

1 BAIL BOND BOARD MEETING

2 AUGUST 18, 2016

3

4 THOSE PRESENT: Tim Funchess

5 Pat Knauth

6 Lieutenant Mills

7 Alisa Raumaker, CSR

8 Rhonda Brode

9 Becky Garcia

10 Tina Landry

11 Al Reed

12 Jaime Smith

13 Jill Wiebusch

14 Casi De La Torre

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12:41PM 1 MR. FUNCHESS: All right . I'm going to
12:41PM 2 call this meeting to order .

12:41PM 3 First thing on the agenda is to review the
12:41PM 4 minutes from the last meeting . Anybody have a chance to
12:41PM 5 review those ?

12:41PM 6 MS. GARCIA: I didn 't realize they got sent
12:41PM 7 out .

12:41PM 8 MR. FUNCHESS: I don't know if they got
12:41PM 9 sent out or if they 're on line . If nobody has read
12:41PM 10 them, I don't think we can approve them . So, we 'll
12:41PM 11 table that for -- until next month.

12:41PM 12 I have a report from the District
12:41PM 13 Attorney 's Office regarding the status of collection s
12:41PM 14 and judgment s.

12:41PM 15 MS. GARCIA: It 's been passed out .

12:41PM 16 MR. FUNCHESS: Any questions , comments ?
12:41PM 17 (No response).

12:41PM 18 MR. FUNCHESS: Next we have consideration
12:42PM 19 and approval of application s to become bondsmen
12:42PM 20 Becky, do we have any ?

12:42PM 21 MS. GARCIA: No, sir . There is none .

12:42PM 22 MR. FUNCHESS: Are there any complaints
12:42PM 23 against bondsmen ?

12:42PM 24 MS. LANDRY: Mary is not here . She didn 't
12:42PM 25 give me any to speak of .

12:42PM 1 MR. FUNCHESS And I passed out my report
12:42PM 2 from the Treasurer 's Office , and it's up to date.
12:42PM 3 Is there any report from the Auditor 's
12:42PM 4 Office ?
12:42PM 5 MS. BRODE I' ve handed them out. We're
12:42PM 6 still good on our budget. We're still in the black .
12:42PM 7 And the few questions I had about some forfeitures and
12:42PM 8 bond limit s that have exceeded -- I mean, bonds that are
12:42PM 9 out -- that have exceeded the limit s, I' ve gotten with
12:42PM 10 the County Clerk and District Clerk and we're
12:42PM 11 researching off line .
12:43PM 12 MR. FUNCHESS All right . Item Number 7 is
12:43PM 13 surety bonds for attorney s.
12:43PM 14 MS. GARCIA: If we can actually discuss 8
12:43PM 15 and then we can go back to 7.
12:43PM 16 MR. FUNCHESS All right . Discussion on
12:43PM 17 60, 180- day bond expirations .
12:43PM 18 MS. LANDRY: We were going to see if we
12:43PM 19 could make it 18 0 days across the board, instead of 60
12:43PM 20 on some cases and 180 on the other s before they expire .
12:43PM 21 Because we're having -- we came across it where someone
12:43PM 22 was arrested for a DWI and then for evading arrest and
12:43PM 23 that one, the evading , was 60 days, the DWI was 180.
12:43PM 24 So, they have one warrant; and they don't a warrant on
12:43PM 25 the other case. And if it was across the board, it

12:44PM 1 would just be, like , so much easier .

12:44PM 2 MS. GARCIA: Or one court date and no

12:44PM 3 spending --

12:44PM 4 MS. LANDRY: Right . It's beginning to be a

12:44PM 5 -- more of a headache , I think , than a help to the

12:44PM 6 courts , that is , and to the clerk 's offices .

12:44PM 7 MR. FUNCHESS: Well , does that require

12:44PM 8 action from this Board ?

12:44PM 9 MS. LANDRY: I would think we would have to

12:44PM 10 vote to have it , like , 180 days on all cases .

12:44PM 11 MS. GARCIA: Because that information has

12:44PM 12 to be put on the bonds .

