



THE PRICE FOR FREEDOM: BAIL IN THE CITY OF L.A.

A MILLION DOLLAR HOODS REPORT

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In California, all persons facing criminal charges are guaranteed the right to freedom before trial, except in a few cases. But there is a price for that freedom. Across the state, the money bail system requires many people to pay for pretrial release. When a person, or their representative, pays money bail up front and in full, the money is refunded so long as the person charged with a crime shows up for all of their court proceedings. But most people eligible for money bail cannot afford to pay the total sum up front.¹ Instead, most people eligible for money bail are left with one of two options. The first is to stay in jail until the conclusion of their court proceedings, which can take weeks, months, or even years. The second is to contract with a bail bond agent who provides a surety bond to the court on their behalf. The surety bond operates like a promissory note: the bail bond company does not pay up front but, rather, promises to pay the full bail money amount if the accused fails to appear in court. For this service, a bail bond agent requires the arrested person, or their representative, to pay a nonrefundable deposit, typically amounting to 10% of the total bail amount. A bail bond agent will also charge a series of service fees and often requires some form of collateral, such as a home or car. In California, an estimated 97% of the people who pay money bail use a bail bond agent.²

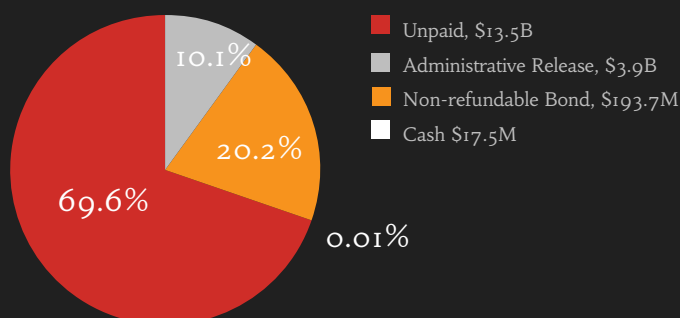
In the City of Los Angeles, the money bail system is massive. According to new data provided to the Million Dollar Hoods research team, the Los Angeles Police Department (LAPD), using the Los Angeles County Superior Court's misdemeanor and felony bail schedules, levied **\$19,386,418,544** in money bail on persons arrested by the LAPD between 2012 and 2016. This \$19.4 billion only reflects the amount of money bail set during LAPD booking proceedings. It does not reflect any changes later made by judges to bail assessments. It does not reflect arrests made by any other police departments in the Los Angeles area. And it does not reflect what was actually paid.

Of the \$19.4 billion set between 2012 and 2016, 62,118 people bailed out of LAPD custody by paying cash or contracting with a bail bond agent. Collectively, they delivered **\$17,561,473** in cash to the court and paid an estimated **\$193,786,349** in nonrefundable bail bond deposits to bail bond agents. These payments do not include any additional service fees an arrested person or their representative might pay to a bail bond company after seeing a judge for the first time (at a hearing called "arraignment"). Nor do they include the value of any assets later seized by bail bond agents.

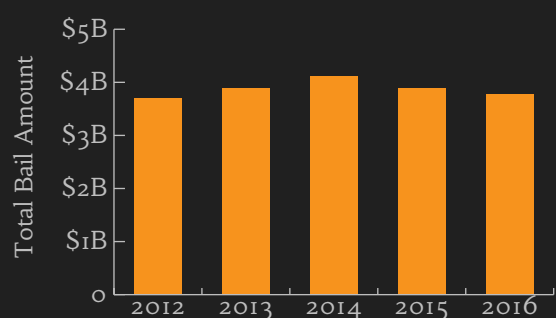
Of the \$193.8 million paid to bail bond agents, **Latinos paid \$92.1 million**, **African Americans paid \$40.7 million**, and **Whites paid \$37.9 million**. But a recent study by the Ella Baker Center for Human Rights documents that it is women — the mothers, aunts, grandmothers, friends, and wives of the accused — who are most likely to contract with a bail bond agent on behalf of those in custody.³ If so, the estimated \$193.8 paid in nonrefundable bail bond deposits were disproportionately paid by women, namely Black women and Latinas. Moreover, each community likely paid much more when accounting for post-arraignment payments, the service fees charged by bail bond companies, and, in some cases, asset seizures.

But most money bail was never paid. Of the \$19.3 billion in money bail set, **\$13,508,414,069** was **neither paid** nor waived through an administrative procedure, such as release on "Own Recognizance." In fact, 70% of the amount levied was not paid during LAPD booking proceedings, which left 223,366 people in LAPD custody prior to arraignment between 2012 and 2016.

