

NATIONAL BAIL FUND NETWORK

June 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 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.

Increasingly, the Network has also become a collaborator and driver of organizing projects that intersect with the work of community bail funds. Since February, this has included serving as the collaborative sponsor and one of the central organizers of the

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National Mama's Bail Out Day/National Bail Out Project, a coordinated bail-out project that has raised over \$1.2 million and worked to bail out individuals working with over a dozen grassroots base-building organizations. Most recently, this has involved the Network serving as an organizer of strategic planning conversations about the potential for collaborative work between immigration rights groups and criminal justice reform groups confronting the nexus of bail fund work and the fight against increased immigration enforcement and detention.

Current Bail Fund Landscape & Expansion Potential

Bail funds can be catalytic if they are connected to movements on the ground, that are working toward the elimination of cash bail. As of June 2017, the Network has helped to increase the number of operating bail funds as well as those in exploratory formation within this framework. A great deal of this uptick has come from the work of the National Mama's Bail Out Day/National Bail Out which has served as an incubator for exploratory funds, and has pushed on the model of multi-jurisdictional bail funds. The Network has established a coordination structure across the entire national bail fund landscape with a first national convening of bail funds taking place in early July.

As it comes to the close of its first year, the Network currently works closely with:

- 14 active, operating revolving bail funds;
- 4 movement-based legal defense funds with a bail fund component;
- 8 bail funds that are in the late phases of plan development and launch;
- 2 immigration bond funds;
- Over 20 jurisdictions where organizers, advocates, and legal providers are considering the formation of a bail fund.

The fourteen active, operating revolving bail funds are located in Connecticut, Illinois, Maryland, 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 1,500 individual bails/year.

The fourteen 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

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2007-2015¹. In 2017, we estimate that the currently operating revolving bail funds will expand their impact further and pay bail for over 3,000 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 year 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 an intervention differ 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 within larger bail reform campaign goals. We have concluded that it is critical for bail funds to have connections to the communities they are working in and to be successful agents of change, be connected to movements and campaigns working to end the cash bail system. With these findings as a basis, the Network has spent some of our energies in the first year 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 that can assist in bail fund feasibility work;
- How-to manuals for advocates mapping out the potential of bail funds in their jurisdictions.

These resources have been complemented with intensive organizing, strategic planning and coaching by our team as we have found that being connected into the Network and its collaborative partners from an early stage is an important part of strategic expansion.

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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Our work on the National Mama's Bail Out Day/National Bail Out has been an important test of the potential for bail fund expansion. The action was built out from resources and support from the Network and showed us both the great possibilities as well as the limitations of bail fund expansion. The actions were able to build upon the strategic and technical resources we had built as well as the framework that had been developed connecting community bail funds to campaigns to end the cash bail system. We were able to quickly develop and support infrastructure for bail-outs in over a dozen jurisdictions with extremely different processes and systems because of the centralized resources of the Network. The bail-outs and our ongoing work with the core organizers and collaborative partners has helped push the model of a community bail fund further to include the possibility of regional and national bail funds. In addition, the actions have led to at least four new local bail funds moving forward more quickly in their development having had what amounts to a fast-track incubation period.

Recommendations for the Network's Second Year

The first year of the National Bail Fund Network's work within the criminal justice reform space has been a success in ways we had not fully imagined and has also shown us new paths forward. We feel that after a year of work, we are uniquely positioned within the space and are able to move major pieces of work forward because of the relationships and track record we have established. At the same time, the swift pace of reform efforts across the country has meant that we have needed to adjust our theory of change to reflect the realities and the new potential on the ground.

With the support of Open Philanthropy, we hope that the Network's second year of work can encompass four key areas:

- (1) Continue and strengthen the Network's coordination role
- (2) Build out the ability to support the strategic expansion and scaling of bail funds
- (3) Build out a strategic communication component
- (4) Build out and expand key organizing projects

(1) Continue and strengthen the Network's coordination role

We anticipated that it would take some time to clearly establish the Network's role within the criminal justice space and are pleased that within a year we have been able to build upon the strong roots and relationships of our team and our host organization, the Brooklyn Community Bail Fund, to create a solid and identifiable role. We have worked with organizers, advocates, and legal providers in over 40 jurisdictions to examine the feasibility and strategic impact of starting or expanding community bail funds. Our technical assistance and strategic thought partnership has spanned a range of organizations so that increasingly, we are part of regional and national conversations

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about bail reform and the role of bail funds. It has taken this first year to establish a true functioning network that we think has great potential going forward.

