Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

https://www.vera.org/publications/a-means-to-an-end-assessing-the-ability-to-pay-bail

Policy Isssue Resources

Publication

Research shows that money bail is unfair, ineffective, and disproportionately burdens people of color and those with low incomes; jurisdictions that no longer rely on money bail have excellent court appearance rates, fewer people in jail, and strong public safety outcomes. In April 2018, the Vera Institute of Justice (Vera) developed and launched the Bail Assessment Pilot, a mini-demonstration project in the Bronx and Queens arraignment courts in New York City. The project was designed to challenge the way bail is typically set, whichuntil the enactment of new legislation in January 2020does not explicitly require consideration of a persons ability to pay. As part of the Bail Assessment Pilot, Vera created an ability to pay calculator to estimate how much bail someone can afford and in what form. This policy brief provides an overview of the pilot and a description of the calculators development and implementation.

The tools developed through the pilot have immediate potential to change the use of bail nationwide in courtrooms where money bail is imposed daily. Defense attorneys, pretrial services officers, judges, and family members can use Veras bail calculator to help assess an individuals ability to pay bail.

The Bail Assessment Pilot was launched to assess the impact of providing individualized information about ability to pay on judges bail-setting practices.

Incremental fixes such as this pilot and the bail calculator are important steps to making the use of money bail fairer as we work to end its use entirely.

Defense attorneys serve as gatekeepers and refer cases to the pilots bail specialist only when they believe bail will likely be set, a safeguard to prevent overreach and net widening.

PUBLICATION

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