

November 18, 2025

The Honorable John Thune
United States Senate
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mike Johnson
Speaker of the House of Representatives
521 Cannon House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2267 Rayburn House Office Building
Washington, DC 20515

Dear Leader Thune, Minority Leader Schumer, Speaker Johnson, and Minority Leader Jeffries:

We, the undersigned, non-partisan, nonprofit organizations and individual Americans, urge Congress to reject H.R. 5214, the District of Columbia Cash Bail Reform Act of 2025, which was recently voted out of Committee by the House Oversight Committee. The bill would force DC to adopt a cash bail system and introduce new categories of offenses requiring mandatory pretrial detention. These changes would require many people arrested in DC to provide cash or other forms of property as collateral for release before their trial. They would also remove judicial discretion to determine whether a person can be safely released, and if so, under what conditions. If H.R. 5214 (or its substance) is enacted, DC residents who are legally innocent and who present no danger to the community would be held in jail solely because they cannot afford to pay. Meanwhile, wealthier defendants could simply buy their freedom. This approach would displace and worsen DC's current system, which, as detailed below, has been effective and focused on public safety. Congress should, on a bipartisan basis, soundly reject the approach of this bill.

All of us who have signed this letter care deeply about the safety of our neighborhoods and the well-being of the District of Columbia. We grieve when there is a crime that harms a member of our community or someone visiting our Nation's Capital. It is because of that care and commitment that we all come together to reject the proposed legislation, as those changes to DC's local court's risk-based assessments will ultimately make our Nation's Capital less safe.

In 1992, the DC Council, DC's elected legislative branch under the Home Rule system established by Congress, found after extensive hearings that cash bail was harming, not helping, public safety. The Council adopted a system that, mirroring federal bail laws, removes wealth from the decision to release or detain someone pretrial. Under DC law, pretrial release considers whether the individual may pose a danger to the community or fail to return to court. This assessment is based on risk factors such as criminal background, threats to victims, and past failures to appear in court or otherwise abide by pretrial release conditions. People on pretrial

release are supervised by the Pretrial Services Agency (PSA). PSA officers meet regularly with those on pretrial release and, when appropriate, provide connections to services, such as mental health and drug treatment, and can remand people to jail custody if people are not meeting their supervision conditions. These factors prioritize safety. For three decades, DC’s approach has kept appearance rates high and new offenses low.

Like Americans around the country, DC residents do not want violent crime in their community. But risk-based detention systems (sometimes confusingly referred to as “cashless bail”) do not cause or increase crime. The data on this is clear. A study conducted by the DC Criminal Justice Coordinating Council found that in a recent six-month period, not a single person released after being charged with a violent or dangerous crime was rearrested for a violent or dangerous crime during their pretrial release.¹ Similarly, data from the Pretrial Services Agency for DC (a federal agency) from the most recent nine months available shows that of the defendants released before their trial, only 1.20% have been rearrested for a violent crime, a 98.8% success rate on this metric.²

National data reinforces the point that cash bail does not help make us safer. A 2024 Brennan Center for Justice study found “no statistically significant difference in crime rates between cities that reformed their bail policies and those that did not.”³ Similarly, after Harris County, Texas ended cash bail for most misdemeanors, the result was “no corresponding increase in violent crime.”⁴ After New Jersey implemented bipartisan bail reforms, violent crime declined while the jail population shrank significantly.⁵ A 2023 John Jay College of Criminal Justice report found that eliminating cash bail for misdemeanors in New York cut recidivism by nearly 50 percent.⁶ In contrast, people jailed in cash bail systems suffer worse outcomes—like lower employment rates, lack of housing, and loss of family connections—for years into the future.⁷ This places them at a higher risk of recidivism. A study commissioned by Arnold Ventures looking at the impact of pretrial detention on 1.4 million people booked through a jail system over a decade found just one day in jail increases a person’s likelihood of being arrested in the future.⁸

¹ Criminal Justice Coordinating Council, An Analysis of Pretrial Detention Before and After Secure DC, <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/Public%20Report%20CJCC%20Pretrial%20Detention%20Report%20updated%206-23-2025.pdf>

² Key Data and Operational Information FY 2025, Pretrial Services Agency, <https://www.psa.gov/sites/default/files/PSA%20FY25%20Q1-3.pdf>

³ Bail Reform and Public Safety Evidence from 33 Cities, <https://www.brennancenter.org/media/13174/download/bail-reform-public-safety-report.pdf?inline=1>

⁴ How Real Bail Reform Creates a Safer America, The Bail Project, <https://bailproject.org/wp-content/uploads/2025/08/How-Real-Bail-Reform-Creates-a-Safer-America.pdf>

⁵ How Real Bail Reform Creates a Safer America, The Bail Project, <https://bailproject.org/wp-content/uploads/2025/08/How-Real-Bail-Reform-Creates-a-Safer-America.pdf>

⁶ Does New York's Bail Reform Law Impact Recidivism? A Quasi-Experimental Test in New York City, John Jay College of Criminal Justice, <https://datacollaborativeforjustice.org/wp-content/uploads/2023/04/RecidivismReport.pdf>

⁷ *The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, Am. Econ. Rev. 201, 204 (2018); <https://www.nycja.org/publications/the-initial-collateral-consequences-of-pretrial-detention>.