12:44PM 13 MR. REED: Which we'd just refuse .

12:44PM 14 MS. LANDRY: And it would -- it really

12:44PM 15 wouldn't affect too many cases with the -- like , most of

12:44PM 16 them will be filed within 180 days anyway. So, it's

12:44PM 17 just going to be , like , a whole lot better all across .

12:45PM 18 MR. REED: It 's not a whole lot better for

12:45PM 19 the bondsmen. And I' ll tell you the reason why. If we

12:45PM 20 have to wait six months to get off of a bond on

12:45PM 21 accusation , we need some relief there . We're writing

12:45PM 22 5, 000-dollar misdemeanor bonds, 10, 000-dollar

12:45PM 23 misdemeanor bonds. Those are going to go away. We're

12:45PM 24 not going to write those kind of bonds with that kind of

12:45PM 25 exposure . I don't think any of the bondsmen will write

12:45PM 1 those kind of bonds with six months' exposure and you
12:45PM 2 cannot get off the bond. So, what is going to happen,
12:45PM 3 they're going to get out on an accusation in 72 hours.
12:45PM 4 The warrant department is going to have to go chase
12:45PM 5 them. Now they don't chase misdemeanor bonds. They
12:45PM 6 chase felony bonds when they can. But then that's going
12:45PM 7 to backlog the courts with all these outstanding cases
12:45PM 8 that hasn't come to court yet. So, you might want to
12:45PM 9 consider that.

12:46PM 10 MS. LANDRY: Well, the other problem we're
12:46PM 11 having with that, though, AI, is we did -- we had one
12:46PM 12 that came up just the other day. You-all said that
12:46PM 13 you-all would only charge them the 15-dollar processing
12:46PM 14 fee once the case was filed. There are bondsmen out
12:46PM 15 there -- I have a case that the mother said -- and I can
12:46PM 16 call her back to file a complaint against the bondsman,
12:46PM 17 if need be, but they said that judge -- they said that
12:46PM 18 the bondsman -- that he had to charge the full amount.
12:46PM 19 He would not -- they were not going to just charge the
12:46PM 20 15-dollar fee. They had to pay the full amount again
12:46PM 21 and it was up to his discretion as to whether he charged
12:46PM 22 the full amount and he chooses to. And the mother
12:46PM 23 called back; and we said, well, judge said he'll make a
12:46PM 24 PR bond on it, to come down. She called that bondsman
12:46PM 25 back. That bondsman said, no, the court cannot do that;

12:46PM 1 I have to make the bonds because I made the original
12:47PM 2 bond. Now I'm just saying what's happening, you know.
12:47PM 3 So, if it was 180 days, most of them are going to be
12:47PM 4 filed within that time anyway.

12:47PM 5 MR. REED: Well --

12:47PM 6 MS. GARCIA: Well, before you speak, in
12:47PM 7 addition to that, Court 2 has implemented a new
12:47PM 8 procedure that you-all might want to be aware of.

12:47PM 9 MR. REED: Now if we have some relief to
12:47PM 10 be able to get off the bond before they're filed, I
12:47PM 11 would have no objections to that. But when you're
12:47PM 12 talking about writing close to three -- a total of close
12:47PM 13 to 3 million bonds a month that are written out of that
12:47PM 14 jail and then you say, oh, I have one case that this and
12:47PM 15 this and this happens, well, that happens in all cases
12:47PM 16 when you're dealing with attorneys or that you're
12:47PM 17 dealing with the courts and you're dealing with the bail
12:47PM 18 bond people. That happens. You can't just say, I have
12:47PM 19 one case or I have five cases when we are writing
12:48PM 20 \$3 million worth of bonds a month or -- out of that jail
12:48PM 21 and say, well, I got a case. That's not fair.

12:48PM 22 JUDGE BRANICK: Let me see if I understand
12:48PM 23 what you're saying. Tina, is it after this one bondsman
12:48PM 24 after 60 days wanted to charge a person the full amount
12:48PM 25 of the bond again to extend it out to 180?

