

# THE PRICE OF FREEDOM: BAIL IN THE CITY OF LOS ANGELES

## A MILLION DOLLAR HOODS REPORT

UCLA

Isaac Bryan, Terry Allen MA, Kelly Lytle Hernández PhD, and the Million Dollar Hoods Team

REUNITE

In California, adults facing criminal charges are guaranteed the right to freedom before trial, except in a few cases. One way to secure that freedom is to pay money bail. Between January 1 and December 31, 2017, 65,411 bookings into LAPD custody were levied a total of **\$3,602,693,975 in money bail**. Of the total bail levied, \$517,835,768 was set on houseless individuals. Most persons either could not or otherwise did not pay for release prior to arraignment. Instead, they remained in custody. Of those who did bond out, 0.1% paid in cash and 99.9% contracted with a bail bond agent. Collectively, the persons who used a bail bond agent paid an estimated **\$40,799,500 in non-refundable bail bond deposits**. The most impacted racial/ethnic populations were Latinx and Black residents, paying \$19,614,938 and \$10,169,118 respectively in non-refundable bail bond deposits. Additionally, \$7,884,391 was paid on behalf of women in exchange for their pretrial release.

Using 2017 LAPD data, this report provides rare insight into the scale of the money bail system in the City of Los Angeles. Like our previous report, "The Price for Freedom: Bail in the City of Los Angeles, 2012-2016," it offers just a peek at the total costs. One limitation to this report is that LAPD data only captures the amount of bail levied and paid prior to seeing a judge for the first time. Moreover, LAPD data does not account for any additional charges assessed by bail bond agents. But LAPD data provides one of the most clear-eyed looks at the money bail system in Los Angeles, unmasking the fact that the financial toll for pretrial release largely impacts African Americans, Latinos, and the City's most economically-aggrieved communities.

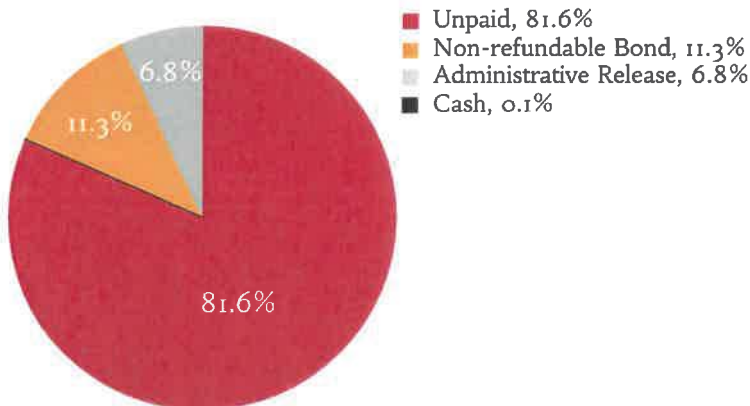
### TOTAL BAIL LEVIED

**\$3,602,693,975**

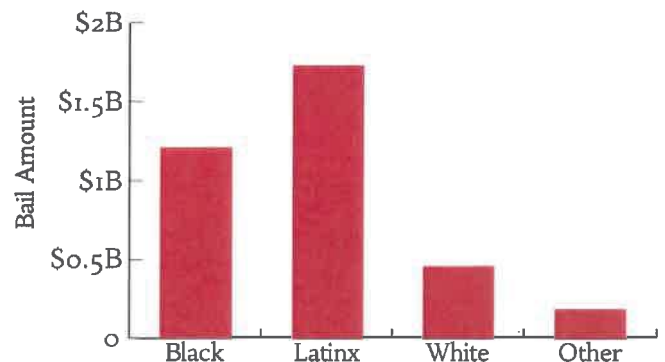
### TOTAL NON-REFUNDABLE BOND PAID

**\$40,799,500**

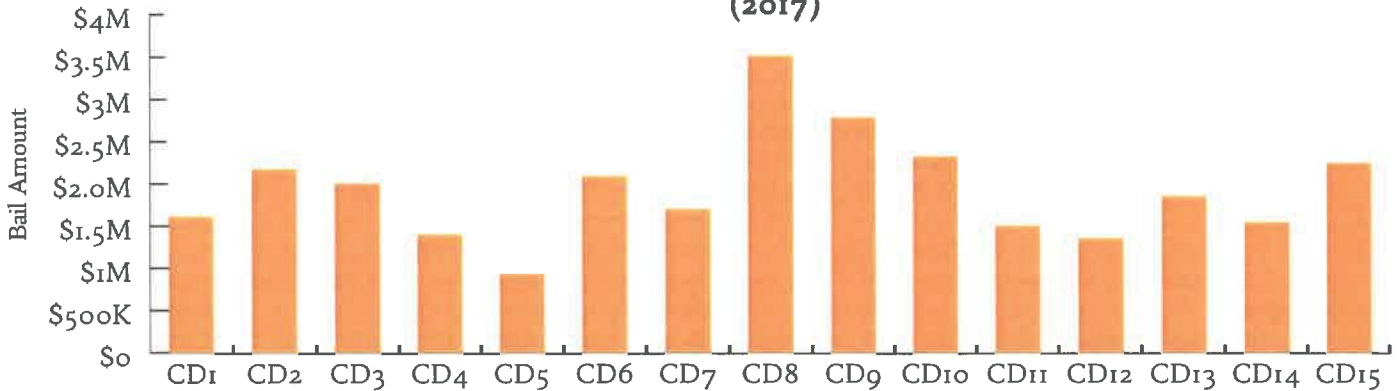
### TOTAL BAIL (2017)



