per day; we omit these due to difficulties in defining the bail type for a defendant with multiple types of bail. Our results are very similar if we include duplicate cases.

[12] About 7% of cases are missing some covariates; most often information about past offenses

"eligible cases" as cases that are eligible for the No-Cash-Bail policy; in other words, cases for which the lead charge appears on the list of 25 offenses for which the DA's office would no longer request cash bail (see Appendix Table A1 for the most common of these charges). "Ineligible cases" are cases whose lead charge does not appear in that list of 25 offenses.[13] Following previous literature, we consider a person to be detained pretrial if they spend at least three nights in jail (Dobbie et al., 2018; Stevenson, 2018b). We generate a dummy for "recidivism" which is equal to one if a person with the same unique court identifier is charged with a new offense within six months of the bail hearing. Our "serious recidivism" variable is defined similarly, except that we only count new charges for homicide or graded felonies of type 1 – 2.[14] Our FTA variable is equal to one if the defendant fails to appear for at least one court date within six months of the bail hearing. We define variables for prior FTA and prior charges by searching the data for prior instances with the same defendant identifier. For consistency across cases, and since our data begins in 2007, we limit our time window for priors to nine years before the bail hearing.

Table 1 presents descriptive statistics for cases filed before the No-Cash-Bail reform was announced on February 21st. Statistics are shown separately for eligible and ineligible cases. First, note that roughly 60% of the sample is eligible for the reform.[15] Second, note that the reform targeted a group of defendants that were already being treated more leniently in the initial bail hearing, compared to defendants with ineligible cases. Although a substantial portion (46%) of eligible cases carry felony charges, the charges tend to be less serious and defendants have, on average, fewer prior charges.[16] Half of eligible cases already received ROR before the reform, compared to only 7% of ineligible cases. Only about 18% of eligible cases led to at least three nights in jail compared to almost half of ineligible cases. Note that the FTA and recidivism rates are higher for eligible cases than ineligible cases. This is likely because defendants charged with ineligible offenses are more likely to be detained and thus are mechanically prevented from accruing new charges or failing to appear in court. These rates – 17% for both FTA and recidivism – are quite high. Lastly, note that 75% of eligible defendants had a public defender, which means that they were found indigent by pretrial services, suggesting high levels of resource constraints.

In addition to this main data source, we also use data that was collected by the

[13] Arrests for possession with intent to deliver (PWID) following a PWID charge in the past 6 months are also ineligible. 8% of ineligible cases are in this category (see Panel B of Table A1).

[14] This excludes, for instance, defendants who are charged with a misdemeanor, or with a lower-grade felony, such as possession-with-intent-to-deliver.

[15] Including the case types omitted because of a concurrent change in charging practice (marijuana possession, prostitution, and retail theft), approximately 67% of all cases filed in Philadelphia before the reform would have been eligible for the No-Cash-Bail policy.

[16] See Appendix Table A1 for more information about offense categories

ACLU of Pennsylvania as part of a court-watching project in which volunteers attended bail hearings to manually collect data. This data source provides information about what type of bail is requested by the prosecutor's representative and is only available in the post No-Cash-Bail reform time period for 663 cases.[17] Finally, we obtain information about the average income in the defendant's ZIP Code from the 2012-2016 American Community Survey 5-year Estimates.

3.2 Graphical evidence

Before moving to formal analyses, we present in Figure 1 some graphical evidence of how the No-Cash-Bail policy seems to have affected eligible cases. Clockwise from the top left corner the subfigures show time trends in ROR, pretrial detention, recidivism and FTA. Each dot represents a two-week average for that outcome, and we include a quadratic fit on either side of the reform. Immediately after the No-Cash-Bail policy, the ROR rate jumps up from about 52% to about 62% and remains elevated throughout the time period shown. There is no visible change in the pretrial detention rate, in FTA or in recidivism.

The sharp increase in ROR that is coincident with the reform suggests that the No-Cash-Bail policy decree did, in fact, affect bail setting practices. Furthermore, we see no evidence of any changes for cases that were ineligible for the reform. (Time trends in ROR, pretrial detention, recidivism and FTA for ineligible cases are shown in Appendix Figure A2.)

To more formally investigate the effects of this policy, obtain precise point estimates and account for other possible changes in practices in Philadelphia at that time, we consider two potential research designs: a regression discontinuity in time and difference-in-differences. Our choice, difference-in-differences, is motivated partly by Figure 1. The graphs suggest that neither bail, FTA, or recidivism changed much after the reform. At first glance this seems surprising, given that theory would predict that a 10 percentage point increase in ROR would affect all three outcomes. Concerned about type II errors, we selected a higher-powered research design to minimize the likelihood of falsely rejecting the null. Furthermore, the difference-in-differences research design helps to account for any other changes that may affect outcomes for both groups: seasonal changes, or other policies.

3.3 Empirical strategy

We employ a difference-in-differences research design that compares changes in outcomes for eligible/ineligible cases before and after the reform. The specification is

[17] We drop from our analyses 196 cases where the prosecutor's representative was inaudible.

shown in Equation 1, where i indicates case, *Post* indicates that the initial bail hearing occurred after the No-Cash-Bail reform, and *Eligible* indicates that the case is eligible for the reform. Unless specified otherwise, covariates X include defendant race, age at arrest, gender, prior FTAs, prior convictions, types of offense, grade of offense, whether the defendant was represented by a public defender, bail magistrate, day of the week, and magistrate work-shift.

$$Y_i = \alpha + \beta Post_i + \delta Post_i * Eligible_i + \lambda Eligible_i + \theta X_i + \epsilon_i \quad (1)$$

The main coefficient of interest is δ. Our main identifying assumption is that trends in outcomes between eligible and ineligible cases would have remained parallel had it not been for the No-Cash-Bail policy. We provide evidence in sections 4.1 and 4.2 that trends in outcomes were parallel before the policy and that case composition did not change at the time of the policy.

4 The No-Cash-Bail policy's impact on bail, detention and misconduct

The first subsection presents the main results of the paper: difference-in-differences estimates of the impact that the No-Cash-Bail policy had on ROR, pretrial detention, FTA and recidivism. The second two subsections further our understanding of the main results by focusing on the behavior of criminal justice actors (police, line prosecutors, and bail magistrates) and defendants respectively. The final subsection presents robustness checks.

