

# Waco Bail Fund Project

## Current State of Bail and Bail Reform in Waco

**The support:** Waco has many groups and individuals whose work naturally overlaps with criminal justice reform. These coalitions of people have come together to call for the local jail to no longer be privatized and won. There is momentum and interest to both financially and administratively support a community bail fund.

**The potential for policy change:** Many of the criminal justice initiatives from the past Texas legislative session failed in the previous session but there is a bi-partisan coalition looking to enact (and politically sell) many reforms, including bail reform in this 87<sup>th</sup> legislative session. Dean Rispoli wrote a law review article calling for bail to be shifted from monetary bail assumption to presumption of release on recognizance bonds. He called for only using monetary bonds in extreme situations, rather than as the default. Texas Court of Criminal Appeals Justice Keller wrote the forward to this article and praised its conclusions and called for this needed reform. In March, McLennan County approved the release of 80 people held pre-trial due to safety concerns related to Covid-19. There is momentum around bail reform at the state and local level.

We see a bail fund as a harm reduction strategy as we fight for a larger overhaul of our unconstitutional bail system. As larger advocacy and organizing efforts push for those changes, we can get people out of jail in the interim. In the future, this fund could shift to wherever the need is, which may include paying fines and fees so people avoid jail to begin with.

**The need:** The most recent McLennan County Jail reports show that there are 1055 people in McLennan county jails. Of the 1,055 individuals, 844 are in jail locally (under a hold by the county) and 211 are in jail due to contracts (i.e. Marshall service, ICE hold). In 2020 those held in jail locally that are pre-trial range from 62% to 84%. In June of 2020, the pre-trial population was 74% of the county held population. McLennan County has a 3.92% incarceration rate to total population of as June 2020. According to the Texas Commission on Jail Standards the cost to jail one person in the county jail is \$59.00 per day.

## Logistics

**Framework:** The Waco Bail Fund will pay the **full amount** of the bail and not work with bail bonds services. We will not require down payments or collateral of any kind. It is a gift. For legal purposes, this is how we avoid being registered, licensed, and needing to be ensured as a bail bonds service. We will pay bail in cash or cashier's checks that allow reimbursement to be sent back to the bail fund. We will network with defense attorneys to create positive working relationships so that they can also request bail funds be returned to us once an individual has appeared before the court. These are the general rules for posting bond in McLennan County: <https://drive.google.com/file/d/1HC6uEq8C6cjLjPt1yAQLan15ImCm13QF/view>.

**Criteria:** The bail fund will operate on a first come first serve basis but will strategically partner with community members, neighborhoods, and organizations to ensure that those who are the

most vulnerable to the effects of being in jail and the harms of being away from the community, know about the fund and are referred.

General, automatic eligibility is a bail amount of \$5,000 or less by someone housed in a McLennan County Jail. A community committee will be formed to decide on requests that fall outside of the automatic eligibility criteria. This way the community is deciding to bring people back home to itself, rather than relying on outside organizations to tell a community who belongs within it. There will not be stipulations set on the committee. They will set up their own transparent operating and decision-making procedures. The make-up of the committee will prioritize people with lived experiences and ensure representation from different areas of Waco.

**Structure:** The bail fund will be housed within an existing non-profit organization. There are many excellent organizations within Waco. When determining the right home for this project, a consideration of accessibility for those in need of the fund and potential donors would benefit the fund. Therefore, it is our recommendation the home organization is not viewed as politically partisan.

In order to improve success, meetings with county and city officials would take place before implementation. We want them to know what we are doing. We want them to support it. We want this to be a true community initiative.

**Administrative Needs:** One full-time individual – or a consistent group of regular volunteers – to coordinate with the support of the home organization. This employee would manage the fund and donations, process the requests, make the payments to the county, coordinate with political leaders, and present to the community committee.

A 501c(3) organization to house the project within their organization. The project would fall under the bylaws of the organization, so decisions on who is bailable would need to be able to be determined by the community committee without that structure violating organization bylaws or board of director operations.