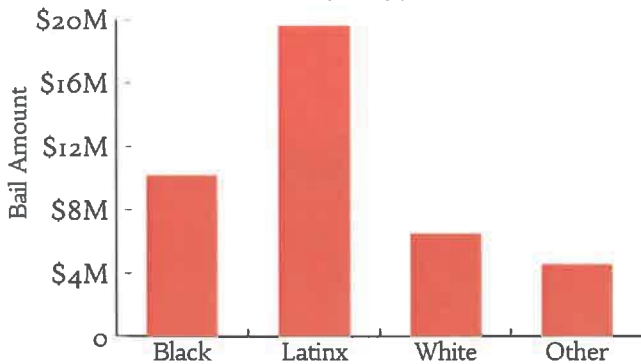
### TOTAL BAIL LEVIED BY RACE (2017)



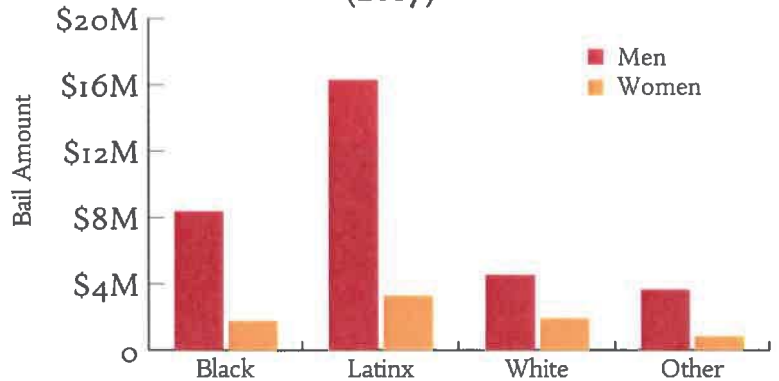
### TOTAL NON-REFUNDABLE BOND PAID BY CITY COUNCIL DISTRICT (2017)



### TOTAL NON-REFUNDABLE BOND PAID BY RACE (2017)



### TOTAL NON-REFUNDABLE BOND PAID BY RACE AND GENDER (2017)



### TOP 5 ZIP CODES BY TOTAL NON-REFUNDABLE BOND PAID (2017)

Zip Code	90033	90044	90011	90037	90002
Non-Refundable Bond Paid	\$1,227,876	\$1,017,721	\$979,949	\$748,152	\$550,348

Methodology. On March 15, 2018, the LAPD fulfilled a Public Records Act request submitted by Professor Kelly Lytle Hernandez on January 4, 2018. The data provided included more than twenty categories of information for all detention bookings made by the LAPD between January 1, 2012 and December 31, 2017, including arrests made by LAPD and other law enforcement agencies within the City of LA. For this report, we utilized the following categories of information: Race, Sex (gender), Total\_Bail (the sum of all bailset), Rel\_Reas (release disposition), and Home\_Res (home address). 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 estimate bail by residence, we geo-coded and cross-referenced the home addresses provided in the "Home\_Res" category within The City of Los Angeles. Homeless persons were determined by aggregating individuals with the "Home\_Res" "1942 Transient" or the address of a known homeless shelter.

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

## A MILLION DOLLAR HOODS REPORT

Isaac Bryan, Terry Allen, Kelly Lytle Hernandez, and Consultant, Margaret Dooley-Sammuli, ACLU-CA