4.1 Main results

Table 2 presents the difference-in-differences estimates of δ as described in Equation 1. The odd columns do not include controls, the even columns do. Standard errors are clustered at the offense level.[18] We estimate that the No-Cash-Bail policy led to an 11 percentage point (22% relative to the pre-reform mean for eligible cases) increase in the likelihood that defendants will be released on their own recognizance. There is no statistically detectable impact on the likelihood of being detained pretrial for at least three days, of failing to appear in court, or of receiving new charges within six months after the bail hearing. The upper side of the 95% confidence interval suggests that the policy at most increase FTA by 0.1 percentage points, and recidivism by 0.5 percentage points.

[18] Offenses have been aggregated to the 23 most common offenses and a catch-all category for the remaining offenses.

Figure 2 presents coefficient plots in which the dummy for eligibility is interacted with lead/lag dummy variables that each correspond to one month of bail hearings: six before and five after the policy. Specifically, we estimate the following equation:

$$\begin{aligned} Y_i =& \alpha + \sum_{g=2}^{6} \delta_{-g} Month_{-g} * Eligible_i + \sum_{g=0}^{4} \delta_g Month_g * Eligible_i + \\ & \sum_{\substack{g=-6, \\ g\neq -1}}^{4} \beta g Month_g + \lambda Eligible_i + \theta X_i + \epsilon_i \end{aligned} \tag{2}$$

$Month_{-g} * Eligible_i$ equals 1 if a case was an eligible offense and had its initial bail hearing g months before Feb. 21st (lags) and $Month_g * Eligible_i$ equals 1 if a case was an eligible offense and will have its initial bail hearing in g months after Feb. 21st (leads). The dummy for the month prior to the reform is left out as the comparison category. Figure 2 plots the δ coefficients. For instance, the coefficients plotted at -2 (at 1, respectively) in the graphs refer to cases where the bail hearing occurred between one and two months prior to the reform (one to two months after the reform, respectively). We see that trends in ROR are approximately parallel before the reform for eligible cases then jump up immediately after the reform and remain high throughout the time period analyzed. Pretrial detention rates, FTA rates, and recidivism remain roughly parallel and unchanged both before and after the reform.

4.2 Criminal justice actors responses to the reform

The sharp increase in ROR rates for eligible defendants documented in the previous subsection is consistent with a change in bail setting practices, but it could also be consistent with a change in case composition. In particular, police or line prosecutors may have responded to the No-Cash-Bail reform by changing arrest or charging practices. For instance, police may interpret the No-Cash-Bail reform as a signal to de-prioritize eligible offense categories. They may be less likely to pursue or arrest people engaged in this type of illegal activity. Meanwhile the line prosecutors that are responsible for determining the charges – many of whom had been working as prosecutors since long before Larry Krasner was elected, and may be resistant to change – may up-charge defendants in order to make them ineligible for the reform. Either of these would result in a change in case composition that occurred simultaneously to the No-Cash-Bail policy.

Table 3 presents tests of changes in case composition at the time of the No-Cash-Bail policy. Column 1 shows results from a difference-in-differences regression in which the outcome is the weekly number of cases filed in Philadelphia. Each observation

is aggregated to the weekly level for eligible and ineligible offense types respectively. Columns 2 – 4 show estimates from an event study regression in which the weekly number of eligible, ineligible, and drug selling cases are regressed on the post treatment dummy and quadratic time trends. Columns 5 – 8 show difference-in-differences estimates where the outcomes are the number of charges per case, whether or not the defendant has a prior charge within the previous nine years, gender and race, respectively. No additional controls are included. We fail to reject the null in all tests, and the coefficients are small relative to the mean. There is no evidence that police or line prosecutors changed arrest or prosecution practices as a result of the reform.[19]

We then examine whether the district attorney's representative followed the policy of no longer requesting cash for eligible offenses. While there was a marked increase in ROR after the reform, almost 40% of eligible defendants still had monetary bail or supervisory conditions of release. Was this because the district attorney's employees continued to request monetary bail? Or because the bail magistrate set monetary bail despite the requests of the prosecutor's representative? While not ideal because only available after the policy change, the ACLU court-watching data suggests that it was a little bit of both. Table 4 charts prosecutorial bail requests against actual bail outcomes for eligible (Panel A) and ineligible (Panel B) cases. Columns show prosecutor requests and rows, bail outcomes. Each cell presents the fraction of cases with different bail outcomes, for each prosecutor request. In 17% of eligible cases the representative does not comply with the reform and requests secured or unsecured monetary bail. And in most of these cases, the request was granted. The prosecutor's representative only requests ROR among eligible cases in 6% of cases. Most of the time (308/433, or 71% of cases), the prosecutor's representative simply makes no request. In most of these cases, the defendant receives ROR anyway, so it could simply mean that no request was necessary. Either way, it seems that the reform is more of a passive one: instead of actively arguing for release without conditions the prosecutor's representative simply defers to the authority of the bail magistrate. Note that by contrast, for ineligible cases, prosecutors make no request in only 35% of cases (81/227), and ask for monetary bail in 50% of cases (116/227). The reform may have acted more *to remove* a constraint (the prosecutor's request for monetary bail) rather than *to add* a constraint. The increased ROR rates after the reform may be more in line with the bail magistrates' true preferences. Again, this data is just suggestive since it is only available in the post-period, but it offers a potential channel.

Our next goal is to better understand how the magistrates changed bail setting practices after the No-Cash-Bail policy was implemented. ROR, the least restrictive

[19]It is conceivable that police decreased the arrest rate but prosecutors increased charging rates, however these changes would have had to exactly cancel one another out.

type of bail, increased by 11 percentage points. Concordantly, other bail types declined – which ones? We consider four bail categories: supervised release without monetary conditions, unsecured bail, secured bail of $5000 or less and secured bail over $5,000. As a reminder, a defendant with secured bail of $5,000 would only need to pay $500 to be released. Table 5 shows difference-in-differences estimates of the impact that the No-Cash-Bail policy had on these types of bail. We see that there was about a four percentage point decline in both supervised release and low monetary bail. Unsecured bail declined by a little over two percentage points. Conversely, we see little evidence of a decline in higher bail amounts: the point estimate is about -0.7 percentage points and is not statistically significant. These results help us understand why there wasn't more impact on the pretrial detention rate. Most of those who received ROR as a result of the reform would otherwise have been able to secure their release by either paying a $500 deposit, or simply accepting the supervisory conditions or the unsecured bail. This means that the main effect of the policy was to change the conditions of release from low monetary bail or supervisory conditions to no conditions at all.