⁸ Core Correctional Solutions, L. L. C. (2021). The Hidden Costs of Pretrial Detention Revisited. <https://static.prisonpolicy.org/scans/HiddenCosts.pdf>

Beyond the financial and familial losses suffered by pretrial detainees, there is a very real threat to physical well-being. Nationally, pretrial detention is the riskiest phase for in-custody deaths, and DC Jail is already unsafe. Even before the recent wave of arrests by the current federal executive branch, a report by the DC Auditor in collaboration with the Council for Court Excellence (CCE) found that the death rate at DC Jail is 3.5 times the national average.⁹ This same report found that “[a]side from the disrepair and filth of the building, the architectural design of [the jail], combined with staffing shortages, is contributing to violence and deaths in custody.” Recent changes imposed by the federal government have already increased strain on the facility. The newest data collected by the CCE supports this, showing a 10 percent increase in the jail population since the August law enforcement surge.¹⁰ Under the cash bail system proposed in H.R. 5214, anyone unable to pay their bond amount would remain in custody, likely at this facility. Cash bail threatens to increase the jail population and aggravate already-unsafe conditions—risking the lives of those who cannot afford to buy their freedom.

H.R. 5214 would also override the will of DC voters and increase costs to DC residents. DC’s current risk-based pre-trial detention system has been effectively prioritizing safety since 1992; if the current system begins failing District residents, DC’s democratically elected representatives are well-positioned to respond. H.R. 5214 would also bring increased costs to DC taxpayers. Incarcerating someone at the DC jail can cost \$241 a day;¹¹ the price of maintaining the current jail population of 1,977 costs DC residents approximately \$476,457 every day and over \$173 million every year.¹² Introducing cash bail and expanding mandatory pretrial detention would run these estimates even higher. Every dollar spent on jailing low-risk people is a dollar not spent on schools, mental health care, roads or targeted law enforcement needs.

Congress can stand with the residents of the District and prioritize public safety by rejecting these proposals. Dispel myths that D.C. allows all individuals to be released regardless of their crime or history. Review the data and evidence. Listen to the voices of the people who are most impacted by the laws applied to the District of Columbia.

We urge Congress to reject H.R. 5214 and keep safety, not wealth, the basis of pretrial decisions.

⁹ Urgent Need for New D.C. Jail, Office of the DC Auditor, https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/6837197775af1c53f8f34cf0_JailUpdate_Web_v5.pdf

¹⁰ Center for Court Excellence, Data Snapshot: D.C. Jail Population Since Federal Law Enforcement Surge, https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/68de90a38457c43f0f745448_Jail%20Population%20Data%20Snapshot%202010-2-25.pdf

¹¹ Jails & Justice: Our Transformation Starts Today, District Task Force on Jails & Justice, https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/6625c11207bb722c1644cf96_Jails%20%26%20Justice%20-%20Our%20Transformation%20Starts%20Today.pdf

¹² Jail population continued growing in 2024 even as DC crime fell, CCE analysis shows, Council for Court Excellence, <https://www.courtexcellence.org/news-items/jail-population-continued-growing-in-2024-even-as-dc-crime-fell-cce-analysis-shows#:~:text=As%20of%20Friday%2C%20December%202013,the%20jail%20population%20steadily%20increased.>

Sincerely,

Tzedek DC

Council for Court Excellence

DC Justice Lab

ACLU-D.C.

Americans for Financial
Reform

Appleseed Foundation

Bar Association of the
District of Columbia

Catholic Charities
Welcome Home Reentry
Program

Center for Legal and
Evidence-Based Practices

Center for Survivor
Agency and Justice

Christian Legal Aid of DC

Civil Rights Corps

Coalition for Justice

Coalition on Human Needs

DC Action

DC Appleseed Center for
Law and Justice

DC Chapter National
Organization for Women

DC Coalition Against
Domestic Violence

DC Fiscal Policy Institute

DC for Democracy

Disability Rights DC at
University Legal Services

Eunnae at Law PLLC

Everyone Home DC

Fair Budget Coalition

Free Minds Book Club &
Writing Workshop

Interfaith Action for
Human Rights

Kansas Appleseed

Lawyers for Good
Government

Legal Action Center

Legal Aid DC

Lillian's Southern Box
Catering

Maine People's Alliance

Mi Casa, Inc.

Michigan League for
Public Policy

Michigan Liberation

Montana Budget & Policy
Center

More Than Our Crimes

Mother's Outreach
Network

National Association of
Criminal Defense Lawyers

National Center for Law
and Economic Justice

National Coalition for
Drug Legalization

National Legal Aid &
Defender Association

Neighbors for Justice

Network for Developing
Conscious Communities

Open City Advocates

Open Horizon

Pathways to Housing DC

Project love u

Public Justice Center

Sasha Bruce Youthwork
Inc

School Justice Project

The Bail Project

The Festival Center

The National Reentry
Network for Returning
Citizens

The Second Look Project

The T.R.I.G.G.E.R. Project

The Washington Legal
Clinic for the Homeless

Thrive Under 25

Trial Lawyers Association
of Metropolitan
Washington, D.C.

University of Baltimore
School of Law Center for
Criminal Justice Reform

University of the District
of Columbia Law School

Volare

VYTL Inc

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Committee for Civil Rights
and Urban Affairs

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