12:48PM 1 MS. LANDRY: No. Because the case was
12:48PM 2 filed after -- if the case is filed after 60 days, then
12:48PM 3 the bondsman is not responsible for that bond any more.
12:48PM 4 So, we issued an at -large without proper bond. Well,
12:48PM 5 most of the bondsmen, the majority of the bondsmen, once
12:48PM 6 that client calls in and says, my case is filed now I
12:48PM 7 have a warrant out for my arrest -- sometimes the
12:48PM 8 bondsmen even keep track of it themselves -- but there 's
12:48PM 9 a warrant out for my arrest ; will you make the bond for
12:48PM 10 me and rewrite the bond. Most of them charge a
12:49PM 11 15-dollar process ing fee which they are charged. So,
12:49PM 12 that 's all they charge them to rewrite the bond. But
12:49PM 13 some of them are not doing that. They're charging the
12:49PM 14 full amount that they charged initial ly. Say it 's a
12:49PM 15 10, 000-dollar bond and they charged -- I'm just going to
12:49PM 16 throw something out there -- \$2, 000 for that bond .
12:49PM 17 They're wanting \$2, 000 more to rewrite the bond after
12:49PM 18 the case is filed .

12:49PM 19 MS. GARCIA: Or they would be out that
12:49PM 20 money again if they go to another bondsman But in the
12:49PM 21 meantime Court 2 has implemented a new procedure that is
12:49PM 22 in the event an at -large without proper bond does go
12:49PM 23 out, we're not going to issue a warrant immediately .
12:49PM 24 We're going to issue a summons for them to appear in
12:49PM 25 court . If they make their court appearance , the Court

12:49PM 1 is PRing them out on all charges , which on the end
12:50PM 2 result , if there is a forfeiture later on, it 's bad for
12:50PM 3 us because we wont do NISIs on a PR bond. We're
12:50PM 4 shooting ourselves in the foot .

12:50PM 5 MR. REED: Exactly .

12:50PM 6 MS. GARCIA: The bad part about it is there
12:50PM 7 is not a bondsman on it, you know, for you-all 's
12:50PM 8 livelihood and for the Court 's benefit that you-all will
12:50PM 9 keep up with this person to make them show up for court .

12:50PM 10 MR. REED: You know, the PR bond systems is
12:50PM 11 terrible because you have nobody following the
12:50PM 12 defendant .

12:50PM 13 MS. LANDRY: We actually do. They have to
12:50PM 14 report to probation . They have to take drug tests .

12:50PM 15 MR. REED: Good luck on that . I think what
12:50PM 16 you're getting ready to do is really going to back up
12:50PM 17 the court 's system. I think you 're looking at it one
12:50PM 18 way and not looking at it another way. And these
12:51PM 19 5, 000-dollar misdemeanor bonds and 4 and 500-dollar and
12:51PM 20 10, 000-dollar misdemeanor bonds, they're going to go
12:51PM 21 away. Nobody is going to write them. Too much
12:51PM 22 exposure .

12:51PM 23 JUDGE BRANICK: Is there a middle ground,
12:51PM 24 like , 120 days or something ?

12:51PM 25 MR. REED: You know, I know in Houston when

12:51PM 1 the defendant is in jail , he's assign ed a number, he's
12:51PM 2 assigned a court and then they can get off the bonds .
12:51PM 3 But if you can find a way to as sign a number to that
12:51PM 4 defendant when he's in jail where we can get off the
12:51PM 5 bonds, I don't care if you have it 18 0 days.

12:51PM 6 MS. GARCIA: The previous discussion ,
12:51PM 7 Judge, was the DA's office felt like within that 180
12:51PM 8 days, because most of the information on the cases, the
12:51PM 9 DWI, drug cases, within 180 days, they're getting the
12:51PM 10 results back from the lab . So, then they know exactly
12:51PM 11 how to file that case . But if -- in Al 's part of it ,
12:52PM 12 how do they get off the bond before that time period ,
12:52PM 13 but there is no relief for them to file that paperwork
12:52PM 14 because a case hasn 't been filed , there is no cause
12:52PM 15 number that has been assign ed for it . So, whose
12:52PM 16 authority can sign off, you know, for that NFRS and
12:52PM 17 where does the paperwork go? Because the courts can't
12:52PM 18 accept it because we don't have a file with that number.
12:52PM 19 So, it 's a catch -22 and a dilemma on --

12:52PM 20 JUDGE BRANICK: The bond has got no cause
12:52PM 21 number on it ?

