

Freedom Should Be

FREE

The Case for Bail Funds as Mutual Aid

By David Gaspar



It was a chilly spring day when Nicole, a 31-year-old medical social worker in Tulsa, Oklahoma, received an unsolicited letter from a criminal defense attorney promoting his services. Because Nicole sometimes helped people involved in the criminal justice system, she opened it and was startled to read: “...It has come to my attention that you have been recently charged with a felony criminal offense. This means that you may have a warrant for your arrest!” To a single mother of three who had never had a run-in with the law, that seemed impossible.

Unbeknownst to Nicole, the state of Oklahoma had been building a case against her after an eyewitness to a store robbery said she fit the description of the woman wielding the knife. Not long after opening that letter, Nicole was charged with robbery. Even more shocking to her, a judge set bail at \$50,000, an amount far beyond what she could pay and at odds with her personal history.

Fifty thousand dollars is a fortune to most people in the United States. The majority of Americans live paycheck to paycheck (Schlepp 2024). Roughly a third of people can’t access

even \$400 in an emergency, and nearly one in five face a crisis with an unexpected \$100 expense (Federal Reserve 2024).

Like the individuals Nicole had helped, she was now caught in a legal system that treated her as guilty from the start. If she couldn’t post bail, she wouldn’t be able to complete an internship for her master’s degree program. She might lose the house she was trying to buy, her job, and maybe even custody of her son. And how would she fight the charge against her from inside a jail cell?

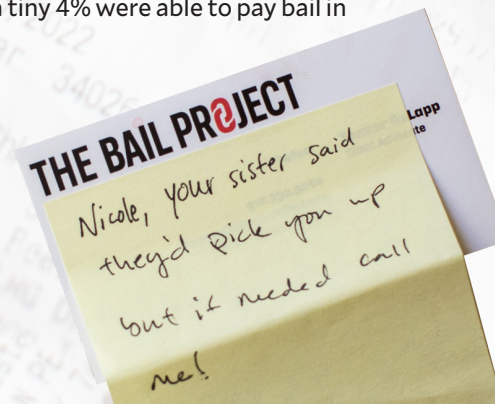
Nicole is one of more than 40,000 people across the country that The Bail Project, the nation’s largest bail fund, has assisted since it was created in November 2017. With the help of a courthouse social worker and public defender, we convinced the judge to lower her bail amount to \$10,000—still far beyond what she could afford—and paid it, with no strings attached. Freedom should be free. We support people without judgment or expectation because that’s what mutual aid means: meeting urgent needs through collective care.

The majority of Americans live paycheck to paycheck, without enough savings to cover a \$1,000 emergency expense. Roughly a third of people can’t access even \$400, and for nearly one out of five, an unexpected bill of \$100 is a crisis.

There are two ways to buy your way out of jail: you can pay bail in full to the court or you can try to purchase a bail bond, typically costing 10% of the bail amount. Even those who can afford the nonrefundable fee for a bail bond sometimes lack a co-signer or the collateral a bail bond agent may require. Only two countries in the world—the United States and the Philippines—permit the operation of for-profit bail bond agents.

In our own study of people arrested and jailed in Tulsa, a tiny 4% were able to pay bail in

Opposite page: Eight months pregnant and jailed over a few hundred dollars—Ashley’s story shows how the bail system punishes people for being poor, not dangerous.



full, while nearly half purchased a bail bond (The Bail Project 2025). Often, in Tulsa and elsewhere, individuals and families that manage to scrape together the cash to pay bail in full or purchase a bail bond are using money they need to pay rent, put food on the table, and cover other essential expenses. And while bail paid in full to the court is returned when your case is resolved, any fee you or your loved one pays to a bail bond agent is money gone forever.

Reliance on money bail, as opposed to releasing people on their own recognizance or, when necessary, with some supervision, leads to high rates of pretrial detention. Almost a third of those we studied in Tulsa were detained for the entire pretrial period (The Bail Project 2025). The only consistent beneficiaries are the bail bond agents that dominate the pretrial landscape. These often modest-looking storefronts located near court houses collectively reaped \$2.4 billion dollars in revenue in 2023 (IBISWorld 2023).

Nicole’s charge was eventually dismissed. But had she remained in jail, her life today might look very different. Like Nicole, many people we support are innocent. Others made mistakes, experienced mental health crises, or missed court due to barriers beyond their control. We help all of them because no one should be in jail just for being poor.