4.3 Defendant responses

Thus far we have shown that the No-Cash-Bail policy led to a sharp increase in the ROR rate with no evidence of an effect on the likelihood of being detained for at least three nights after the bail hearing. This provides an opportunity to test the impact that ROR has on defendant misconduct: failure to appear in court and recidivism. We do so using an instrumental variables difference-in-differences approach.

Specifically, the second-stage equations that we want to estimate are of the form:

$$Y_i = \alpha_2 + \gamma ROR_i + \beta_2 Post_i + \lambda_2 Eligible_i + \theta_2 X_i + \psi_i \tag{3}$$

Where Y_i is FTA or recidivism of defendants i. We include the above-mentioned vector of defendant characteristics X_i. We also include a dummy for a case being an eligible offense and another for being heard after the policy change.

The main coefficient of interest is δ, but ordinary least squares (OLS) estimates of δ fail to capture causal effects since getting an ROR is likely correlated with unobservable defendant characteristics, such as their work or family circumstances, which may also affect FTA and recidivism. We therefore use $Post_i * Eligible_i$ as an instrument for the change in probability of getting an ROR, by estimating the following first-stage equation:

$$ROR_i = \alpha + \delta Post_i * Eligible_i + \beta_1 Post_i + \lambda_1 Eligible_i + \theta_1 X_i + \epsilon_i \tag{4}$$

Our first-stage equation includes the same defendant characteristics as the second-

stage equation.

As a benchmark, we also run OLS regressions of FTA and recidivism on ROR with controls. Results from both the OLS and the IV specifications are shown in Table 6. Column 1, the OLS results for FTA, shows that release on recognizance is associated with a four percentage point increase in failing to appear in court. However, those with ROR are much less likely to be detained pretrial than those with other bail types, suggesting that this could simply be a mechanical effect of releasing more people. Column 2 shows the instrumental variables results for FTA. While the confidence intervals are wide, the point estimate is actually slightly negative. The same is true for the recidivism outcome. The upper side of the 95% confidence interval suggests that eliminating low monetary bond and supervisory conditions leads to an increase of at most six percentage points for FTA and two percentage points for recidivism.

Lastly, in Appendix Table A2, we look at the policy's effects on serious recidivism, which we define as recidivism for homicide or graded felonies of type $1 - 2$. Column 1 presents difference-in-differences, reduced-form estimates of the effects of the No-Cash-Bail policy; Column 2 presents an OLS regression of serious recidivism on ROR; and Column 3 presents instrumental variable results. We find no effects of the policy on serious recidivism, again with more precise estimates in the difference-in-differences estimates than in the instrumental variable estimates.

4.4 Robustness tests

Table 7 presents a series of robustness tests focused on our primary outcomes of interest: ROR and FTA. Each column shows the coefficient on $Post * Eligible$ in a difference-in-differences specification. Our first test involves modifying the outcome variable so that it equals one if the defendant *ever* receives ROR during the pretrial period, as opposed to whether they receive ROR at the *initial* bail hearing. Column 1 shows results: with an estimated 10 percentage point decrease, the coefficient is very similar to that in our main specification. In Column 2 we test whether the No-Cash-Bail reform led to an increase in total number FTA's, as opposed to any FTA's. The coefficient is statistically insignificant and slightly negative, similar to the main specification.

In Columns 3 and 4 we limit the sample to 12 weeks before and after the reform. The estimates remain largely unchanged. In Columns 5 and 6 we conduct a doughnut difference-in-differences regression in which we drop the week just before, the week of, and the week after the reform. In Columns 7 and 8 we collapse the data to the weekly level for eligible and ineligible cases and conduct the difference-in-differences estimate on the aggregated sample. Again, the estimates remain largely unchanged. By and large our main results are robust to variations in variable definition, sample, and specification.

5 Does less cash bail reduce economic and racial disparities?

Proponents of reducing reliance on cash bail argue that it will diminish disparities in criminal justice outcomes. The argument is that poorer defendants and minority defendants are especially at risk of getting higher bail and being unable to pay this bail (Arnold et al., 2017; Stevenson, 2018b). Furthermore, recent research suggests that even small income shocks caused by law enforcement can have lasting destabilizing effects (Mello, 2018). In this section, we test whether the reduced reliance on cash bail translates into greater financial stability, and whether it is especially beneficial for poorer defendants and minority defendants.

Ideally, we would have access to direct measures of financial stability, such as credit scores, to be able to test how this policy affected financial well-being. However, we do not have the defendants' addresses, which limits what information we could match to our data. Instead, we look at changes in income-based crime: selling drugs (possession with intent to deliver, or PWID) and property offenses. The first two columns of Table 8 show difference-in-differences estimates where the outcomes are dummies for having a new PWID (Column 1) or property charge (Column 2) within the six months after the bail hearing. The estimates are statistically insignificant: noisy for drug crimes, but precise for property crimes. While this measure is not an ideal measure of economic stability, getting rid of cash bail did not have a large enough effect on poverty to decrease the incidence of property crimes.

