

RESOURCE GUIDE

S5 E9: How Those Drowning in Carceral Debt Are Lining Others' Pockets



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70 Million is made possible by a grant from the Safety and Justice Challenge at the John D. and Catherine T. MacArthur Foundation.



million

ONE JAIL AT A TIME.

story

EVEN NOW, IT'S LIKE A BURDEN BECAUSE NOW I'M STARTING TO GET ON MY FEET AND I'M TRYING TO SURVIVE AND PAY THE BILLS THAT I HAVE NOW, AND THEN TO HAVE ALL THESE ADDITIONAL PAST FINES AND FEES AND BILLS FROM WHEN I WAS IN THAT LIFESTYLE, IT MAKES IT HARD TO BE ABLE TO JUST SURVIVE. - STEPHANIE JEFFCOAT



**STEPHANIE JEFFCOAT IS PICTURED AT A NEW WAY OF LIFE IN LOS ANGELES, CALIF.
PHOTO CREDIT: ALISHA JUCEVIC**

Monetary Arrest by the Commercial Bail Industry

"Bail is the process of releasing someone from jail with conditions set to provide reasonable assurance of a person's appearance in court and to maximize public safety," as stated by the [2022 Committee on Revisions of the Penal Code](#). Today, this process usually involves a price tag, which can be accumulated by restitution fines, civil assessment fees, and more. Often, citizens involved in the criminal justice system need assistance paying the bill to make bail, and are most often forced towards the commercial bail bond industry.

The commercial bail industry is estimated to be worth \$2.4 billion. The network entraps justice-involved citizens with predatory loans and services that are necessary for citizens to make bail and leave pretrial, yet impossible for them to pay in a timely manner. The [Center for American Progress](#) found that, "Commercial bail is the most common form of pretrial release, accounting for 49 percent of all felony pretrial releases and nearly 80 percent of releases with monetary conditions in 2009, the last time these data were collected at the federal level." Additional fees and fines continue to rack up with each arrest made, ticket given, or past payment missed by citizens, making the mountain of carceral debt nearly impossible to escape. This issue is made more difficult for California residents. According to the [Public Policy Institute of California](#), the [median bail is \\$50,000](#), which is more than five times the median bail amount in the rest of the country.

The US Department of Justice estimates that [over 2 million defendants](#) annually work with commercial bail companies. These bail companies will charge defendants a non-refundable fee that typically ranges from 10-15% of the total bail amount (a premium that is set by surety companies and state insurance departments). If defendants do not have the monetary amount to make the deposit, they must offer collateral in the form of vehicles, housing, a payment plan, or a co-signer. Bond agents (bondsmen) will then post a bond note at the court that takes ownership of the financial responsibilities of the defendant if they fail to show up for court. And if the defendant does not make it to court, bounty hunters will be contracted to find, arrest and return them. The bondsmen are then backed by private insurance companies, known as surety companies, which are backed by only nine larger insurance companies. And according to the credit rating agency, AM Best, the industry has consolidated so much that [76% of the market is controlled by only 6 bail insurers](#).

James Gordon, a former trial attorney in San Francisco and author of *Corporate Manipulation of the Bail Bond Industry* in the *Columbia Law Review* sheds light on how this network is tied together for profit. He states, "As judges raise the cost of bail, some businessmen had an idea. Even if the people who were arrested couldn't afford bail, perhaps they could as entrepreneurs working on behalf of arrestees, and these businessmen could also profit by charging the arrestee for the service." Stephanie Jeffcoat, a resident of California is one of those people who couldn't afford bail, and we learn about her experiences trying to climb out of carceral debt and mitigate the continuing harassment by the bail industry.

REFLECTION QUESTION:

How can the community advocate for more transparency and government regulations of the contractual relationship between bail bondsmen and insurance companies? What are your states regulations for the power and rights that bounty hunters have as independent contractors to bail bondsmen?

PEOPLE DOING THE WORK

Debt Collective

We are a debtors' union fighting to cancel debts and defend millions of households. Join us to build a world where college is publicly funded, healthcare is universal and housing is guaranteed for all.

De-Bug - Silicon Valley

Silicon Valley De-Bug is a community organizing, advocacy, and a multimedia storytelling organization based out of San José, California. Since its' inception in 2001, De-Bug has been a platform for Silicon Valley's diverse communities to impact the political, cultural, and social landscape of the region, while also becoming a nationally recognized model for community-based justice work.

Prison Policy Initiative

The non-profit, non-partisan Prison Policy Initiative produces cutting edge research to expose the broader harm of mass criminalization, and then sparks advocacy campaigns to create a more just society.

National Consumer Law Center (NCLC)

NCLC uses the tools of advocacy, education, and litigation to fight for economic justice for low-income and other vulnerable people who have been abused, deceived, discriminated against, or left behind in our economy.

Debt Free Justice

#DebtFreeJustice is a national campaign dedicated to ending the harmful and unjust fees and fines imposed on youth in the justice system and their families.

Brennan Center For Justice

The Brennan Center for Justice is an independent, nonpartisan law and policy organization that works to reform, revitalize, and when necessary, defend our country's systems of democracy and justice.

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

As one of the oldest civil rights institutions on the West Coast, we work to dismantle systems of oppression and racism, and build an equitable and just society.

Public Policy Institute of California (PPIC)

The Public Policy Institute of California (PPIC) is a nonprofit, nonpartisan think tank. Our mission is to inform and improve public policy in California through independent, objective, nonpartisan research.

Center for American Progress

The Center for American Progress is an independent, nonpartisan policy institute that is dedicated to improving the lives of all Americans through bold, progressive ideas, as well as strong leadership and concerted action. Our aim is not just to change the conversation, but to change the country.



CARCERAL DEBT ORGANIZERS MANNY GALINDO, LEFT, AND DR. RICHELE BROOKS, RIGHT, PRESENT TOGETHER DURING A DEBT COLLECTIVE MEETING AT HOMEBY INDUSTRIES IN LOS ANGELES, CALIF. PHOTO CREDIT: ALISHA JUCEVIC

SPARKY ABRAHAM, LAWYER AND FOUNDER OF JUBILEE LEGAL, SPEAKS WITH THE GROUP DURING A DEBT COLLECTIVE MEETING AT HOMEBOY INDUSTRIES IN LOS ANGELES, CALIF. PHOTO CREDIT: ALISHA JUCEVIC



LEARN MORE...

Websites

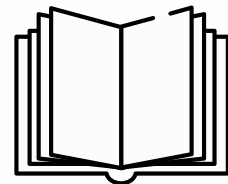


Cancel Bail Debt Tool - California

The Bail Clinic - California

Participatory Defense by De-Bug, Silicon Valley Participatory Defense is a community organizing model for people facing charges, their families, and communities to impact the outcomes of cases and transform the landscape of power in the court system.

Reading



CORPORATE MANIPULATION OF COMMERCIAL BAIL REGULATION by James Gordon

CIVIL ASSESSMENTS: The Hidden Court Fee that Penalizes Poverty by Debt Free Justice

Pretrial Release in California by PPIC

A Debt of Care: Commercial Bail and the Gendered Logic of Criminal Justice Predation by RSF: The Russell Sage Foundation Journal of the Social Sciences

The Debt Resisters' Operations Manual by the Debt Collective



MANNY GALINDO, CARCERAL DEBT ORGANIZER, IS PICTURED DURING A DEBT COLLECTIVE MEETING AT HOMEBOY INDUSTRIES IN LOS ANGELES, CALIF. PHOTO CREDIT: ALISHA JUCEVIC

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