



## What is bail?

Bail is an amount of money or bond set by a judge at court to make sure the defendant will appear at future court dates. If the defendant or his friends and family are able to provide the cash or bond to the court, the defendant is released before trial and must attend all court dates. If the defendant appears at all court dates, bail is refunded (but a 3% fee will be charged if defendant is found guilty). But if the defendant misses a court date, the court keeps the bail. If a no one is able to pay bail, the defendant is held at a Department of Corrections (DOC) Facility while waiting for trial.

Instead of setting bail, a judge may ROR a defendant or send a defendant to a supervised release program (no money required for either form of release). For certain felonies, a judge may deny bail and send a defendant to DOC custody.

## More questions about paying bail?

If you still have questions after reading this brochure, call the NYC Criminal Justice Agency:

**Manhattan:** (212) 766-9845

**Brooklyn:** (718) 643-1026

**Queens:** (718) 286-3139 or (718) 286-3140

**Bronx:** (718) 681-0406 or (718) 681-0408

## Types of Bail

Judge determines form of bail used. Most common are cash bail and insurance company bail bond.

**Cash bail:** Anyone can pay the full amount of bail with cash at the courthouse. At DOC facilities, other payment forms are accepted. Full refund if defendant appears at all court dates, but a 3% fee will be charged if defendant is convicted.

**Insurance company bail bond:** Bail bondsmen will charge a non-refundable fee and will require collateral (cash or property), refunded at end of the case so long as defendant has made all appearances and complied with bondsmen requirements. Proof of income/assets may be required.

**Secured bond:** Defendant's release is secured with collateral of personal property equal or greater in value to the bond, or real estate with a value at least twice that of the bond.

**Partially secured bond:** Defendant's release is secured by providing a deposit of up to 10% of total bail amount, with promise to pay the rest if defendant fails to appear. Proof of income/assets may be required by the court.

**Unsecured bond:** Defendant's release is secured by committing to pay the full amount of bail if defendant fails to appear. No property or money is required as a deposit/collateral, but the court may require proof of assets or income.

**Credit card:** Full amount of bail is charged to a credit card and returned if the defendant appears, less a 3% administrative fee if defendant is convicted.

# How to Pay Bail in New York City

2016

Mayor's Office of Criminal Justice

**NYC** Criminal Justice



## Q: How do I pay bail?

You can pay bail in the courthouse when the defendant is there, or at DOC facilities if the defendant is being detained there.

### Paying at the Courthouse

You can pay bail in-person at a courthouse only when the defendant is present in court (typically during arraignment). Only cash is accepted (or credit card when the judge says that it as an option). To post bail at a courthouse, find out which courtroom is hearing the defendant's case. Then, notify the defendant's attorney, the court officer and the court clerk that you would like to pay bail. The court officer will make sure the defendant is held in the building for release, and the clerk will direct you to the cashier's office in the courthouse.

### Paying at DOC Facilities

Once a defendant is detained at DOC facilities, you may only pay bail at DOC. You can pay bail at any DOC facility in the city (Brooklyn Detention Complex, Manhattan Detention Complex, Vernon C. Bain Center in the Bronx and Rikers Island in Queens). To pay bail at a DOC facility, you must provide personal identification as well as the New York State Identification Number (NYSID) of the defendant.

DOC accepts the following forms of payment:

- U.S. cash
- Cashier's / Teller's check in any amount not exceeding the bail figure;
- Bank, Federal Express, U.S. Postal, Traveler's Express Company or Western Union Money Order with each order no greater than \$1,000 (multiple orders are accepted)
- Credit or debit cards (using phones located in DOC facilities). Note: 8% processing fee applies.

No matter the form of payment, bring exact change. DOC does not provide change. Checks and money orders must be made out to the facility where you are paying bail, for example "Brooklyn Detention Complex," "Manhattan Detention Complex," "Vernon C. Bain Center," or "The Rikers Island Central Cashier" ["RICC"].

For further information on inmates, bail, visiting hours, and travel directions call (718) 546-0700 or 311.

## Q: What if I am not in the city to pay bail?

If you are not able to pay bail in person at a courthouse or DOC facility, you can still help bail someone out. You can transfer the money to the defendant's DOC commissary account using JPAY or Western Union and then the defendant can self-pay bail. This method has a few limits:

- (1) the receipt for bail will be in the defendant's name and not yours, meaning the money will be returned to him or her at the end of a case, not you;
- (2) you may need to transfer more money than the amount of bail to pay for fees and fines (call defendant to determine if there are any fines associated with his account); and
- (3) you must call the defendant to tell the defendant the money is in his account.

Once the money arrives, the defendant can ask a DOC official for Form #1502G, "Request for Self Bail" form, and self-pay bail.

## Q: How do I get my bail money back?

If the defendant makes all court appearances, you are entitled to receive your bail money back (but a 3% fee will be charged, if the defendant is convicted). You should receive the money 8 weeks after the end of the case. You do not need to do anything to get this refund. If you move, you must send your new address to the Department of Finance, contact info below.

If it has been 8 weeks and you still have not received the cash bail refund, you can reach out to the Department of Finance's Treasury/Court Assets Unit to follow-up available at: [nyc.gov/contactcashbail](http://nyc.gov/contactcashbail) or 212-908-7619. Be sure to have the docket number or Treasury Receipt number available.

## Q: How can I use a commercial bail bondsman?

Commercial bail bondsmen charge a fee and require cash or property (known as collateral) to write a bond and post it with the court to secure the defendant's release before trial. The fee is not refundable, but if the defendant appears at all court dates and has not violated any rules, the collateral is refunded. You can find commercial bail bondsmen through an online web search or in the yellow pages. Many of them also have offices near the courthouses, so you can also find them that way. Bail bondsmen may require other conditions for bonds and may charge fees for their services. The contract you sign with them will determine these conditions and fees.