To measure whether reducing reliance on cash bail may have helped reduce economic or racial disparities in the pretrial process, we test whether the No-Cash-Bail reform affected the poorest defendants differently than richer defendants, and black defendants differently than non-black defendants. In particular, we are interested in whether these disadvantaged groups are more likely to get an ROR, or less likely to spent some time in jail. We define "poorest defendants" as those whose zip code is in the bottom tercile of the income distribution within our sample of defendants.[20] We present estimates from the following triple differences specification in the last four columns of Table 8:

$$\begin{aligned} Y_i = &\alpha + \beta Post_i + \delta Post_i * Eligible_i + \lambda Eligible_i + \nu Post_i * Z_i + \\ &\rho Eligible_i * Z_i + \mu Post_i * Eligible_i * Z_i + \theta X_i + \epsilon_i \end{aligned} \tag{5}$$

[20] Results are similar if we use other thresholds to define poverty.

$$\begin{aligned} Y_i =& \alpha + \beta_1 Post_i + \beta_2 Eligible_i + \beta_3 Post_i * Eligible_i + \beta_4 Post_i * Z_i + \\ & \beta_5 Eligible_i * Z_i + \beta_6 Post_i * Eligible_i * Z_i + \gamma X_i + \epsilon_i \end{aligned} \tag{6}$$

Z_i is either a dummy for being in the bottom tercile of the income distribution (Columns 3 and 4), or a dummy for being black (Columns 4 and 5). μ are the coefficients of interest to determine whether there were differential effects of the policy. We find that these coefficients are small, both overall and relative to the mean. The one exception is the interaction coefficient for black defendants on pretrial detention, which is -0.038 with a P value of .15. While far from conclusive, it is consistent with the finding in other work that being in jail because of inability to pay bail is more common for black defendants Stevenson (2018a). Lastly, as shown in table 1, 75% of eligible defendants qualified for a public defender; 48% were black and 22% were Hispanic. This means that while there is no evidence that the policy had differential effects by race or neighborhood income level, the majority of arrestees in Philadelphia – and the majority of this policy's beneficiaries – are poor people of color.

6 Conclusion

Across the United States, a large number of defendants are released pretrial on monetary bail or pretrial supervision. While such interventions are supposed to increase court compliance, they also impose costs on the defendant: fees associated with the bond, restraints on liberty imposed by supervision, and accumulation of court debt for those who miss an appearance. We evaluate a "No-Cash-Bail" policy in Philadelphia, which increased the number of people released without monetary bail or other conditions without affecting the rates of pretrial detention, to evaluate how pretrial accountability mechanisms affect compliance. We find no evidence that the decreased use of monetary bail and supervisory conditions had adverse effects on appearance rates or recidivism. These null results are striking in contrast to recent work showing the effectiveness of text messages or form redesign on FTA (Fishbane et al., 2019). Put together, these results help inform our theoretical understanding of misconduct. By showing what kinds of interventions minimize misconduct, we gain a better understanding of why people engage in it. At least for court compliance, monetary incentives do not appear to be as effective as behavioral nudges. This reinforces the idea that some kinds of misconduct may not be due to deliberate and intentional decisions, but rather to constraints on attention and time. Monetary bail has long been the mainstay tool of ensuring pretrial compliance, but a better understanding of why people fail to comply can help design more effective pretrial policies.

