

WHAT JUST HAPPENED?

After your loved one was arrested and booked into jail, a police officer at the station **set bail**.

If your loved one has a court date, that means the prosecutor has charged them with a crime. The prosecutor may change or add charges as the case continues.

At arraignment – the first court appearance – your loved one will either be assigned a public defender or be given the opportunity to hire an attorney, if they can afford to do so. A public defender or defense attorney is a lawyer whose job it is to defend your loved one. **They're on your side.**

At this first court appearance, a judge will again set a money amount that a person in custody must pay to get out of jail. It's the public defender's job to argue for an amount your loved one can afford to pay.

“

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

”

– Eighth Amendment to the United States Constitution –

PEOPLE IN THE COURTROOM

PUBLIC DEFENDER : This lawyer's job is to defend your loved one. That means arguing for your loved one's release from jail pretrial. PD's are on your side, and the more information you share, the more they can help. All the information shared will be confidential.

PROSECUTOR (City Attorney or District Attorney): This lawyer's job is to bring charges against your loved one. They represent the “state.”

BAILIFF: The officer who works in the courtroom. Make sure you check in with them when you enter the courtroom to see if your loved one has made it to court for their scheduled hearing.

BONDSMEN: People who post the full amount of bail if you pay them a lesser amount (usually 10%) of bail. This money is not returned to you, even if your loved one's case is dismissed or they are found not guilty.

BAIL FUNDS: In some cities, there are nonprofit organizations that will post bail for your loved ones free-of-charge. Ask the public defender for details.

JUDGE: This person makes the decision about whether your loved one will be released without bail, or set bail in a dollar amount they decide.

GETTING YOUR LOVED ONE OUT OF JAIL



THE BAIL PROJECT



CRIMINAL JUSTICE PROGRAM
UCLA SCHOOL OF LAW

WHAT IS BAIL?

Bail is what's called "**a conditional release.**" In California, this often means paying money to the court so you don't have to stay in jail while waiting for your trial. This money acts as "insurance," or a financial promise that your loved one will come back to court.

When setting bail, the judge follows a "bail schedule" that says how much the person has to give the court in order to be released. If the person comes back for all future hearings, that money is returned at the end of the case. It is returned no matter the result of the case.

The judge is supposed to set a bail amount that your loved one can afford. But this doesn't always happen because of their reliance on the bail schedule.

Some people hire a bail agent or bondsman to help them get out of jail. **The agent usually charges 10% of the bail amount and keeps it.** They also might ask for collateral – like a home, car, or bank account. A bail agent may then be able to take that property if the person does not go back to court.

Your public defender can ask the judge to lower the bail to an amount that your loved one can afford. They can also ask the judge to release the person **with a promise to come back to court** instead of cash bail. They will do this on a court day called a **bail hearing**. They might also be able to ask the judge to lower bail at other stages of the case.

WHAT CAN YOU DO TO HELP PREPARE FOR A BAIL HEARING?

The public defender can argue that **the bail amount is too high for the person in jail to afford.**

WHAT YOU CAN DO TO HELP: give the public defender any documents or information about your loved one's ability to pay bail, including...

Income, pay stubs, tax documents, and details about their job, including who their coworkers and boss are. If someone does not have a job, information about their government benefits or work history is also helpful.

The public defender can also explain that your loved one has a **plan and a way to get to court.**

WHAT YOU CAN DO TO HELP: Tell the public defender...

Whether your loved one has a car; who could drive them to court; how long it will take to get there.

How the person will make sure they have time off of work or school to come to court.

How they will remember when their court dates are.

The public defender can argue that the person **is not a flight risk** and will return to court.

WHAT YOU CAN DO TO HELP: Tell the public defender...

Where your loved one lives and who they live with; if different, where they could live if released.

Their family, children, and people that they know in the community, including their boss, coworkers, church members, friends, and any other community networks/ support.

Any people that your loved one supports: Do they pay for clothes, groceries, school? Do they take someone to work or school? Do they babysit or help out? Tell the public defender all the things that your loved one does for you and your family. It helps to explain why you need your loved one back at home.

You can find a digital version of this brochure as well as a helpful checklist at: www.law.ucla.edu/criminaljusticeprogram