Today, I am the Chief Executive Officer of The Bail Project, but thirty years ago, I sat behind bars in despair. I learned then never to judge a person without knowing their story. I learned about the power of kindness when hope is nearly lost. And I learned that rights like due process and the presumption of innocence mean little unless they extend to everyone.

We have paid nearly \$99 million in bail to date. But our work is about more than money. Our staff, called bail disruptors, believe in our clients even when they’ve lost faith in themselves. We show up when people are vulnerable.

I think often of Robby, who struggled with addiction his whole adult life. When we met him, he was in jail with no hope. We did more than pay Robby’s bail. After explaining the process and next steps, a staff member gave him a card and

told him to call if he needed anything. After an attempted suicide, Robby pulled the card from his pocket and saw the name Mercy. He thought, “That’s exactly what I need from the universe right now, some kind of mercy.”

He called and told Mercy, “I’ve been trying to kill myself all morning and I’m not going to make it till noon.” She replied, “I’m sending an Uber. Can you hold on for 30 minutes?” He thought he was being taken to jail. Instead, he was taken to a crisis center, and a bed was waiting.

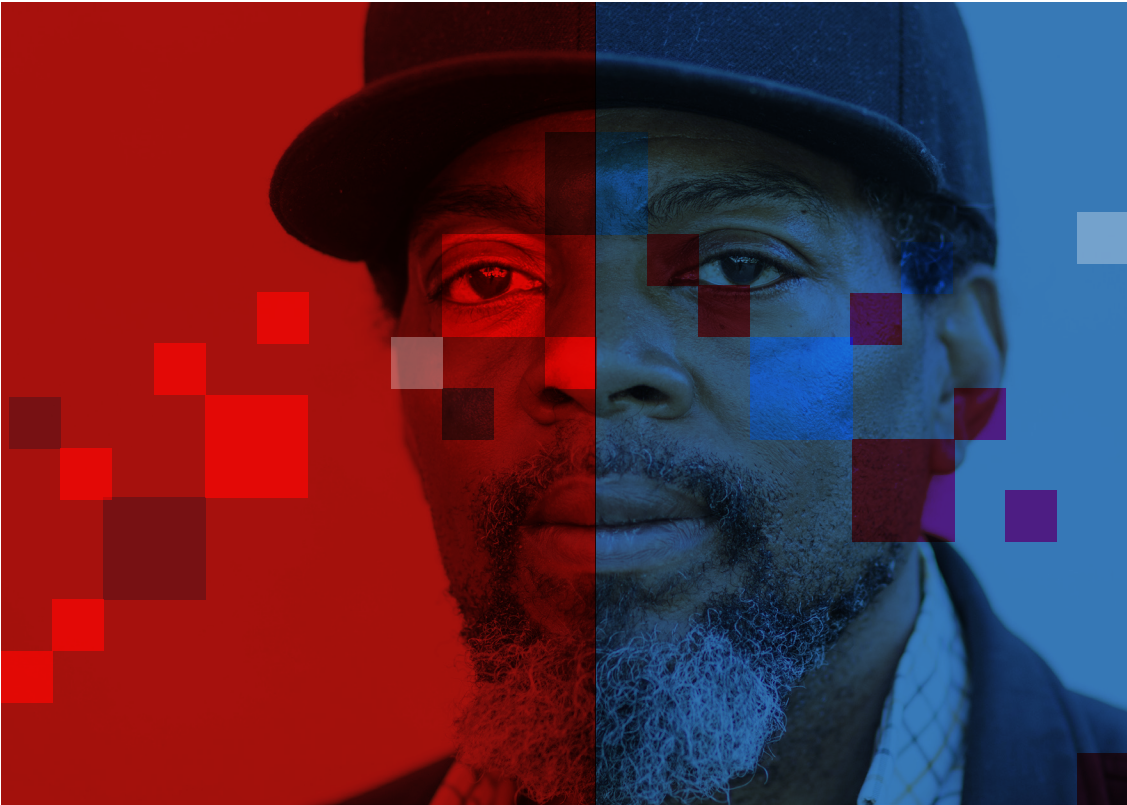
Robby later said, “Ever since, I’ve lived every day in gratitude.” He has a job, a truck, a 712 credit score, and a renewed relationship with his daughter. His recovery changed his case outcome, too. Instead of prison, he received probation. His probation officer later gave him a note: “Thanks for making my job easy.”