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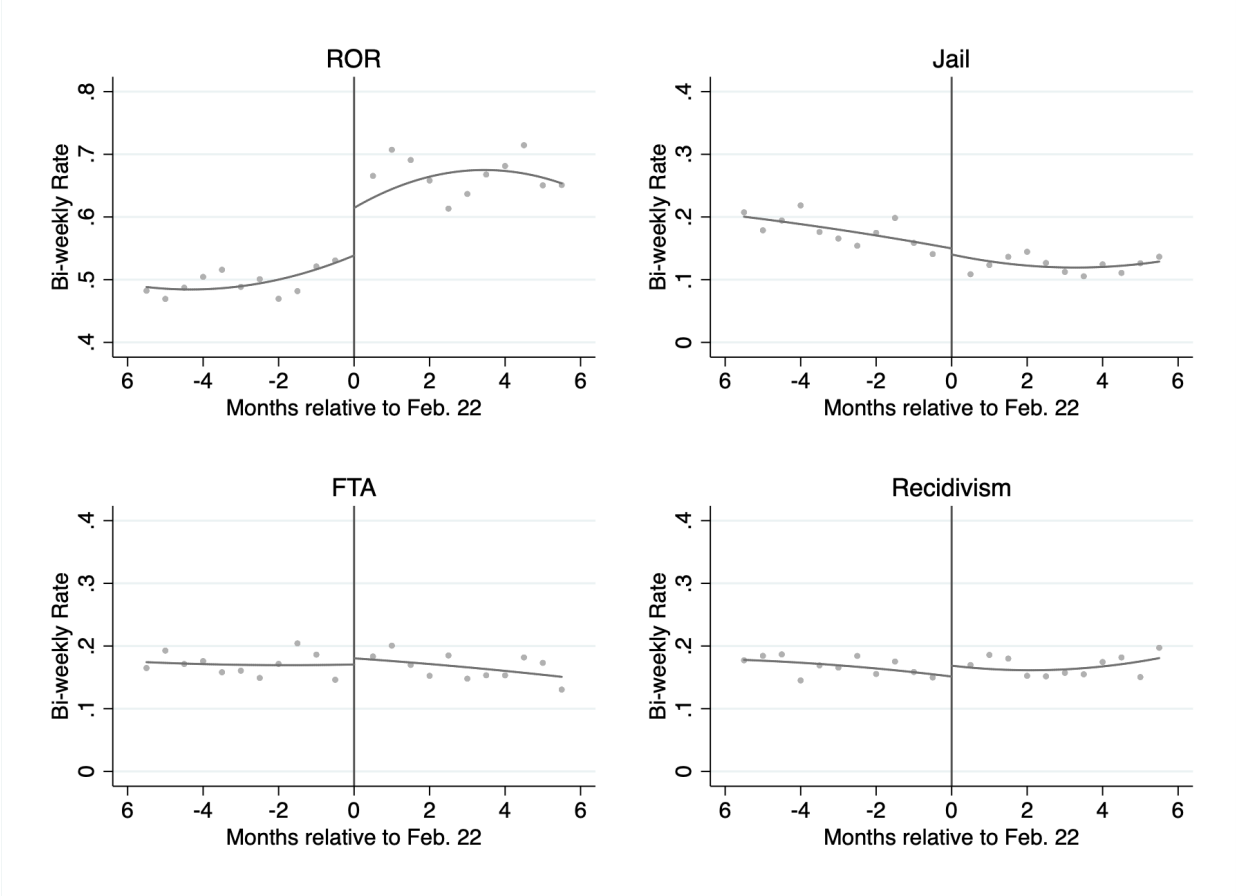
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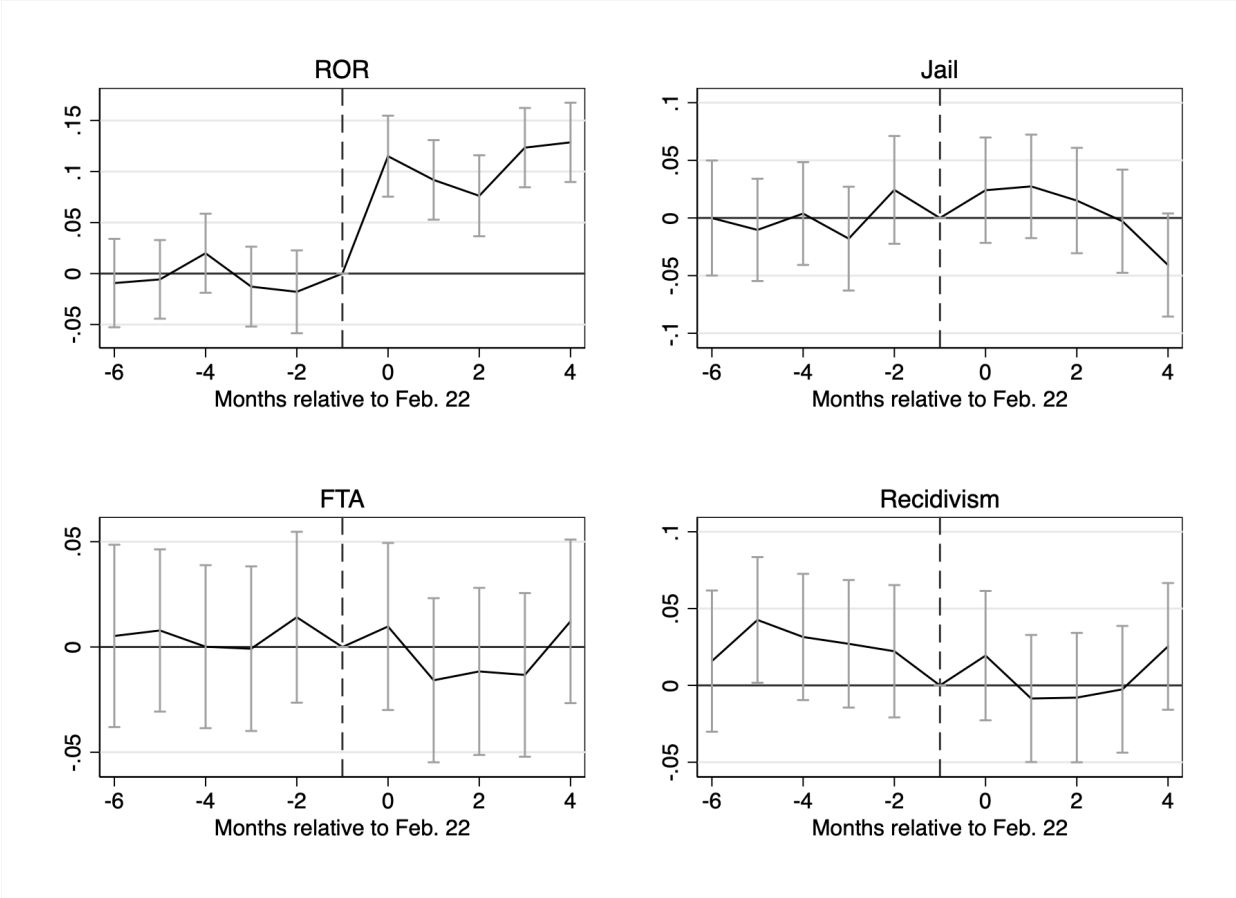
Figures and tables

Figure 1: Time trend in ROR, pretrial detention, FTA and recidivism for eligible cases



Note: Each dot represents the mean value in a two-week time period. The vertical line represents the Feb. 22 date of the No-Cash-Bail policy. The lines are quadratic fits, before and after Feb. 22. ROR (released on own recognizance) means that a defendant is released with no monetary or supervisory conditions. Pretrial detention is defined as spending at least 3 nights in jail immediately after their initial bail hearing. FTA (failure to appear in court) and recidivism are both measured within 6 months after one?s initial court hearing. Data source: court dockets from the Pennsylvania Unified Judicial System.

Figure 2: Difference-in-differences estimates with leads and lags for how the No-Cash-Bail policy affected ROR, jail time, FTA and recidivism



Note: This figure plots the difference-in-difference coefficients obtained from estimating a single equation with monthly leads and lags (Equation 2), with the 95% confidence interval of the coefficient estimate. The treatment group is eligible offenses and the control group is ineligible offenses. The vertical dashed line indicates the month prior to Feb. 22. That month is left out as the comparison category. ROR (released on own recognizance) means that a defendants is released with no monetary or supervisory conditions. Pre-trial detention is defined as spending at least 3 nights in jail immediately after their initial bail hearing. FTA (failure to appear in court) and recidivism are both measured within 6 months after one?s initial court hearing. Data source: court dockets from the Pennsylvania Unified Judicial System.

Table 1: Descriptive statistics for cases before the No-Cash-Bail policy

	Eligible cases	***Ineligible cases***
Defendant characteristics		
Age	34.40	32.66
Male	0.84	0.83
Black	0.48	0.66
Hispanic	0.22	0.16
White	0.29	0.16
Median household income in zip code	37816	35354
Public defender	0.75	0.67
Felony	0.46	0.69
Has a prior FTA	0.17	0.12
Has a past conviction	0.58	0.54
Has a past felony conviction	0.28	0.39
Pre-trial conditions		
ROR	0.50	0.07
Supervised release	0.06	0.01
Unsecured monetary	0.07	0.06
Secured bail up to $5,000	0.17	0.27
Secured bail over $5,000	0.20	0.57
Denied	0.00	0.02
Jail (3+ nights)	0.18	0.49
Misconduct		
FTA	0.17	0.06
Recidivism	0.17	0.10
Serious Recidivism	0.03	0.04
Observations	7810	5038

Data source: court dockets from the Pennsylvania Unified Judicial System.

