

NATIONAL BAIL FUND NETWORK

February 2017 Update

Network Overview

The National Bail Fund Network is a new national project that works with organizers, advocates, and legal providers across the country that are using, or contemplating using, community bail funds as part of efforts to radically change local bail systems and reduce incarceration. The Network was established in September 2016 as a project of the Brooklyn Community Bail Fund with the support of Open Philanthropy's Criminal Justice Reform Project.

The Network was created in response to an increasing interest in replicating and expanding the bail fund model across the country. We saw the potential for the work of bail funds to be the tip of the spear for local and state policy reform within multi-pronged bail reform campaigns. In addition, we recognized that bail funds' catalytic potential could be lost if they were created haphazardly. The Network is built upon the important work of bail funds assisting individuals attain their freedom while building community capacity and a coordinated advocacy force.

The National Bail Fund Network's work has two core goals:

- (1) To bring currently operating community bail funds, which function over a diverse set of models, together to share common knowledge and challenges; leverage data and experiences into local and national bail reform efforts; and work collectively to impact broader bail reform.
- (2) To work with community organizers, legal practitioners, and funders to identify jurisdictions where the creation of bail funds can serve as part of a broader bail reform strategy; assess the feasibility and potential impact of new bail funds; and provide technical assistance and strategic thought partnership to newly forming funds.

The National Bail Fund Network works with community bail funds that have been established across the country to counter the impact of mass incarceration as well as those created to meet the needs of specific communities or in response to specific organizing actions. A unifying principle across all of these bail funds, and one that guides the Network, is a belief that bail funds are a temporary intervention, not a permanent solution to the mass injustices embodied by the criminal legal system. We believe that bail funds can play a critical and immediate harm reduction role and have a long and important history as a way for communities to push back on an unjust system.

In addition to their day-to-day work of freeing people and upholding the presumption of innocence, we believe that bail funds can be a potentially catalytic tool in the fight to end cash bail and that their connection to broader reform efforts is critical. As bail funds are contemplated as tools of resistance in comprehensive campaigns to end cash bail, the Network works with organizers and legal providers to learn from current and past bail fund models.

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Current Bail Fund Landscape

As of February 2017, the Network has established a coordination structure across the national bail fund landscape. This includes:

- 13 active, operating revolving bail funds;
- 6 active movement-based legal defense funds with a bail fund component;
- Over 20 jurisdictions where organizers, advocates, and legal providers are considering the formation of a bail fund.

The thirteen active, operating revolving bail funds are located in Connecticut, Illinois, Massachusetts, Minnesota, New York, North Carolina, Tennessee, and Washington. These funds operate across very different pretrial systems as well as a range of organizational models (projects of other organizations; independent non-profit organizations; completely volunteer-driven; fully staffed). These bail funds also range in their reach, from funds that are paying 10-20 individual bails/year to funds that are paying 100-300 bails/year. There is one bail fund, the Brooklyn Community Bail Fund, that now pays over 1,000 individual bails/year.

The thirteen active revolving bail funds collectively paid bail for approximately 1,600 individuals in 2016. This represents a steep ramp-up in annual activity as six of the current operating funds were first established in the last year - bail funds that were in operation prior to 2016 collectively paid bail for approximately 1,200 individuals from 2007-2015¹. In 2017, we estimate that the currently operating revolving bail funds will expand their impact further and pay bail for approximately 2,750 individuals².

There is large variation in the average amounts of bail paid by active, revolving funds based on differences across jurisdictions in processes as well as the diversity of models that bail funds operate under (some have established internal caps for the amount they pay, while others are limited by regulations specific to the jurisdiction they are located in). Some examples include:

<i>Fund</i>	<i>Average Bail</i>	<i>Total Bail Paid in 2016</i>
Massachusetts Bail Fund	\$485	\$125,000
Brooklyn Community Bail Fund	\$910	\$900,000
Nashville Community Bail Fund	\$3600	\$130,000
Chicago Community Bond Fund	\$6700 ³	\$304,000

One of the Network's findings in its first quarter of work has been that the extreme variance in bail and pretrial systems across jurisdictions makes it impossible to export one particular model for establishing or scaling out community bail funds – the timing and structure of a bail fund as

¹ These numbers do not include bail funds that have since suspended their operation. For instance, the Madison County Bail Fund in New York paid bail for 387 individuals between 1988-2014.

² There is a huge variance in the scale of operating bail funds. Over 50% of the projected bail to be paid in 2017 by bail funds will be done by one fund, the Brooklyn Community Bail Fund.

³ The Chicago Bond Fund pays bail for community members and movement protesters – average bond paid for a protester was \$7,882 while bond paid for community members ranged from \$1,000 to \$35,000.

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an intervention differs within each system. We have also learned from both revolving bail funds and movement legal defense-bail funds that there is a wide range of organizational models that can work for an operating bail fund, particularly when considering how a bail fund is integrated with larger bail reform campaign goals. Since we do not think there is any one “right” way to start a bail fund, we have spent our energies creating resources that we think build on the shared experience and knowledge of bail funds and establish best practices and roadmaps for strategic expansion. This has included:

- Strategic planning and technical assistance guides;
- An extensive database of baseline information about bail systems in jurisdictions across the country;
- How-to manuals for advocates mapping out the potential of bail funds in their jurisdictions.

In 2017, the Network is beginning to work on combined data reporting and coordinated communications materials. Because of the variance in bail systems and bail fund models, combining national data has been less useful than anticipated. However, where there are commonalities or multiple funds that have client/system similarities, we are working towards coordinated impact. For example, in New York State, where there are six operating bail funds, the Network is coordinating a project where combined data from the different bail funds will be presented in aggregate as part of the current reform policy debate.

Recommendations for Strategic Expansion & Pilot Projects

The Network has worked with organizers, advocates, and legal providers in over 20 jurisdictions to examine the feasibility and strategic impact of starting or expanding community bail funds. This has been combined with a complementary research process that maps jurisdiction-specific data to inform recommendations and planning. The Network is currently working with advocates, organizations, and funders on plans to scale currently operating bail funds; pilot new and innovative bail funds; and collaborate on organizing projects that are building upon the bail fund model.