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Bail funds are part of a rich tradition of mutual aid in America. Freed African Americans pooled money to buy land. The Black Panther Party fed children. Queer communities created health clinics during the AIDS crisis. After Hurricane Katrina, tens of thousands of volunteers built housing and schools. During COVID-19 neighbors delivered medicines and food.

Mutual aid is more than charity. As law professor Dean Spade (2020) writes, it is “the radical act of caring for each other while working to change the world.” Bail funds, like other mutual aid organizations, are rooted in shared values—equality, due process, and the right to freedom—and empower communities to respond collectively with their time, resources, and care. As civil rights activist and U.S. Congressman John Lewis wrote in his 1998 memoir *Walking with the Wind*, “[I]f we care for the Beloved Community, we must move our feet, our hands, our hearts, our resources.”

Our supporters make this work possible. The



Christopher entered jail needing medical help. He left nearly blind. No one should lose their health—or their hope—because they can’t afford bail.

Bail Project is powered by more than half a million people to date who contribute to our revolving fund. They include thousands of “freedom funders” who sign up to make recurring monthly donations—people like James Wedgwood, who found himself in jail in the past, unable to afford \$10,000 bail. “I am proud of the small part I play in fixing what I believe to be one of the most broken systems in our country,” James said.

The talented musician and actor Dominic Fike traveled with The Bail Project to his hometown of Naples, Florida to bail people out of the Collier County Jail, where earlier in his life, he was detained pretrial. He understood this work to be about mutual aid when he said, “For anyone that is a fan of me or has ever listened to any of my songs or watched me on TV, I would encourage you to research The Bail Project and educate yourselves about what it is that they do and who they help and how they’re helping because to me it’s very important.”

Like other mutual aid organizations, bail funds are a way for people to lean on shared and cherished values—equality under the law, the presumption of innocence, and the fundamental right to liberty and freedom—values that underpin our democracy and are under siege today.

Carolyn McClanahan’s work as a physician in clinics serving people experiencing homelessness and poverty introduced her to the cruelty of cash bail and pretrial incarceration. “Through the years, I saw cases where minor events set off a cascade of destruction in a person’s life...It was amazing to me how many people were kept in a cycle of poverty because of a mistake.”

Others, like Ali Sabra, first became a Bail Project supporter as a high school student, not only donating some of his own money but also raising more than \$3,000 from others. And when Tom and Jackie Zerger invited family and friends



After three prison sentences and years of addiction, Robby found a second chance—and a lifeline—through The Bail Project.

to join them on their wedding day, instead of a gift registry, they asked their guests to donate to The Bail Project. “We came together as a couple late in life, through common values of peace and justice...[W]e wanted to celebrate not only our romantic love, but our love for our community.”

The average donation to The Bail Project is under \$100, but because bail is returned when people return to court and complete the judicial process, each dollar goes further. In fact, a single dollar donated in 2017 has helped free 10 people by 2025. And that number will only continue to grow because there is no end to the number of times a contribution to the fund can be recycled.

The collective impact of hundreds of thousands of donors is seismic.

People think of jail as punishment for committing a crime, but the lion’s share of people in jail are like Nicole and Robby—they haven’t been convicted. On any given day, nearly half a million people are in jail waiting for their cases to be resolved (Sawyer & Wagner 2025). The proportion of people detained pretrial has been on the rise for years: it was 55% in 2000, and by 2018 had grown to 65% before surpassing 70% in 2022 and holding steady (Vera Institute of Justice; Zheng & Minton 2021). The overwhelming majority are accused of

nonviolent offenses that Americans increasingly understand to be matters of poverty and public health, not threats to public safety (Sawyer & Wagner 2025). Setting bail in amounts people routinely cannot afford is the single greatest factor fueling the increase in pretrial detention.

The system disproportionately harms Black people and women. Research shows that judges are more likely to require bail in cases involving Black defendants and to set larger bail amounts (Zayas Manzano 2023). Women, especially women of color, experience higher rates of poverty relative to men and are therefore even less likely to be able to afford bail (Jones 2020), which is one reason why the number of women in jail is rising faster than the number of men (Sawyer & Wagner 2025).

This nationwide injustice is also very costly. According to 2017 data from the Pretrial Justice Institute, American taxpayers spend \$38 million dollars per day on pretrial detention, or nearly \$14 billion dollars over the course of a single year. And that’s just the price of detention alone.

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The consequences are devastating. Three days in jail leads to an average lifetime financial loss of almost \$29,000—an amount roughly equal to a full year of income for half of American workers (Dobbie & Yang 2022).

