Bail Fund Workshop

Massachusetts Bail Fund

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Goals –

* Frame Bail Funds as harm reduction in the larger, longer struggle toward prison abolition
* Discuss historical context of bail
* Share knowledge about how to post bail in Massachusetts
* Volunteer recruitment

1. **Check in**

* Name, where they live, one thing they are feeling

1. **Definitions**

* **White supremacy**: White supremacy is a system that defends white power, privilege, and wealth through the exploitation and social control of people of color and the active consent or passive complicity of white people.
* **Criminal Punishment system IS A SYSTEM OF SOCIAL AND RACIAL CONTROL that is enforced by:** police, prosecutors, cash bail, prosecutors, judges, clerks, jail, prison, correction officers, sheriffs, the death penalty, solitary confinement, probation, probation officers, parole boards, parole officers, electronic shackling (GPS)
* **Abolition:** Abolition means a world where we do not use the prison industrial complex as an answer to social, political, and economic problems. Abolition means that, instead, we make new ways to stop harm from happening. It means responding to harm when it does happen, without simply punishing people or locking them in cages. We will try to fix the root causes of harm, instead of using the failed solution of punishment. If we can solve the root cause of harm, then harm will occur far less often.

1. **Brief History of Criminalization Activity from Movement for Black** **Lives**

Ask people to form 5 groups (depending on amount of people in workshop). Pass out the cards. Ask people to read the cards together and put them in chronological order. Then discuss these questions:

* What patterns do you notice?
* What’s the relevance of this history to our current era of mass & hyper-incarceration?

1. **True/False Game with Bail Basics**

Ask people to stand up **or** raise their hand for TRUE, remain seated with hands down for false.

* **True** or False – MOST people in MA jails are there before they’ve been convicted of a crime (in MA that ranges from 60-90% depending on the jail)
* True or **False** – Being held on bail you can’t afford is unconstitutional in MA
* **True** or False – Black people are more likely to be held on bail than white people (In MA, data collected by Mass Inc shows that Black people are severely overrepresented in pre-trial detention. The percentage of Black people in pre-trial detention is 2-10 times higher than the percentage of Black people in that county)
* **True** or False – Black people are more likely to be held on higher bail than white people (Black people’s bails are on average 2-5 times higher than white peoples in MA)
* True or **False** – The purpose of bail in MA is to ensure a person returns to court and ensure the safety of the community
* **True** or False –We can post bail for our neighbors at police stations, courthouses, jails, and prisons in MA
* True or **False**– When you post bail in MA, you pay money and a fee to a bail bondsman

1. Brainstorm – **Who** is held on bail they can’t afford and **how** does it impact them? (Mallory)
2. **Massachusetts Bail Fund Overview**

*The Massachusetts Bail Fund pays up to $500 bail so that low-income people can stay free while they work towards resolving their case, allowing individuals, families, and communities to stay productive, together, and stable. The Massachusetts Bail Fund is committed to the harm reduction of freeing individuals serving pre-trial sentences, and to abolishing pre-trial detention in the long-term.*

* Why do we do it?
* How does it work?

1. **How to Post Bail in Massachusetts “What’s supposed to happen versus what DOES happen”**

How it works if you’re resourced: You’re arrested and brought the police station. You’re booked and your fingerprints are sent to the FBI. A family member or friend comes down to the police station and the police officer calls the bail commissioner. The bail commissioner checks in with probation and determines if you have any other open cases and reviews your criminal history. The bail commissioner sets your bail. Your family member or friend pays the bail commissioner a $40 fee and your bail. You go home, eat, shower, are able to get some sleep, call a lawyer, and come to your arraignment in dress clothes.

How it works if you’re poor and working class: You’re arrested and brought the police station. You’re booked and your fingerprints are sent to the FBI. A family member or friend comes down to the police station and the police officer calls the bail commissioner. The bail commissioner checks in with probation and determines if you have any other open cases and reviews your criminal history. The bail commissioner sets your bail. There’s no way your loved one has that much money. You sleep overnight at the police station and are transported to court to be arraigned in the morning.

Your court appointed lawyer argues that you always come to court to answer for your charges, but the prosecutor argues that you have a history of default. In reality, those defaults are not because you didn’t come to court but because you weren’t able to pay other fines and fees. But since the charge is not your first for assault and battery, the prosecutor also argues that your bail should be set high. Your public defender argues that under the Brangan ruling, the judge should consider your ability to pay and you can't afford $1,500. The judge sets your bail at $750. Since it’s the end of the month, your family doesn’t have that money because it needs to go to rent.

You sit in jail for 30 days waiting for your next pre-trial hearing. Your family tries to get the money together, but their car breaks down and they have to use the extra cash to fix the car. At your next hearing, your lawyer argues that you still haven’t been able to pay your bail so the judge reduces it to $250. Your family wasn’t able to be at the court date because they work, so your public defender reaches out to the Mass Bail Fund to post your bail.

A Mass Bail Fund volunteer goes to post your bail at South Bay Jail. The volunteer has to arrive before 4:30 or they will miss when bail commissioner calls to ask the Correctional Officers if there is anyone there to post bail. If you miss the Bail Commissioner’s call, the Correctional Officers don’t have their phone number to call them back and you have to wait another day.

The bail commissioner arrives at around 6:00pm and the bail fund volunteer tries to post the $250 bail, but the commissioner insists the bail is $750. The court clerk didn’t update the file to reflect the bail reduction. So you’re stuck in jail for another night.

The Mass Bail Fund contacts your lawyer who has to go back to the court and make sure the clerk updates your file.

The Mass Bail Fund volunteer goes back to post your bail but this time, the Commissioner says your being held without bail because of a warrant in another county. It turns out you missed another court date while you were incarcerated and the Sheriff’s Department didn’t transfer you to appear in court.

The Mass Bail Fund volunteer posts your bail including $40 to the Commissioner, and you have to sleep another night in jail before you’re transported the next morning to court in another county where the judge understands the mix up and releases you on your own recognizance. You have spent more than 35 days in jail.

Also cover:

* Different procedures for posting at different jails
* How long cases go on for and why

1. **Discussion/reflection:** What are the differences in experiences between a resourced person and a poor or working class person? What is the impact of holding people in jail before their trial?
2. **Bail Reform Legislation**

Pass out the questions about reforms and ask people to evaluate whether proposed legislation is toward the goal of abolition.

* Expand the purpose of bail from assurance of appearance to safety
* Establish a pre-trial services division at the Department of Probation
* Develop and implement a risk assessment instrument to measure a person’s worthiness of being released from pre-trial detention
* Use of GPS shackles as a condition of release or “alternative” to incarceration aka extending the cage into the community

1. **Close Out**

* Share a new or re-learning that was meaningful to you