12:52PM 22 MS. GARCIA: Right .

12:52PM 23 MR. REED: And this year we're experienc ing
12:52PM 24 that the DA's office is not filing these cases in an
12:52PM 25 expedient amount of time . They're way behind on filing

12:52PM 1 cases. And I think that this is some of the problems.

12:53PM 2 You have --

12:53PM 3 MS. GARCIA: Well, in Pat's and I think in
12:53PM 4 the DA's defense, they're waiting to file the case with
12:53PM 5 the proper information to say whether it's over this BAC
12:53PM 6 or what the results are instead of filing it and then
12:53PM 7 later on having to go back and change it.

12:53PM 8 MR. KNAUTH Right. It's as good as it's
12:53PM 9 going to get. So, get used to it.

12:53PM 10 MR. REED: I'm not talking about -- I'm not
12:53PM 11 talking about for alcohol cases. I'm talking about all
12:53PM 12 the cases.

12:53PM 13 MR. KNAUTH Well, give me -- like anybody
12:53PM 14 else that has a complaint, you're going to have to give
12:53PM 15 me something specific here. An example, whenever
12:53PM 16 somebody comes up, you need to give me the case number
12:53PM 17 in front of it. There may be a reason. There may not
12:53PM 18 be. Or maybe just we made a mistake. I don't know.
12:53PM 19 That happens, too.

12:53PM 20 MR. REED: I understand.

12:53PM 21 MR. KNAUTH I can't answer to general --

12:53PM 22 MR. REED: I understand. The bondsmen
12:53PM 23 shouldn't have to solve all of the problems that come up
12:53PM 24 because we have a few isolated cases and then they want
12:53PM 25 to put everything on the back of the bondsmen

12:54PM 1 MR. KNAUTH: I hear you. But I don't
12:54PM 2 think , you know, the DA's office is responsible for
12:54PM 3 those few isolated cases.

12:54PM 4 MR. REED: No. No. I'm not saying that .
12:54PM 5 But is there a legal way that we can assign a number so
12:54PM 6 we can get off those cases?

12:54PM 7 MR. KNAUTH I have no idea . I'd be happy
12:54PM 8 -- if there is a way, I'd be happy to try to facilitate
12:54PM 9 that . But it 's -- right now I'm more interested to see
12:54PM 10 what the courts think about -- you know, Judge Woods or
12:54PM 11 the in coming judge about how they want to handle their
12:54PM 12 bonds, whether or not they want to do it . I hear your
12:54PM 13 panic about wanting to get off the bonds because it 's a
12:54PM 14 -- you know, you should be entitled to make a living
12:54PM 15 properly and get -- and it holds up your money. But as
12:54PM 16 far as how to make that happen, I have no idea . But it
12:54PM 17 really comes down to the courts . The courts need to
12:54PM 18 decide on how they wish to conduct those bond situation s
12:54PM 19 and whether or not it 's 180 days or 120 days or 60 days.
12:54PM 20 They need to decide that .

12:54PM 21 MS. LANDRY: It actually doesn't hold up
12:54PM 22 their money until the case is actually filed . Then it
12:55PM 23 cuts off their liability . It does not cut off their
12:55PM 24 liability until there is a case number. There is no way
12:55PM 25 to keep track of it before that .

12:55PM 1 MR. REED: It 's just keeping -- if somebody
12:55PM 2 -- if you can't find that person in six months, then --
12:55PM 3 and then this case is filed in five months. Well, this
12:55PM 4 guy has been gone for four months. You know, there is
12:55PM 5 no warrant. He's been in and out of jail . So, there 's
12:55PM 6 no relief . You know, he can go to jail three times ; and
12:55PM 7 if a case has not been filed , there is no relief to us .