In our second year, we plan to build upon this work so that we continue to serve as a resource and partner with groups across the country contemplating bail funds as an intervention and wanting to think creatively about models that truly push towards the end of cash bail and broader criminal justice reform. This will mean continued technical and strategic assistance to a large range of groups. But it will also mean expanding some of our work around core principles and the impact of bail funds within larger campaigns to end cash bail. We continue to see system players (whether they be City Councils, sheriffs, pretrial services departments) as well as partners within the reform space looking to bail funds as a way around abolishing cash bail and know that we must be more explicit in elevating our analysis of the role and impact of bail funds.

(2) Build out the ability to support the strategic expansion and scaling of bail funds

Our original goal for Year 2 was to focus on strategic expansion and scaling of bail funds. We still believe that this is a central piece of our work although we have come to see that our technical and strategic planning work to establish where community bail funds will bring the most impact in decarceration campaigns and efforts must remain a priority. In the coming year, we plan to work with a range of partners (funders and organizers) to establish mechanisms and resources for scaling currently operating bail funds and expanding new funds altogether.

Based on movement within the space – whether it has been new individual funders, new potential collaborative funding structures, and changes in bail fund models and approach – we believe that there are a range of new opportunities when it comes to resourcing strategic bail fund expansion. Our efforts in this area in Year 2 will focus on building out the relationships and systems to make catalytic expansion a reality in a way that is deeply integrated with strategic campaign goals.

Our work with the National Mama’s Bail Out Day/National Bail Out has helped us establish a new set of procedures and structures for establishing incubation and pilot phases for scaling out bail funds and bail-out projects.

(3) Build out a strategic communication component

We have found that there is increasingly a role for strategic communications around the experiences of bail funds, their clients, and the patterns and injustices that bail funds are uniquely positioned to highlight. In our first year, the Network began to work on combined data reporting and coordinated communications materials. Because of the variance in bail systems and bail fund models, combining national data proved to be less useful than anticipated, whereas communications about the experience and process of bail and coordination across groups has been more impactful.

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We have had limited capacity within the Network to engage in the kind of strategic communications work we think there is the potential for. Now that the Network is more established, we believe this is an area that should be built out in Year 2. We also think that there is also a great deal more opportunity in this coming year between the current climate around reform, the amazing work of many of our partner organizations, and an increased interest in bail and bail interventions coming out of our collaboration with National Mama's Bail Out Day/National Bail Out and other organizing projects.

(4) Build out and expand key organizing projects

Within our strategic planning and mapping work around bail funds, we have found that there are additional projects that are building upon the bail fund model but are tied to larger organizing efforts. In our first year, the Network dedicated strategic and technical resources to these efforts and hopes to continue to build in this area as part of a multi-pronged approach to towards larger bail reform.

Specifically, the Network has focused on three organizing projects that we plan to continue and deepen our work with in Year 2.

(1) Our work with the Movement For Black Lives and a collaborative of base-building community organizations around the National Mama's Bail Out Day/National Bail Out has been a major success in testing out the bail fund model with key community organizations as well as elevating the issue of bail in a very powerful way. We are the anchor host organization for the National Bail Out and are working with the collective of organizers on a plan for the \$1 million bail fund the project has established. This organizing project is incredibly generative for the Network as it is a real-time incubator of new models for bail fund structure as well as testing ground for how bail funds/bail-outs can lift up other issues within the bail system. Finally, the National Bail Out work has also been a way to highlight the importance of the kind of community-based organizations that anchor new bail funds, with an emphasis on groups connected to the movement to end cash bail.

(2) In the current political climate with increasing prospects for mass deportations and immigration raids, there is also an interest in revisiting the potential role of immigration bond funds as well as the need for collaboration between criminal justice-focused groups and immigration rights groups. There are major differences in how immigration bond funds and revolving bail funds have worked, but we think that there are also important intersections to explore at this time. We have begun to build out a specific "Crim-Imm Nexus" project that is looking at how the two movements can work together across the mass incarceration continuum; how immigration bond funds can learn from criminal legal system bail funds; and how current bail funds can help map and identify changes in deportation/enforcement trends.

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(3) A common challenge that bail funds face is how they establish and maintain strong and meaningful ties with the communities they serve. One potential area bail funds have begun to explore is linking their bail out work with community-centered participatory defense. We have begun to partner with the Albert Cobarrubias Justice Project to build out a pilot program with a number of our Network bail funds (including bail funds that are in ramp-up to establishment mode still) that would link the powerful participatory defense model with the work of revolving community bail funds.