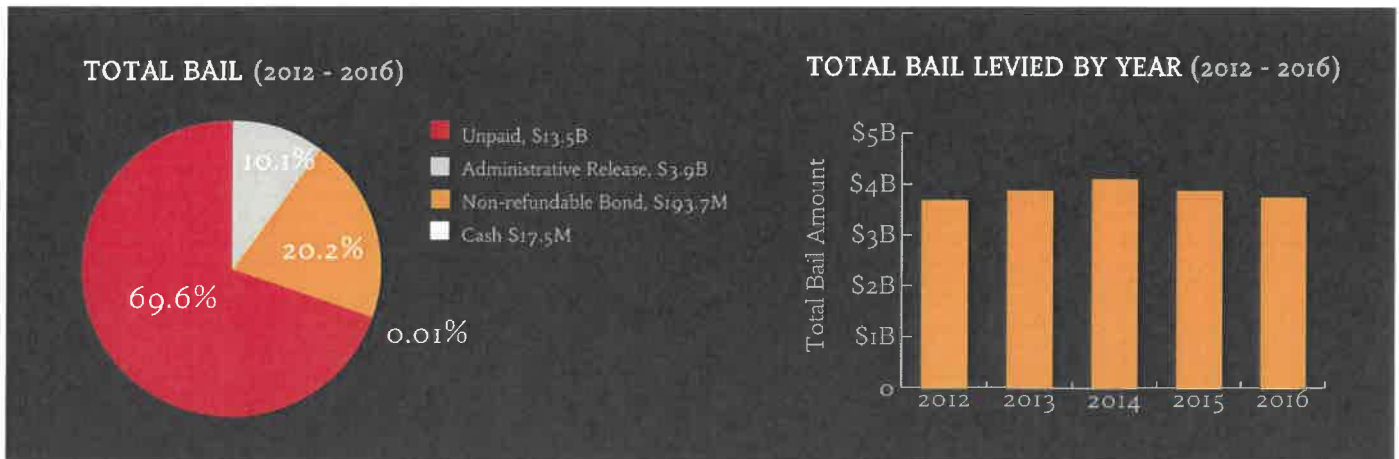
In California, all persons facing criminal charges are guaranteed the right to freedom before trial, except in a few cases. But there is a price for that freedom. Across the state, the money bail system requires many people to pay for pretrial release. When a person, or their representative, pays money 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.<sup>1</sup> 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.<sup>2</sup>

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.

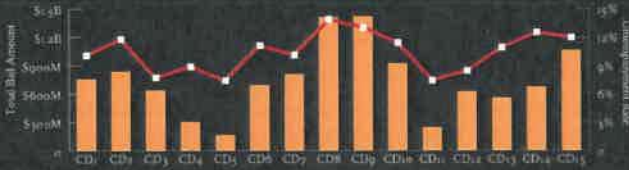
Of the \$19.4 billion set between 2012 and 2016, 62,118 people bailed out of LAPD custody by paying cash or contracting with a bail bond agent. Collectively, they delivered **\$17,561,473** in cash to the court and paid an estimated **\$193,786,349** in nonrefundable bail bond deposits to bail bond agents. 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.<sup>3</sup> If so, the estimated \$193.8 million 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.

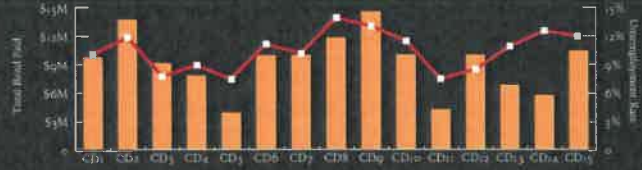
But most money bail was never paid. Of the \$19.3 billion in money bail set, **\$13,508,414,069** was **neither paid** nor waived through an administrative procedure, such as release on "Own Recognizance." In fact, 70% of the amount levied was not paid during LAPD booking proceedings, which left 223,366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



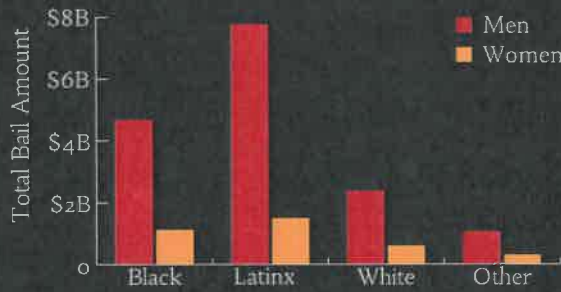
**UNEMPLOYMENT RATE AND TOTAL BAIL LEVIED BY CITY COUNCIL DISTRICT (2012 - 2016)**



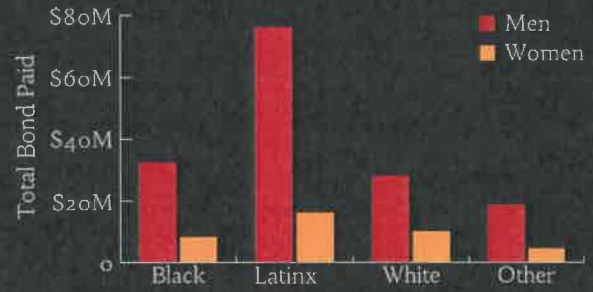
**UNEMPLOYMENT RATE AND TOTAL NON-REFUNDABLE BOND PAID BY CITY COUNCIL DISTRICT (2012 - 2016)**



**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.<sup>4</sup>

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 "40B1" (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.