The longer people remain in jail, the more likely they are to lose their job and their housing, lose custody of their children, go without medication and other healthcare. And because incarceration is so destabilizing, it creates a vicious cycle: being held in custody even for two or three days increases the likelihood of being charged with a new crime in the future (Lowenkamp, VanNostrand & Holsinger 2013).

Because the legal system is slow, people detained pretrial are more likely to plead guilty as the quickest way out of jail, regardless of what they did or did not do (Lerman, Green & Dominguez 2021). Those criminal convictions follow them for the rest of their lives, limiting opportunities for employment and education, and in some cases, preventing them from accessing crucial services like public housing (Digard & Swavola 2019).

The collateral costs of pretrial detention, from lost wages and decreased future earnings, to declines in health and homelessness—just to name just a few possible repercussions—are thought to cost as much as \$140 billion annually (Pretrial Justice Institute 2017). And of course, it’s impossible to put a price on human suffering. Many of our clients endure a great deal in the days, weeks, or in rare cases, months before we learn about their cases and pay bail for them.

Ashley was nearly eight months pregnant when she was jailed for unintentionally missing a court date. The police “just threw me on the ground,” she recalls. “They didn’t care that I was pregnant.” Her bail was \$11,500, far more than she could afford.

Although the cell was in the medical section of the jail, it was covered in feces and already occupied by one other pregnant woman and a woman who was visibly bleeding. Lacking a third mattress, Ashley spent the first several nights sleeping on the filthy concrete floor. As the population of incarcerated women has grown exponentially, so has the number of incarcerated





Nicole refused to let false charges define her. Today, she's fighting for a system that no longer jails people simply because they can't pay for their freedom.

pregnant women. Giving birth in jail can be a truly horrifying experience. Women are sometimes shackled or placed in solitary confinement and their labor complaints virtually ignored.

Ashley had been incarcerated for three weeks when we learned about her case. We quickly paid her bail, which meant she could give birth in a hospital not a jail, but those weeks without income upended her life. Before she was arrested and incarcerated, Ashley had an apartment, was enrolled in school, and worked a steady job as a manager at a liquor store. By the time she gave birth, she was homeless. It took weeks for her to find transitional housing in a

shelter, and while she was looking, she and her baby slept in her car.

Jails are unsafe, unhealthy environments for anyone, but far more precarious for people who are already sick. Christopher has sarcoidosis, an autoimmune disorder that attacks the lungs and other organs. It took months for him to get appropriate treatment. Then, just as he was beginning to manage his illness, he was arrested for an alleged altercation with another patient at a medical center. A judge set bail at \$750. An amount that some people could easily pay was far beyond what Christopher and his family could afford.

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Unwilling to plead guilty to a crime he said he did not commit, Christopher remained in jail. But his treatment came to a halt because he could not afford the \$20 copay to see a doctor. After three months behind bars, Christopher was nearly blind, beginning to lose his hearing, in terrible pain, and wasting away. He had nearly lost all hope when his son heard about The Bail Project. “If you guys didn’t bail me out, I probably would’ve died in that place,” he later said.

There are also numerous accounts among our clients, and many more in the country at large, of time in jail exacerbating a mental health crisis. Jails are now the nation’s largest psychiatric institutions, housing more people with serious mental illnesses than anywhere else in the country, even though incarceration is known to worsen the symptoms of mental illness. One of our clients, a Gulf War veteran, spent six weeks in jail—some of that time in isolation—before we learned about his case and paid his bail. He not only lost his job as a house painter, the nightmares and other PTSD symptoms he used to experience sporadically became an everyday occurrence in jail—all for a charge that was later dismissed.

Despite often-horrendous experiences in jail and profound obstacles after release, our clients routinely participate in the court process, attending nearly 140,000 hearings since the project started for an all-time court appearance rate of 93%¹ (The Bail Project 2024).

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1 The all-time court appearance rate is calculated as the percentage of required court appearances that did not result in a bench warrant.

The assistance The Bail Project provides comes with no strings attached. No contract. No debt. No requirements at all. Instead, we remind clients about upcoming hearings and, when necessary, arrange transportation to court—more than 18,000 rides to date. We also help people address issues in their lives that might otherwise prevent them from showing up in court and stay in touch with them until their cases are resolved. By paying bail for people and supporting them during the pretrial period, we’ve prevented more than 1.4 million days of detention and saved American taxpayers more than \$107 million.

