

BAIL'S

SET...

WHAT'S

NEXT?

Money bail divides New York's justice system into two tiers: one for those who can pay, and one for those who can't. Unfortunately, this means if you can't afford to pay bail, you go to jail.

**PUBLIC
ACCESS
DESIGN**

+ If you need to pay someone's bail, look inside to learn the difference between cash bail and a bail bond. ▶

A judge has to give two options for paying bail. The options are usually cash bail or a bail bond.

**There are
big differences
between
CASH BAIL
and
BAIL BONDS.**



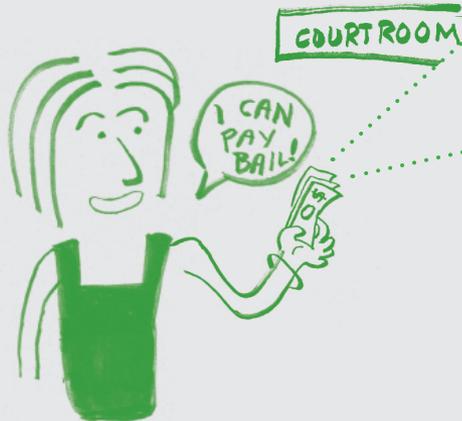
	CASH BAIL	BAIL BOND
Where do I pay?	At court or any detention center	A bail bondsman's office
How much do I pay?	The full amount of cash bail	A fee based on the bond amount set by the judge—the law limits how much the fee can be (See pg. 7)
Do I have to pay anything else?	No	Yes—you may have to provide collateral (See pg. 9)
When can I pay?	As soon as bail is set	When you find a bondsman to take your case
Do I get a refund?	Yes, as long as the arrestee makes their court dates	No—you never get the fee back, but you have the right to get your collateral back
Are there other rules to follow?	No	Arrestees often have to follow specific rules, like weekly check-ins
Could I end up owing more money?	No	Yes—if the arrestee misses a court date, you'll lose your collateral, and you could end up owing more money

Maria's choice — CASH BAIL: \$1,000 OR BAIL BOND: \$2,000

MARIA decides to pay her grandson's **CASH BAIL.** She knows it's the only way to get her grandson out right away and get a refund.

Her grandson was arrested in Brooklyn, so she goes to the criminal court there, where she waits for a few hours for his case to be called.

 + An arrestee will usually see a judge within 24 hours of arrest, but it can take longer.



In the courtroom, Maria tells her grandson's lawyer that she can pay bail.

+ Going to court can help the arrestee even if you can't pay—it shows that the arrestee has connections to the community and might help them get released.

Maria pays in cash to a clerk **IN THE COURT BUILDING.**

She gets a receipt and holds on to it, so she can prove she paid in case there's a problem later.



When her grandson's case is over, Maria gets a check in the mail with a refund.

+ If the arrestee makes all of their court dates, you have the right to a refund. You'll get a check in the mail within 8 weeks of the date when the case is closed.

+ If the arrestee misses any court dates, the bail might be "forfeit," and you won't get a refund.

+ Call the NYC Department of Finance at 212-908-7619 if you have questions.



Shawn's choice – **CASH BAIL: \$2,000** OR **BAIL BOND: \$2,000**

SHAWN wants to pay his friend's **CASH BAIL**.
He can get the money and knows he'll
get a refund, but he can't pay right away.

Shawn has to wait for his friend
to be checked into jail to pay.



+ This can take
up to 12 hours.



After that, Shawn knows
he can pay bail at any
detention center in the
city. He chooses to pay
in the Bronx.

+ You can pay bail at ANY
detention center. You don't
have to go to where the
arrestee is being held—and it
doesn't speed up the process
to go there.

+ You can also pay at court at
the arrestee's next court date.

He goes to the bail window at the
DETENTION CENTER.



Shawn fills out
paperwork and
gives it to the
clerk. He also has
to show his ID.

+ Bring your ID,
the arrestee's
name, date
of birth, and
Book and Case
Number (if you
have it).



After a long wait,
he finally pays bail.



Once he pays, the clerk tells
him it will take 4 to 6 hours
for his friend to be released,
and it might take longer.

Aisha's choice — CASH BAIL: \$10,000 OR BAIL BOND: \$20,000

AISHA doesn't have enough to pay her boyfriend's cash bail, so she decides to pay with a **BAIL BOND** and finds a bondsman.

Aisha brings her cousin, who helps ask questions and acts as a witness.

The bondsman says he'll charge Aisha \$2,000.

Aisha knows that by law, there's a **MAXIMUM FEE** a bondsman can charge. She also knows she won't get this money back.



+ It's ILLEGAL for a bondsman to charge more than the MAXIMUM FEE.

+ This fee has to include any extra "fees" the bondsman charges.