12:55PM 8 MR. KNAUTH Somebody has -- I don't have
12:55PM 9 an answer to this problem . I don't. I mean, we've got
12:55PM 10 -- I have extra people at intake to try to make it go
12:55PM 11 faster and more economical . We're hit with the Michael
12:55PM 12 Morton Act which we're required to get a lot more
12:55PM 13 information which requires more man hours, more
12:55PM 14 manpower. We have more video which we have to make
12:55PM 15 copies and present to the defense lawyers . It 's - -
12:56PM 16 we're getting it from every side . So, we're doing the
12:56PM 17 best we can. And we don't mean anything personally .

12:56PM 18 MR. REED: There is no question about that .

12:56PM 19 MR. KNAUTH We're limited on staff . But
12:56PM 20 that 's because -- that 's because of the economy. I'm
12:56PM 21 just kidding . We're great .

12:56PM 22 MR. REED: A lot of these misdemeanor bonds
12:56PM 23 aren 't going to be written , especially the ones that
12:56PM 24 are high misdemeanor bonds. And they 're just going
12:56PM 25 to --

12:56PM 1 MS. GARCIA: On the court 's side of it, the
12:56PM 2 conflict comes in when there are multiple charges
12:56PM 3 involving DWI and drug cases and other cases and the
12:56PM 4 avenues these cases can't be kept together with the
12:56PM 5 courts because we've got one set of actions and
12:56PM 6 justification going this way and another set going this
12:56PM 7 way. So, you may get a bond forfeiture on this one, but
12:56PM 8 you're not going to get -- you know, typically we keep
12:56PM 9 everything together . So --

12:56PM 10 MR. REED: You know, in the last 20 years
12:57PM 11 it worked that way. It's worked smooth. All the
12:57PM 12 sudden, you know, everything -- every "I" has to be
12:57PM 13 dotted and every "T" has to be crossed now to make other
12:57PM 14 people 's life a little bit better . So, the bondsmen get
12:57PM 15 hit with everything . If you can find -- if you can find
12:57PM 16 a way like Houston , like Harris County does , to assign a
12:57PM 17 number as soon as they hit the jail and then we can get
12:57PM 18 off the bond when and if we have to, then that would
12:57PM 19 work for everybody .

12:57PM 20 UNIDENTIFIED SPEAKER: Can I say something
12:57PM 21 about that ? One of the reasons we -- like , on the case
12:57PM 22 number deal , normally what happens a lot of times on --
12:57PM 23 in some counties when there is a non-assigned case, no
12:57PM 24 case numbers , there 's a JP that comes in and sets the
12:57PM 25 bond. So, in a lot of counties what happens is, if the

12:57PM 1 case never get s indicted or never gets accepted , you
12:58PM 2 take it to get off the bond you take it to the JP level
12:58PM 3 to get that . Here now the magistrates sets the bonds on
12:58PM 4 most occasions , on 90 plus percent of the occasions .
12:58PM 5 So, that 's where the problem is . We don't have a case
12:58PM 6 number to get off . Normally , like , say if JP 2 sets the
12:58PM 7 bonds and we want to get off John Doe for JP 2, we would
12:58PM 8 take it to JP 2. And the case here , we don't have that
12:58PM 9 because the magistrate sets the bonds . So, that 's - -
12:58PM 10 like AI is saying , we don't have a case where we can get
12:58PM 11 off because that 's the scenario of why we're not able to
12:58PM 12 get off bonds , because the magistrate sets the bonds .

12:58PM 13 JUDGE BRANICK: We're in litigation right
12:58PM 14 now with the City of Beaumont over jail fees . And there
12:58PM 15 is -- we have magistrations here , and our deal for years
12:58PM 16 worked well for 25 years . When the DA accepted a case,
12:58PM 17 then they become our prisoner . I don't know if there 's
12:59PM 18 a way that you can go back to the magistrate s that are
12:59PM 19 there every morning .