The Bail Project has rigorously tracked outcomes from the start. Our growing database of more than 40,000 clients, spanning 37 court jurisdictions in 19 states, is evidence that with none of their own money on the line, people still show up in court. In this way, each bailout directly contributes to the movement for a better justice system.

Until recently, however, we had no way to compare our clients with individuals who paid bail themselves or purchased a bail bond. To understand our success within the larger pretrial landscape, researchers at The Bail Project retrospectively studied 3,320 people who were arrested and booked into the Tulsa County jail over the course of a year, looking at outcomes by



mode of release: paying bail in full, purchasing a bail bond, receiving financial assistance from The Bail Project, being released on their own recognizance, and being released with some supervision.

By far, the most important finding to emerge from the study is that paying bail in full or purchasing a bail bond are not associated with better court appearance rates.² While court appearance rates were similar across the different pretrial release mechanisms, Bail Project clients had the highest rate. This should come as no surprise. Research and experience consistently show that minimal support and encouragement are more effective than money in getting people to court. Advance reminders about upcoming hearings and transportation assistance when needed—both of which The Bail Project provides—are particularly useful and relatively inexpensive ways to help people meet their court obligations (The Bail Project 2025).

The study’s central finding has even more weight given that reliance on money bail means that large numbers of people—948 people in the Tulsa study alone—are detained pretrial at great cost to the system and to them. The study also confirms what others have amply documented: that people released pretrial are less likely to plead guilty and more likely to have their cases dismissed because they have the freedom to mount a compelling defense and can tolerate the slow pace of the court process from the comfort and security of their home.

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Discussions about bail are often conflated with debates about public safety, as if having money on the line discourages people from committing new crimes, much like it supposedly encourages them to return to court. Within that erroneous framework, bail reform ends

up being positioned in opposition to public safety when there’s considerable evidence to the contrary.

When New Jersey passed bail reform in 2017, opponents warned that violent crime would skyrocket. But fewer than 3% of people released pretrial were subsequently rearrested for a serious violent felony or for gun possession (Fishman, Rahman & Wool 2019). After Washington, DC abolished cash bail, only 2% of people released pretrial were rearrested for a violent crime, and 90% made all scheduled court dates (Vera Institute of Justice 2020). An analysis of 16 cities involved in the MacArthur Foundation’s Safety and Justice Challenge found that releasing more people pretrial was not associated with any increase in crime (Khan, West & Rosoff 2023). An even larger study published by the Brennan Center for Justice, examining crime trends in 22 cities that enacted some degree of bail reform and 11 cities that did not, found no evidence that bail reform increases crime (Craigie & Grawart 2024).

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The evidence is clear, and it aligns with the belief common among Americans that people should not be incarcerated solely because they cannot afford bail. According to a September 2024 poll, overwhelming majorities of Democratic, Republican, and Independent voters support ending the practice of keeping people in jail before their trial if they have been charged with a nonviolent offense.³ In the rare instance when someone accused of a crime appears to present an ongoing danger to others, the judge has the authority to preventatively detain that individual, which is far better than setting a high bail amount because the wealthy can always buy their way out of jail.

3 According to a September 2024 poll conducted by BSG on behalf of fwd.us, 82% of Democrats, 74% of independents, 69% of Republicans, and 75% of voters overall support “ending the practice of keeping people in jail before their trial if they have been charged with a nonviolent offense.” Source: <https://www.fwd.us/news/new-polling-confirms-ongoing-support-for-criminal-justice-reform-ahead-of-november-2024-election/>.

Last year, The Bail Project freed and supported nearly 4,500 people. That’s a great many lives changed for the better, but it’s a small fraction of the roughly 2.5 million Americans detained pretrial over the course of a year (Albright 2019). That’s why we’re also working to change systems and, ultimately, replace the system of cash bail with one based on safety, not wealth. Our 2025 report, *Beyond Bail: A National Survey of Pretrial Justice Reform in the United States*,⁴ provides a comprehensive analysis of 36 jurisdictions that have implemented significant bail and pretrial reforms. The report highlights the momentum behind these reforms, the challenges faced during implementation, and the lessons learned, serving as a roadmap for understanding the history and shaping the future of pretrial reform.

If the goal of eliminating cash bail sounds impossibly out of reach, consider that the unfair system we have today did not always exist. For the first hundred years in this country, and for hundreds of years before that in England, bail was essentially a pledge to appear in court, and people were routinely “granted bail” with no up-front payment (Wool, Shih & Chang 2019). The equivalent today is release on recognizance (ROR). Although data is limited, our Tulsa study found that ROR is the least common release mechanism, even though our study suggests that people who are ROR’d are likely to appear in court.