Table 2: Difference-in-difference estimates of the effect of No-Cash-Bail policy on ROR, jail, FTA and recidivism

	ROR		Jail		FTA		Recidivism	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Eligible*Post 02/21	0.12***	0.11***	0.0028	0.0035	-0.011	-0.0098	-0.016	-0.016
	(0.026)	(0.021)	(0.021)	(0.017)	(0.010)	(0.0085)	(0.011)	(0.010)
Controls	No	Yes	No	Yes	No	Yes	No	Yes
Mean DV	0.496		0.180		0.171		0.166	
N	24604							

Note: This table presents estimates of δ in Equation 1. Eligible offenses are the treatment group, and ineligible offenses are the control group. Odd columns don't include controls; even columns do. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. ROR means released on own recognizance. Jail refers to being detained pre-trialed for at least 3 nights after the bail hearing. FTA and recidivism are defined as missing a court date or having a new court case within within 6 months after one?s initial court hearing. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standard errors, clustered at the offense level, are in parentheses.

Table 3: Testing for changes in case composition at time of reform

	(1) Number of cases	(2) Number eligible	(3) Number ineligible	(4) Number PWID	(5) Charges per case	(6) Has prior	(7) Male	(8) Black
Eligible*Post 02/21	-9.76				-0.071	0.0068	0.017	0.0082
	(14.2)				(0.046)	(0.015)	(0.011)	(0.014)
Post 02/21		-0.92	9.67	4.03				
		(25.0)	(11.9)	(12.0)				
Controls	No	No	No	No	No	No	No	No
Mean DV	319	319	205	104	2.490	0.576	0.841	0.482
N	96	48	48	48	24604	24604	24604	24604

Note: In Column 1, our data is collapsed at the weekly level for both eligible and ineligible cases. In Columns 2-4, the data is collapsed to the weekly level, and estimations include quadratic time trends. Columns 5 - 8 present difference-in-difference estimates, with one observation per case. PWID is possession with intent to deliver. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standard errors, clustered at the offense level, are in parentheses.

Table 4: Prosecutor requests and bail magistrate decisions for eligible (Panel A) and ineligible (Panel B) cases.

	Panel A: Eligible Offenses					
		Prosecutor request				
Bail outcome	ROR	Unsecured	Monetary	Other	No request	Defer to BC
ROR	0.56	0.27	0.13	0.31	0.86	0.50
Supervised release	0.04	0.00	0.02	0.23	0.02	0.12
Unsecured monetary	0.41	0.73	0.08	0.15	0.08	0.00
Monetary	0.00	0.00	0.77	0.31	0.05	0.38
Number of prosecutor requests	27	15	62	13	308	8
Fraction of prosecutor requests	0.06	0.03	0.14	0.03	0.71	0.02
	Panel B: Ineligible Offenses					
		Prosecutor request				
Bail outcome	ROR	Unsecured	Monetary	Other	No request	Defer to BC
ROR	0.75	0.00	0.02	0.00	0.30	0.06
Supervised release	0.00	0.00	0.01	0.00	0.02	0.00
Unsecured monetary	0.25	1.00	0.09	0.11	0.11	0.38
Secured monetary	0.00	0.00	0.88	0.67	0.56	0.56
Number of prosecutor requests	4	1	116	9	81	16
Fraction of prosecutor requests	0.02	0	0.51	0.04	0.36	0.07

Note: This table presents the breakdown of bail outcomes, within each possible type of request made by the prosecutor?s representative. Each column represents one type of prosecutorial request, and each cell presents the fraction of cases with different bail outcomes. The top panel presents this for eligible cases, and the bottom for ineligible cases. ROR is released on recognizance. Supervised release means that the defendant is released with monetary conditions. Unsecured monetary bail means that the defendant does not have to post money, but they owe the court their bail if they fail to appear in court. Secured monetary bail means that a defendant must pay 10% of the bail amount as a deposit, and will owe the full amount if they don't show up to court. This is calculated using ACLU court watch data, which was collected between September 11th and December 20th, 2018, and so is only available in the post-period. We drop cases where the requests of the prosecutor?s representative were inaudible.

Table 5: Difference-in-difference estimates of the effects of the No-Cash-Bail policy on initial bail type

	(1) Supervised release	(2) Unsecured Monetary	(3) Secured Under $5,000	(4) Secured Over $5,000
Eligible*Post 02/21	-0.041*	-0.023**	-0.041*	-0.0090
	(0.018)	(0.0078)	(0.018)	(0.024)
Controls	Yes	Yes	Yes	Yes
Mean DV	0.060	0.069	0.171	0.204
N	24604			

Note: This table presents an estimate of Equation 1. Eligible offenses are the treatment group, and ineligible offenses are the control group. Supervised release means that the defendant is released with monetary conditions. Unsecured monetary bail means that the defendant does not have to post money, but they owe the court their bail if they fail to appear in court. Secured monetary bail means that a defendant must pay 10% of the bail amount as a deposit, and will owe the full amount if they don't show up to court. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standard errors, clustered at the offense level, are in parentheses.

Table 6: OLS and IV estimates of the effects of ROR on FTA and recidivism

	FTA		Recidivism	
	(1) OLS	(2) IV	(3) OLS	(4) IV
ROR	0.041*	-0.088	0.018	-0.15
	[0.0048,0.077]	[-0.24,0.068]	[-0.0060,0.041]	[-0.32,0.024]
Controls	Yes	Yes	Yes	Yes
Mean DV	0.128		0.145	
N	24604			

Note: The odd columns present OLS estimates, and the even columns present IV estimates. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. FTA and recidivism are defined as missing a court date or having a new court case within within 6 months after one's initial court hearing. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. 95% confidence intervals in brackets.