If the bail bond set by the judge is...

\$200 or less

\$201 to \$3,000

\$3,001 to \$10,000

\$10,001 or more

The MAXIMUM FEE a bondsman can charge you is...

\$10

10% of the bond

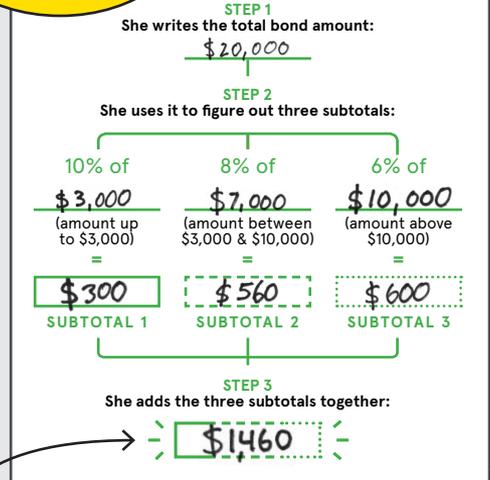
10% of the first \$3,000
+ 8% of the amount above \$3,000

10% of the first \$3,000
+ 8% of the next \$7,000
+ 6% of the amount above \$10,000

NEED HELP FIGURING OUT A MAXIMUM FEE?

Find a free calculator at www.nybondcalculator.org that will do it for you.

Aisha **DOES THE MATH...**



She sees the MAXIMUM FEE the bondsman can charge is \$1,460.

Aisha tells the bondsman he's charging more than the MAXIMUM FEE set by law, and that she'll only pay \$1,460.



+ A bondsman might not care if they're charging too much. You can shop around or pay what they ask for—it's your decision!

The bondsman also asks Aisha for **COLLATERAL.**

Collateral is extra money or property Aisha has to provide to guarantee her boyfriend will return to court.



Bondsmen can ask for any kind of collateral in any amount, like more money, a car, investments, or other property.

She knows that by law, collateral has to be charged separately from the fee she was charged for the bond.



+ Ask to keep them separate and get receipts for both.



Aisha also knows she has the right to get her collateral back once the case is over.



+ If the arrestee misses court, the bondsman can return the arrestee to jail. Then you won't get your collateral back—and you could end up owing more money.

Then Aisha has to sign a **CONTRACT.**

She reads the contract before she signs it so she knows what she's agreeing to. Aisha asks the bondsman to point out important information, including:



- 1 The fee charged for the bond
- 2 The amount of collateral she agreed to
- 3 When she can get her collateral back
- 4 Rules the arrestee has to follow
- 5 What happens if the arrestee misses a court date

+ These contracts can be confusing—make the bondsman show you where important information like this is.



Aisha asks for a copy of her contract.

+ Get the bondsman to put in writing when the arrestee will be released, if you can.

She also asks when her boyfriend will be released. The bondsman tells her it might take a couple of days.

If you have problems doing business with a bondsman,
YOU HAVE THE RIGHT TO FILE A COMPLAINT.
Go to dfs.ny.gov/consumer/fileacomplaint.htm for more info.

This project was produced through **PUBLIC ACCESS DESIGN**, a program of the Center for Urban Pedagogy (CUP). Public Access Design projects use design to make complex urban issues accessible to the New Yorkers most affected by them. publicaccessdesign.org



The **CENTER FOR URBAN PEDAGOGY** is a nonprofit that uses the power of design and art to increase meaningful civic engagement. welcometoCUP.org



THE BROOKLYN COMMUNITY BAIL FUND challenges the unfair use of cash bail and advocates for equal justice. As a revolving bail fund, BCBF pays bail for low-income New Yorkers charged with misdemeanors. brooklynbailfund.org

ALEX TATUSIAN is a graphic designer and writer primarily working on critical social justice issues in New York City. alextatusian.com

COLLABORATORS

+ This guide is for informational use only and is not a source of legal advice. If you need legal advice, talk to a qualified lawyer.

© the Center for Urban Pedagogy, 2016

CUP: Ingrid Haftel, Shristi Shrestha

BROOKLYN COMMUNITY BAIL FUND: Rachel Foran, Peter Goldberg, Pilar Weiss

BROOKLYN DEFENDER SERVICES: Nick Malinowski

DESIGN: Alex Tatusian

Big thanks to: Oscar Nuñez, Mark Torrey, Jenn Anne Williams, Christine Gaspar, Frampton Tolbert, Deja Holden, Sylvie Graubard, Amanda Surujdeo, Kevin Cheng, Asa Sapse

Support for this project was provided by The Shelley and Donald Rubin Foundation and public funds from the New York City Department of Cultural Affairs in partnership with the City Council. Additional support was provided by Council Member Antonio Reynoso.