Consider also the sea change in Illinois as proof of what’s possible. For roughly four years, beginning in 2019, our Chicago site provided free bail assistance and pretrial support to people, and in the process, amassed evidence that played a pivotal role in the movement to abolish cash bail statewide. We were proud to put ourselves out of business in September 2023 when Illinois implemented the Pretrial Fairness Act and made history by becoming the first state to eliminate cash bail.

Before the law took effect, 230,000 people on average were detained pretrial every year in

4 <https://bailproject.org/wp-content/uploads/2025/03/CLIENT-Bail-Project-Beyond-Bail-Report-FINAL-3.1.25.pdf>

Illinois. People innocent under the law annually paid more than \$140 million in bail to get out of jail. Critics of the law speculated that crime would rise. Like bail reform skeptics elsewhere, they were wrong. Crime went down after the law took effect. Critics also predicted that people would be less likely to show up in court, but as of July 2024, judges statewide had issued failure-to-appear warrants in only 5% of 28,416 court hearings (Gaspar 2024).

As wonderful as this legislation is, we know that its long-term viability requires developing systems that support people during the pretrial period. In partnership with the Lawndale Christian Legal Center in Chicago, The Bail Project invested \$2.5 million to establish a pilot project for Chicagoans released pretrial. With just a little help navigating the court system, the first 3,000 people the pilot served attended over 95% of required court appearances, and 64% of them had their cases dismissed—outstanding results that we fully expected based on our experience and national data. We believe the Pretrial Fairness Act and our support program provide a blueprint for how to end wealth-based detention forever.

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Meaningful change requires broad support. At The Bail Project, we have always focused on building diverse but unified coalitions of changemakers, from grassroots advocates to public defenders to conservative lawmakers. We’re fueling bipartisan advocacy efforts in red, blue, and purple states to make sure the pretrial system is fair to everyone and operates in the public interest.

Building unified coalitions begins with

shared values and trusted relationships. We start by identifying partners—community organizers, legal advocates, policy experts, and other allies—who are grounded in the communities most impacted by pretrial detention and aligned in the belief that freedom should not depend on wealth. Our role is often as a connector: we listen first, share what we’re seeing nationally, and then collaborate on strategies that make sense locally.

In Michigan, The Bail Project played a key role in advancing a package of eight bills aimed at overhauling the state’s pretrial system. These reforms would have significantly reduced reliance on cash bail and electronic monitoring, expanded release on recognizance for low-level offenses, and promoted commonsense measures like court reminders, transportation assistance, and service referrals. The Bail Project simultaneously collaborated with grassroots and directly impacted groups to spark community dialogue about the harms of cash bail and build local support for pretrial alternatives.

In Texas, The Bail Project works alongside state and local civil rights organizations to push for stronger due process protections and reduce the overuse of pretrial detention, contributing to recent landmark progress in the state’s pretrial justice landscape.

What unifies these coalitions isn’t uniform ideology—it’s a shared commitment to due process, human dignity, and the idea that no one should sit in jail because they’re poor. Staying unified means prioritizing communication, elevating the voices of those directly affected, and creating space for disagreement without losing sight of the common goal: freedom and fairness for all.

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While there is plenty to celebrate, significant challenges remain. Last year, Georgia doubled down on the harmful use of cash bail by enacting a law that requires judges to set bail amounts for

over thirty new offenses—including nonviolent misdemeanors—while severely restricting the activity of bail funds. The law all but guarantees that more Georgians will be jailed simply because they cannot afford bail.