Table 7: Robustness checks

	(1) Ever ROR	(2) Tot FTA	(3) ROR 12w	(4) FTA 12w	(5) ROR donut	(6) FTA donut	(7) Weekly ROR	(8) Weekly FTA
Eligible*Post	0.11***	-0.0079	0.11***	-0.0099	0.11***	-0.0093	0.12***	-0.0093
	(0.021)	(0.011)	(0.023)	(0.0064)	(0.020)	(0.0080)	(0.016)	(0.0086)
Controls	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Mean DV	0.501	0.209	0.503	0.171	0.496	0.171	0.499	0.172
N	24604		11651		22586		96	

This table presents difference-in-difference estimates. Eligible offenses are the treatment group, and ineligible offenses are the control group. In column 1, Ever ROR is a dummy equal to 1 if a person gets an ROR at any point during the pretrial period, instead of just the initial bail hearing. In column 2, total FTA is the total number of FTA incidents, instead of the likelihood of having an FTA. Columns 3 and 4 limit our sample to 12 weeks before and after Feb. 21. Columns 5 and 6 exclude the week of the policy, and the weeks just before and after. Columns 7 and 8 are collapsed to one observation per week. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. ROR means released on own recognizance. FTA is defined as missing a court date within within 6 months after one's initial court hearing. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standard errors, clustered at the offense level, are in parentheses.

Table 8: Income and race effects of the No-Cash-Bail policy: triple difference estimates.

	(1) New PWID	(2) New Property	(3) ROR	(4) Jail	(5) ROR	(6) Jail
Eligible*Post 02/21	0.0055	0.00058	0.10***	0.0032	0.10***	0.029
	(0.0056)	(0.0038)	(0.023)	(0.017)	(0.020)	(0.020)
Poorest*Eligible*Post 02/21			0.018	0.0079		
			(0.019)	(0.018)		
Black*Eligible*Post 02/21					0.021	-0.044
					(0.018)	(0.026)
Controls	Yes	Yes	Yes	Yes	Yes	Yes
Mean DV	0.059	0.031	0.436	0.213	0.496	0.180
N	24604	24604	23208	23208	24604	24604

Columns 1 and 2 present difference-in-differences estimates (Equation 1), and columns 3-6 present triple-difference estimates (Equation 5). Eligible offenses are the treatment group, and ineligible offenses are the control group. Poorest is a dummy for living in a zip code with income in the bottom third of the distribution for this data. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. ROR means released on own recognizance. Jail refers to being detained pre-trialed for at least 3 nights after the bail hearing. Mean DV is the mean of the dependent variable for eligible cases before the No-Cash-Bail policy. In columns 3 and 4, this is for the poorest defendants, and in columns 5 and 6, this is for black defendants. Data source: court dockets from the Pennsylvania Unified Judicial System. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Standard errors, clustered at the offense level, are in parentheses.

Figure A.1: Changes in the weekly number of cannabis, prostitution and shoplifting cases after the Feb. 15th announcement not to prosecute these kinds of cases anymore. For all of our analyses, we drop these cases.