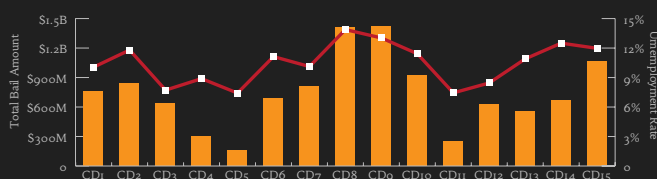
TOTAL BAIL (2012 - 2016)



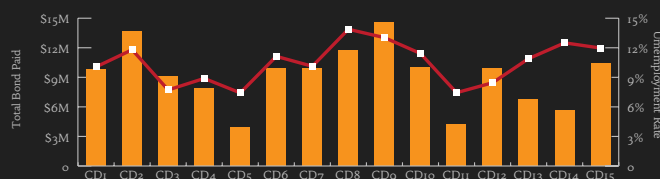
TOTAL BAIL LEVIED BY YEAR (2012 - 2016)



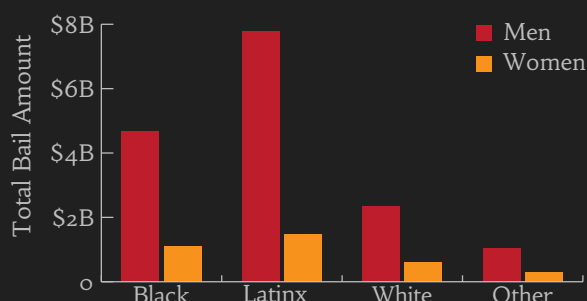
UNEMPLOYMENT RATE AND TOTAL BAIL LEVIED BY CITY COUNCIL DISTRICT (2012 - 2016)



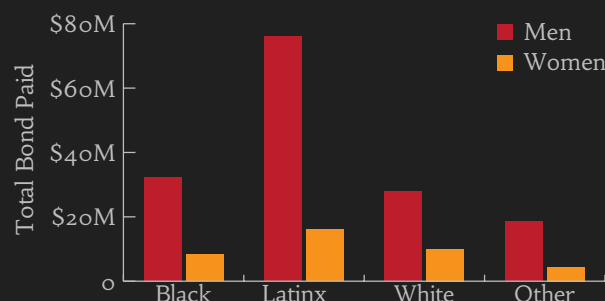
UNEMPLOYMENT RATE AND TOTAL NON-REFUNDABLE BOND PAID BY CITY COUNCIL DISTRICT (2012 - 2016)



TOTAL BAIL LEVIED BY RACE AND GENDER (2012 - 2016)



TOTAL NON-REFUNDABLE BOND PAID BY RACE AND GENDER (2012 - 2016)



The reasons why people did not pay for release during the booking process are not recorded in LAPD records but poverty was likely a major factor. Mapping LAPD data shows that the greatest sums of money bail were levied in the City Council districts with the highest rates of unemployment. Moreover, nearly four billion dollars in money bail was levied on houseless persons.⁴

In sum, the money bail system is a multi-billion dollar toll that demands tens of millions of dollars annually in cash and assets from some of L.A.'s most economically vulnerable persons, families, and communities. For those who pay bail bond agents, that money is never returned and additional fees apply. But most people do not pay money bail. Among them, many individuals as well as their families and communities are simply too poor to pay the price for freedom.

TOP 5 ZIP CODES BY TOTAL BAIL LEVIED AND NON-REFUNDABLE BOND PAID (2012 - 2016)

Zip Code	SOUTH CENTRAL			ARLETA	
	90044	90003	90037	90011	91331
Total Bail	\$506,280,304	\$475,136,066	\$415,821,902	\$411,301,117	\$294,164,928
Non-Refundable Bond Paid	\$3,769,368	\$4,225,251	\$4,013,070	\$4,870,101	\$3,106,637

Methodology

On March 10, 2017, the LAPD fulfilled Public Records Act requests submitted by Professor Kelly Lytle Hernandez on March 8, 2016 and September 7, 2016. The data provided included more than twenty categories of information for all arrests and bookings made by the LAPD between January 1, 2012 and December 31, 2016. For this report, we utilized the following categories of information: Race, Sex (gender), Total_Bail (the sum of all bail set), Rel_Reas (release disposition), and Home_Res (home address). Release dispositions include codes, such as "BOND," "CASH," "OR" (Own Recognizance), "CUST" (custody transfer), "IMP" (imperative release), and "49B1" (D.A. reject). To calculate total money bail set, we calculated the sum of all numeric values included in the "Total_Bail" category. To calculate how much was paid to bail bond agents, we estimated that for persons released on "BOND" 10% of their total money bail charge was paid to a bail bond agent. To determine how much money bail was unpaid we calculated "Total_Bail" for all entries without a release disposition. To determine total bail set and paid by neighborhood, we geo-coded and cross-referenced the home addresses provided in the "Home_Res" category with Los Angeles City Council District boundaries. Lastly, we used the most recently-available U.S. Census data to determine unemployment rates by City Council District.

¹ Bernadette Rabuy and Daniel Kopf, "Detaining the Poor," Prison Policy Initiative, May 10, 2016.

² Pretrial Detention Reform Workgroup, *Recommendations to the Chief Justice*, October 2017, p. 31.

³ Saneta deVuono-powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi. Who Pays? The True Cost of Incarceration on Families. Oakland, CA: Ella Baker Center, Forward Together, Research Action Design, 2015, p. 9.

⁴ Houseless Persons are defined as those recorded as "transient" in LAPD data and those who, upon arrest, provide the address of a shelter as their home residence.