

# Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans

January 2017  
Report Summary

In 2015, government agencies in New Orleans collected \$4.5 million in the form of bail, fines and fees from people involved in the criminal justice system and, by extension, from their families. Another \$4.7 million was transferred from the pockets of residents to for-profit bail bond agents. These costs have become the subject of considerable public attention. Some view them as a necessary way to offset the expense of operating the criminal justice system. But because many “users” of the system have very low incomes or none at all, there is growing concern that charging for justice amounts to a criminalization of poverty, especially when people who can't pay become further entangled in the justice system.

Bail, fines and fees are not new, but they have become more numerous, costly, and consequential as officials around the country began looking for ways to offset the expense of arresting, prosecuting, and incarcerating more and more people. In New Orleans, as in many other cities, nearly every phase of the criminal justice system—including before someone is actually convicted of a crime—imposes a financial cost on the users of that system. These costs take a steep toll on the people they impact, often including jail time.

By focusing on two critical junctures in a criminal case: bail decisions, and fines and fees assessed at conviction, this report reveals the hidden costs of running a criminal justice system that extracts money from mainly low-income and poor people—or tries to—and then punishes them with jail when they can't pay. On any given day in 2015, 558 people were in jail because they couldn't afford bail or were arrested for unpaid fines and fees. These jail stays cost the city of New Orleans \$6.4 million, significantly more than the revenue generated that year from bail, fines and fees.

In New Orleans, where nearly a quarter of residents live below the poverty line, the median income among black residents is a mere \$26,819—57 percent lower than the median income of white residents. Black people also represent a disproportionate share of those involved in the justice system.

Eight out of 10 people in jail are black, in a city where black people make up 59 percent of the population.

In this context, collecting millions of dollars annually from individuals and families involved in the criminal justice system represents a siphoning of resources from historically under-resourced black communities. Yet these millions in

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revenue represent a drop in the bucket of funding overall for criminal justice in New Orleans—just 4 percent. The enormous cost to people to extract a relative penny raises serious questions about whether charging users is worth it, let alone appropriate given that it leads to jailing those who can't pay. By detailing the status quo, this report is paving the way to developing alternatives to the current reliance on user-generated revenue in New Orleans and elsewhere.

To read the complete report, visit [www.vera.org/past-due](http://www.vera.org/past-due).

## Filling the jail

On any given day in 2015, three out of 10 jail beds were filled by people incarcerated simply because they couldn't afford bail (held on bail under \$100,000 for more than two days or more with no probation, parole, or extradition holds).



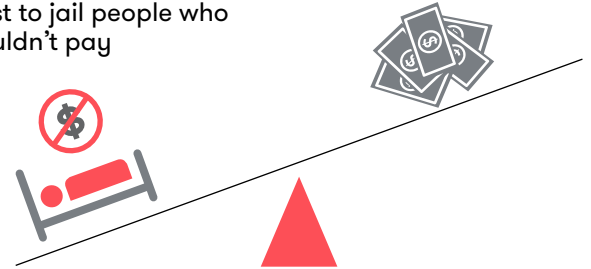
## More money spent than collected

**\$6.4 Million**

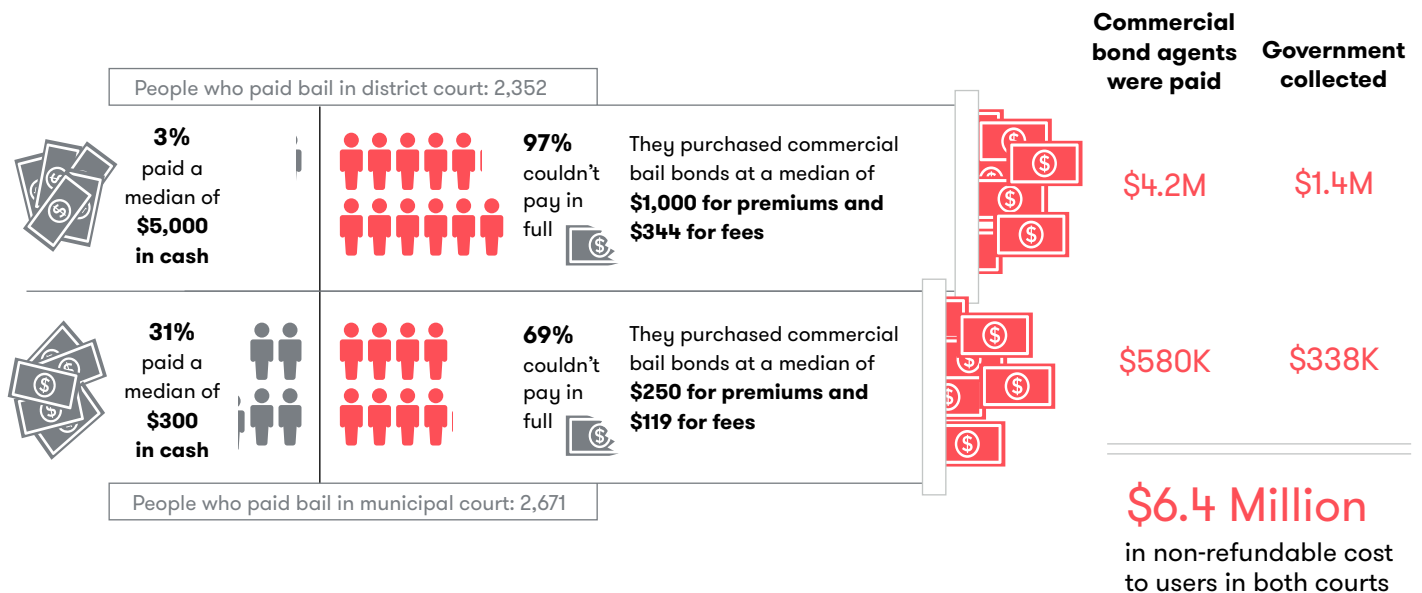
cost to jail people who couldn't pay

**\$4.5 Million**

revenue from bail, fines and fees



## Bail: Who pays, who profits



### For more information

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The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit [www.vera.org](http://www.vera.org).

For almost 10 years, Vera New Orleans has served as a nexus of initiatives that advance forward-thinking criminal justice policies. Vera works with its partners to build a local justice system that embodies equality, fairness, and effectiveness in the administration of justice. Using a collaborative data-driven approach, Vera New Orleans provides the high-quality analysis and long-range planning capacity needed for the city to articulate and implement good government practices.

To read this report, visit [www.vera.org/past-due](http://www.vera.org/past-due). For information about this or other publications from Vera's New Orleans Office, contact Corinna Yazbek, senior associate for strategic partnerships, at [cyazbek@vera.org](mailto:cyazbek@vera.org). For more information about other Vera publications, contact Ram Subramanian, editorial director, at [rsubramanian@vera.org](mailto:rsubramanian@vera.org).