Nationwide, 2.3 million people are incarcerated in prisons, local jails, and ICE detention camps. Black and Latinx people comprise approximately 90% of those detained in local jails in New York City. The average daily number of immigrants in detention has grown from 6,000 in 1994 to 30,000 in 2020.

Over 60% of people in jail in the U.S. are presumptively innocent and are being detained while they await trial. In the majority of cases, money is the barrier to freedom because the bail amount far exceeds what they and their families can afford. The result is a two-tiered system of justice: one for those who have money and one for those who do not.

In NYC, nearly 90% of people charged with misdemeanors can’t afford bail of $1,000 or less. As a result, on average, they will spend over two weeks in jail at Rikers Island.

ICE has rigged its “risk assessment” algorithms so that virtually every immigrant arrested in the NY area is locked up. Only 30% of immigrants in detention get an initial bond hearing in front of a judge, and only 40% of those people actually have bond set.

The average immigration bond is $8,000, that’s 50% more than it was five years ago. During the pandemic, the average bond amount that BCBF has paid in the NY/NJ area has risen to $11,200.

Mass Incarceration
Since 1970, the U.S. incarcerated population has increased by 700%. Incarceration disproportionally harms people of color and women’s incarceration has grown at twice the rate of men’s.
- Nationwide, 2.3 million people are incarcerated in prisons, local jails, and ICE detention camps.
- Black and Latinx people comprise approximately 90% of those detained in local jails in New York City.
- The average daily number of immigrants in detention has grown from 6,000 in 1994 to 30,000 in 2020.

Criminal Legal Bail & Immigration Bond
Bail and bond are monetary conditions of release set by a judge, immigration court, or ICE. We use the term “bail” in the context of the criminal legal system and “bond” when we’re talking about immigration. Both are forms of ransom used to cage people pretrial.

Criminal legal system bail
- Over 60% of people in jail in the U.S. are presumptively innocent and are being detained while they await trial. In the majority of cases, money is the barrier to freedom because the bail amount far exceeds what they and their families can afford. The result is a two-tiered system of justice: one for those who have money and one for those who do not.
- In NYC, nearly 90% of people charged with misdemeanors can’t afford bail of $1,000 or less. As a result, on average, they will spend over two weeks in jail at Rikers Island.

Immigration bond
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- Only 30% of immigrants in detention get an initial bond hearing in front of a judge, and only 40% of those people actually have bond set.
- The average immigration bond is $8,000, that’s 50% more than it was five years ago. During the pandemic, the average bond amount that BCBF has paid in the NY/NJ area has risen to $11,200.

Collateral Consequences
The collateral consequences of the inability to afford bail or bond can be as injurious as incarceration itself, and during the current crisis, can directly lead to death. Other consequences include:
- Unemployment, eviction, the inability to care for loved ones, and lack of access to medical care.
- In the criminal legal system, people are nine times more likely to plead guilty when stuck in jail on bail versus fighting from a position of freedom.
Immigration detention imprisons people for years at a time and unjustly coerces deportations. Being out on bond radically improves immigrant New Yorkers’ chances of winning their immigration cases. An immigrant who has been released from detention and has a lawyer is 25 times more likely to be allowed to remain in the country compared to someone who is detained and does not have a lawyer.

Crim-Imm Nexus
Our criminal legal and immigration enforcement regimes—and the targeted racism of their policies—are deeply intertwined, compounding life-disrupting consequences of contact with either system.

- ICE, working with local law enforcement and local jails, uses criminal legal databases to target people for deportation, including many with pending criminal cases who have not been convicted.
- ICE is increasingly present in and around local criminal courts. From January 2017 to December 2018, there was a staggering 1700% increase in ICE arrests and attempted arrests at courthouses across New York.
- A past conviction—including misdemeanors—often means immigrants are subjected to mandatory detention without the option of having immigration bond set.
- While Black immigrants make up only 7.2% of the noncitizen population in the U.S., they make up 20.3% of immigrants facing deportation due to past convictions.

Profiteering
To free their loved ones, families are often forced to turn to for-profit bondsmen who notoriously overcharge and engage in deceptive practices.

- The NYC Comptroller’s Office estimates that for-profit bail bondsmen siphoned between $16 million and $27 million in nonrefundable fees from people arrested in New York City and their family and friends in 2017.
- In the immigration context, companies like Libre By Nexus siphon millions of dollars from marginalized communities. Individuals are often forced to wear ankle monitors that come with fees as high as $420 per month.

COVID-19 Impact
As COVID-19 infection and death rates decline in New York City and State, they are on the rise in jails, prisons and detention centers where the baseline dangerous conditions have become acutely life-threatening.

- People behind bars are especially vulnerable to COVID-19 outbreaks, especially for those with underlying health conditions. Half of incarcerated people have chronic medical conditions such as asthma, cancer, diabetes, and heart-related problems.
- COVID-19 has now been found in every ICE detention facility in the New York area. As of 5/6/20, ICE has tested 1,346 detainees and 674 have tested positive for the virus, an infection rate of just over 50%.
- The infection rate on Rikers Island is nearly six times higher than the NYC-wide COVID-19 infection rate. As of 5/5/20, over 1,500 people on Rikers Island (both incarcerated people and staff) have tested positive; nine people have died.

The urgency to get people out of detention—and stop the flow of people going in—has never been greater. #FreeThemAll