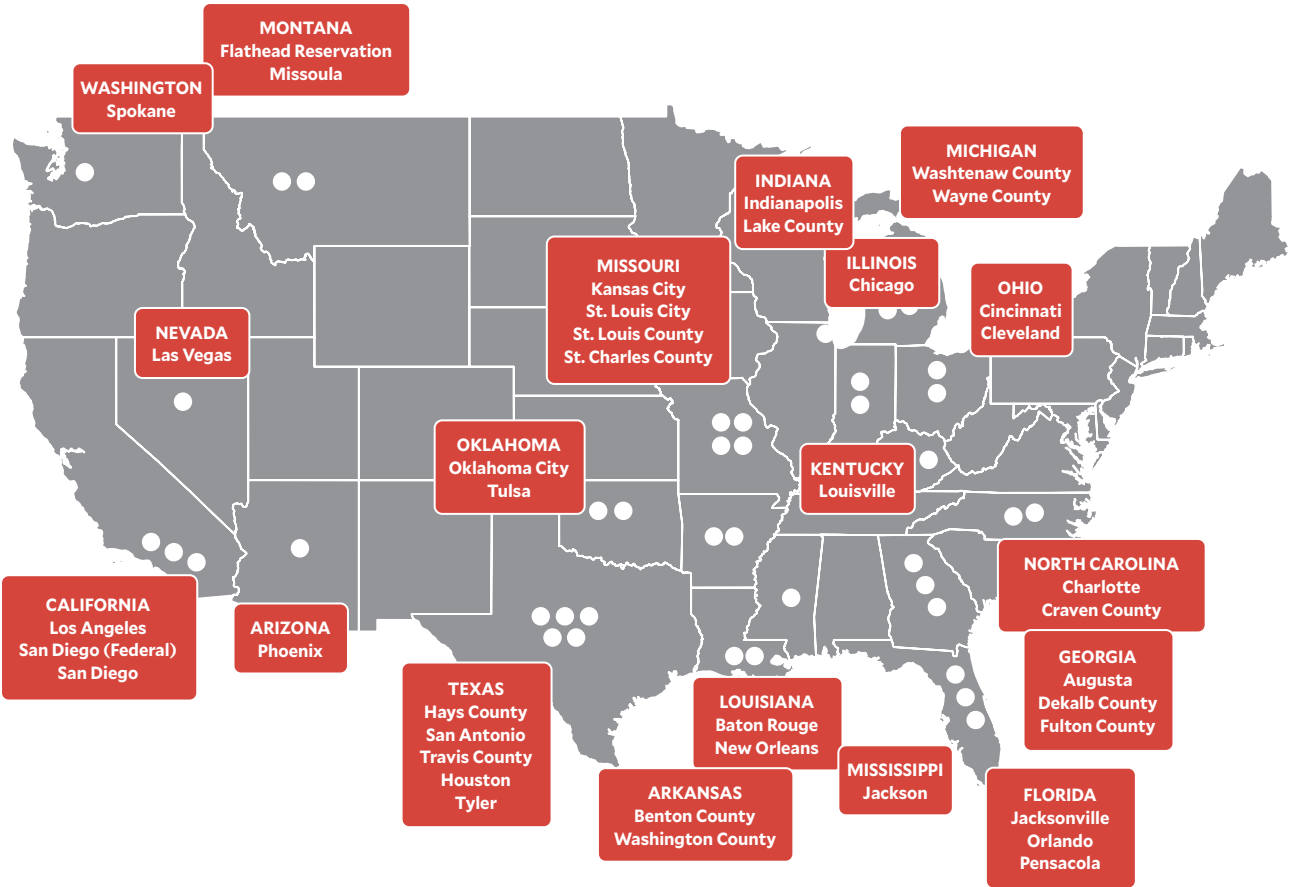
The Bail Project worked alongside partner organizations in Georgia to oppose these regressive changes. Our collective efforts led to partial victory: a preliminary injunction, secured through a lawsuit by the ACLU of Georgia, temporarily blocked the law from going into effect and allowed The Bail Project to continue its operations while the case proceeds. With our partners, we remain committed to fighting this and other regressive pretrial policies nationwide. In Texas, we helped lead a coalition that defeated efforts to expand pretrial detention and successfully strengthened constitutional protections for due process.

In addition to advancing good laws and policies and fighting against bad ones, we’re mainstreaming a compelling narrative about the harms of wealth-based detention and the value of pretrial practices that exemplify the principles of equal justice, due process, and freedom. A billboard and poster campaign in several states offered Americans a chance to showcase their opinions on bail reform and captured the exorbitant cost to taxpayers: \$140 million annually, explaining that, “When judges set unaffordable cash bail, we pay the price.” Billboards appeared in locations across the country, and posters were placed in highly visible bus stations. And last year alone, our expertise, evidence, and common-sense policy proposals were highlighted in 75 pieces of print journalism and 20 op-eds and letters, mainstream coverage that connects us with people at all levels of society who have the power to make change.

