Bail & Bonds

What is Bail?
Bail is a process through which an arrested criminal suspect pays a set amount of money to obtain release from police custody, usually after booking. As a condition of release, the suspect promises to appear in court for all scheduled criminal proceedings -- including arraignment, preliminary hearing, pre-trial Motions, and the trial itself. If the suspect fails to appear in court as scheduled, he or she will be subject to immediate arrest, and any bail amount paid will be forfeited.

How is Bail Set?
If the suspect does not obtain release by paying bail immediately after booking, a judge may make a bail decision at a separate hearing, or at the arraignment. Regardless of the timing, the bail amount may be pre-determined (through a “bail schedule”), or the judge may set a monetary figure based on:

• Seriousness of the crime, in terms of injury to others
• Suspect’s criminal record;
• Danger that the suspect’s release might pose to the community;
• Suspect’s ties to family, community, and employment.

If You Cannot Afford Bail: Bonds and Bond Agencies
A suspect (or the suspect’s friends and family) may put up the full bail amount as set by the court, or a “bond” may be posted in lieu of the full amount. A bond is a written guarantee that the full bail amount will be paid in the event that the suspect fails to appear as promised. A bond is usually obtained through a bail bond agency that typically charges a fee in exchange for posting of the bond (usually about ten percent of the bail amount). Bail bond agencies may also demand additional collateral before posting a bond, as the agency will be responsible for paying the full bail if the suspect “jumps bail” and fails to appear as promised.

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