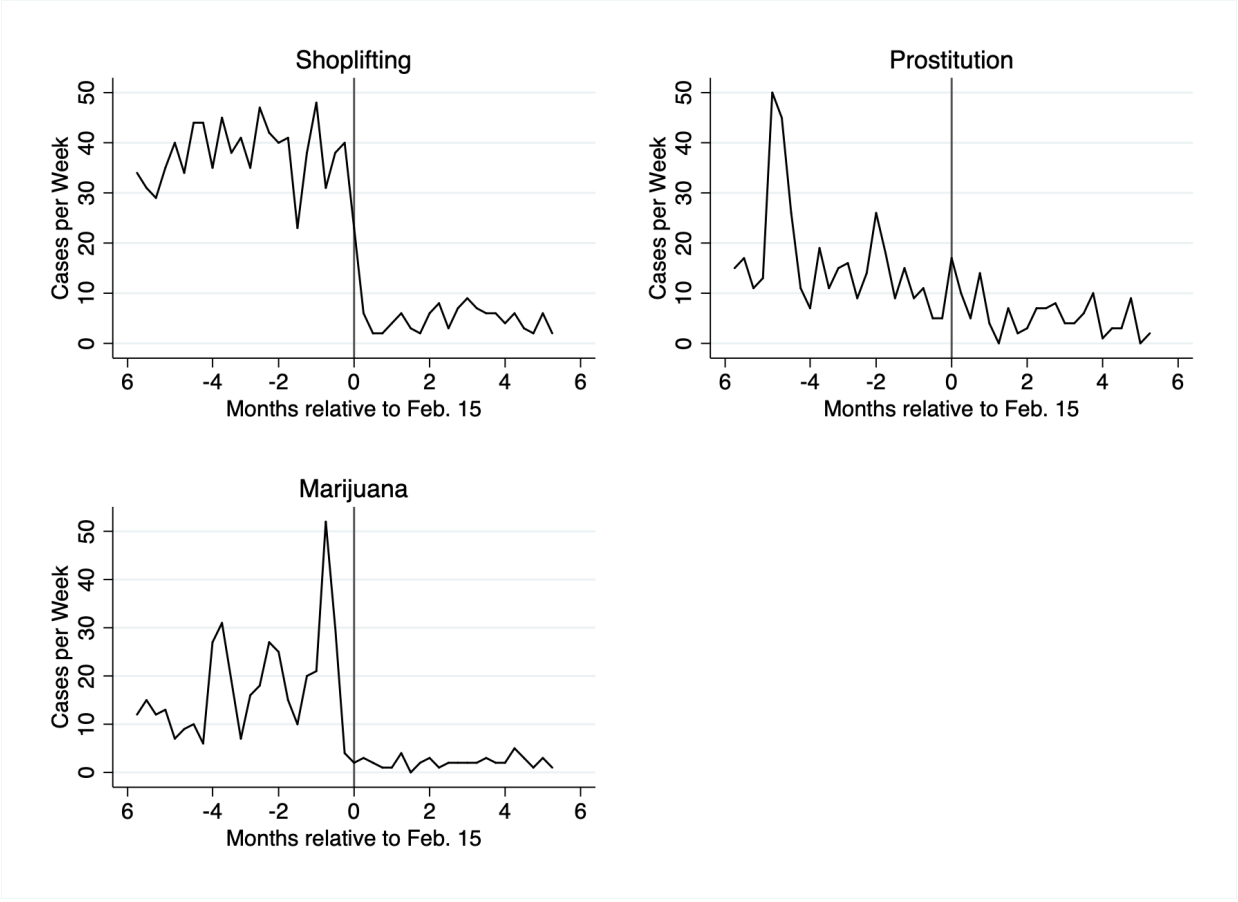
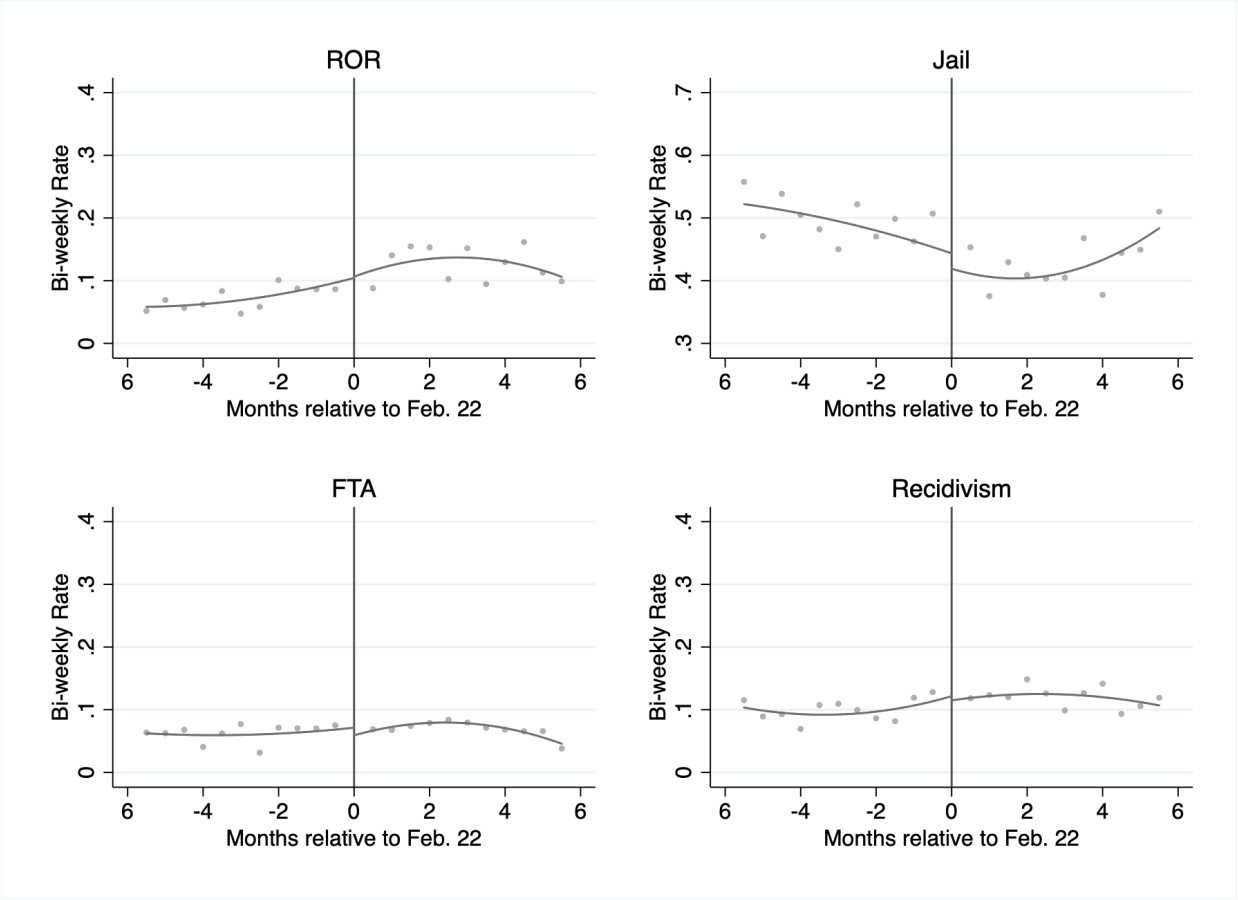


Figure A.2: Time trend in ROR, pretrial detention, FTA and recidivism for ineligible cases



Note: Each dot represents the mean value in a two-week time period. The vertical line represents the Feb. 22 date of the No-Cash-Bail policy. The lines are quadratic fits, before and after Feb. 22. ROR (released on own recognizance) means that a defendant is released with no monetary or supervisory conditions. Pretrial detention is defined as spending at least 3 nights in jail immediately after their initial bail hearing. FTA (failure to appear in court) and recidivism are both measured within 6 months after one?s initial court hearing. Data source: court dockets from the Pennsylvania Unified Judicial System.

Table A1: Offense category frequency for eligible and ineligible cases

	Panel A: Eligible Cases
Possession with intent to deliver (PWID)	0.28
Drug purchase	0.19
Drug possession	0.17
DUI	0.15
Theft	0.06
Burglary	0.05
Receiving stolen property	0.03
Other	0.07
Observations	7810
	Panel B: Ineligible Cases
Aggravated assault	0.20
Firearm violation	0.11
Robbery	0.10
Simple assault	0.09
Possession with intent to deliver (PWID)	0.08
Possession of weapon	0.06
Domestic violence	0.05
Other	0.32
Observations	5038

Note: While PWID in general are eligible offenses, PWID cases for which the defendant had a PWID in the past 6 months are not eligible. Data source: court dockets from the Pennsylvania Unified Judicial System.

Table A2: The impacts of the No-Cash-Bail policy and ROR on serious recidivism

	(1) DID	(2) OLS	(3) IV
Eligible*Post 02/21	-0.0039		
	[-0.013,0.0049]		
ROR		0.0015	-0.036
		[-0.011,0.014]	[-0.11,0.038]
Controls	Yes	Yes	Yes
Mean DV		0.030	
N	24604		

Serious recidivism is recidivism for a homicide or a felony of type 1 or 2. Column 1 presents difference-in-difference estimates (Equation 1). Eligible offenses are the treatment group, and ineligible offenses are the control group. Column 2 present OLS estimates, and column 3 present IV estimates. Controls are for offense statute and class, age, gender, day of week, shift, presence and number of past offenses and past FTAs, and initial bail commissioner. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. 95% confidence intervals in brackets.