Bail, in the form of an up-front payment, is such an ingrained feature of the modern-day legal system, people assume it’s essential when, in reality, it’s unnecessary, unfair, and unsafe. It’s also a problem with a clear solution. With routine reminders about upcoming court dates and other minimal support, nearly everyone

THE BAIL PROJECT

The Bail Project has provided services in cities and counties throughout the United States.



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can be released pretrial. As our collective voices grow louder, calls for eliminating money bail will become increasingly difficult to ignore.

Mutual aid networks and organizations often take shape in troubled times, when it can be tempting to give in to despair. We are living through such times now. In his 2025 essay, “In Defense of Despair,” Hanif Abdurraqib asks us to consider the fortitude of the heart in the face of despair: “What I love about the heart is that it’s capable of breaking in infinite ways; may we never live long enough to experience all of them, but may we live long enough to experience the ways the heart can repair itself for subsequent breakings.” In his view, one of the surest ways to fight injustice and overcome despair is by connecting to the hearts of others, even others we do not know.

That’s what our freedom funders do when they contribute to our revolving bail fund.

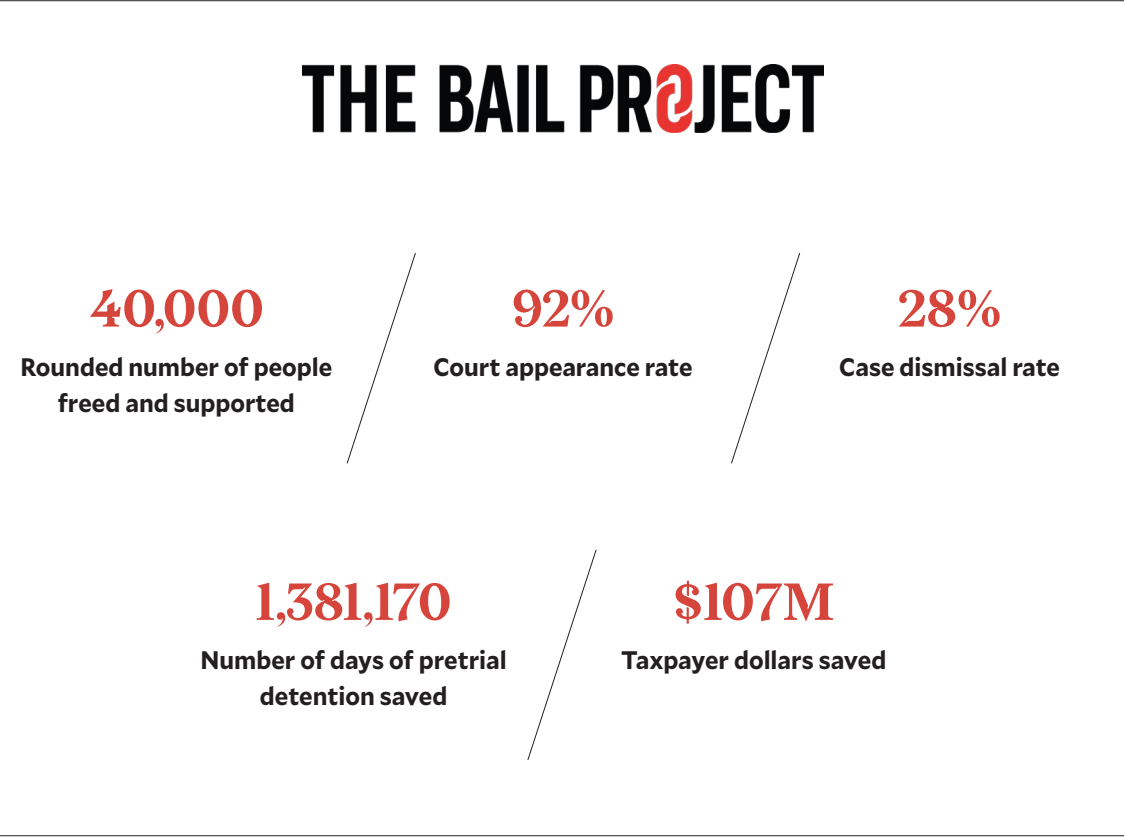
That’s what our bail disrupters do when they pay bail for someone who can’t afford it.

That’s what our client support specialists do when they help a person get treatment or find housing.

And that’s what our policy experts do when they form or join coalitions to change unjust systems.

Collectively, these individual acts of empathy, solidarity, and sometimes courage uplift and heal us, in radical defiance of forces that might otherwise break our spirit and tear us apart.

David Gaspar is Chief Executive Officer of The Bail Project.



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