12:59PM 20 MS. GARCIA: Theresa and I had a suggestion
12:59PM 21 to alleviate that problem . There is a unique number
12:59PM 22 assign ed to every person that goes in there . That 's the
12:59PM 23 TRN number. That TRN number is a unique number that is
12:59PM 24 assigned regardless of how many charges they 're brought
12:59PM 25 in there for . It's that number plus an A01, A 02, A 03.

12:59PM 1 That 's a unique tracking number. Our suggestion was, if
12:59PM 2 the courts would allow it , to file your AFRS or
12:59PM 3 surrender or whatever under the TRN number if the case
12:59PM 4 hasn't been assigned a cause number and filed with the
12:59PM 5 court . And that would be kept at the jail . Let the
12:59PM 6 magistrate sign off on it . Let it proceed that way.
01:00PM 7 And then that paperwork , if and when the case is filed ,
01:00PM 8 would all go with that file at that time .
01:00PM 9 MR. KNAUTH I like that idea . I would
01:00PM 10 want the blessing of Clint and Raquel as well .
01:00PM 11 MS. GARCIA: That's the -- it kind of fell
01:00PM 12 off on that part . That was our thought process , that it
01:00PM 13 would be a win/win for everybody .
01:00PM 14 MR. KNAUTH Would give him relief and --
01:00PM 15 MR. REED: Absolutely .
01:00PM 16 MR. KNAUTH I like that idea .
01:00PM 17 MR. REED: I like it, too.
01:00PM 18 JUDGE BRANICK: Whos is going to present
01:00PM 19 that to Clint and Raquel ?
01:00PM 20 MS. GARCIA: I can certainly talk to them.
01:00PM 21 JUDGE BRANICK: Why don't you and Pat talk
01:00PM 22 to them.
01:00PM 23 MS. GARCIA: That's fine . I know Judge
01:00PM 24 Woods has not been feeling well . He's been out for the
01:00PM 25 last couple of days .

01:00PM 1 MR. REED: Thank you .

01:00PM 2 MS. GARCIA: I guess we'll table this until

01:00PM 3 we can discuss it with the judges .

01:00PM 4 MR. FUNCHESS Sure. If you plan on taking

01:00PM 5 action and you want to make an action item on the agenda

01:01PM 6 so we can consider it .

01:01PM 7 Anyone have anything else ?

01:01PM 8 MS. GARCIA: And we've got to go back to

01:01PM 9 Number 7. I put that on there only because there is a

01:01PM 10 little bit of confusion at the jail when the bonds are

01:01PM 11 coming in there is no identifying factors that an

01:01PM 12 attorney is writing this bond . And most of you-all know

01:01PM 13 that when an attorney writes the bond, there is no

01:01PM 14 expiration . They're excluded from the time period and

01:01PM 15 all that . But whenever she's marking these bonds and

01:01PM 16 they're coming to the courts, sometimes they're marked

01:01PM 17 over 60 days. And by the time we've gone through the

01:01PM 18 motions of issuing the warrants and whatnot, it's - -

01:01PM 19 we've got to start back tracking everything . So, my

01:01PM 20 thought was if we can get this Item Number 8 ironed out,

01:02PM 21 because that language is going to need to be included on

01:02PM 22 their bond, but just have some kind of identifying

01:02PM 23 factors -- I think temporarily we already did out at the

01:02PM 24 jail -- write "attorney bond" on it so she knows this is

01:02PM 25 bond is written by an attorney and it will not expire .

01:02PM 1 But that was all that this was for , just so we can be
01:02PM 2 clear that this bond is written by an attorney and it
01:02PM 3 does not expire so the courts will be aware of that .
01:02PM 4 MR. FUNCHESS Okay. All right . Well , if
01:02PM 5 there is nothing further , do I hear a motion to adjourn ?
01:02PM 6 MR. KNAUTH I so move.
01:02PM 7 JUDGE BRANICK: Second.
01:02PM 8 MR. FUNCHESS We're adjourned .
01:02PM 9 (Conclusion of Bail Bond Board Meeting at
01:02PM 10 1: 02 p.m.)

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