

1 **BAIL BOND BOARD MEETING**

2 **JUNE 8, 2017**

3

4 THOSE PRESENT: Judge Clint Woods

5 Judge Raquel West

6 Judge Ken Dollinger

7 Cindy Ferguson

8 Regan Corbello

9 Becky Garcia

10 Theresa Goodness

11 Al Reed

12 Mary Godina

13 Tina Landry

14 Dustin Galmor

15 Tonja Voorhees

16 Brandi Sewell

17

18

19

20

21

22

23

24

25

1 JUDGE DOLLINGER: We will call the June meeting
2 to order. We have a quorum present. First order of business is
3 to review the minutes from last meeting. I have a copy that's
4 been provided if anyone has not had an opportunity to read them.
5 Were they also posted on the website?

6 THE REPORTER: No, sir. My understanding was
7 they want them approved before they are posted.

8 JUDGE DOLLINGER: Okay. Gotcha. Gotcha.
9 They are here if anybody wants to look them over and give us
10 your suggestions or changes or corrections if you see any that
11 need to be made. We will certainly entertain those.

12 MS. LANDRY: Let me know so I can get them
13 posted. I do have it in an email, and I can get it to you.

14 JUDGE DOLLINGER: Correct. I propose we - I
15 propose we take a vote on approving them pending anybody here
16 who wants to take a look at them and make a correction, addition
17 or deletion from them. If we don't hear any, then they will be
18 posted. If we do, then we will correct them or hold them until
19 next month if it's a matter that's in dispute.

20 MS. GOODNESS: I make a motion.

21 JUDGE POLLINGER: Have a motion. Second?

22 MS. FERGUSON: Second

23 JUDGE DOLLINGER: All those in favor of posting
24 them without objection.

25 (RESPONSES MADE)

1 JUDGE DOLLINGER: Opposed?

2 (NO RESPONSE)

8 Hearing none, we will move on.

9 Next is consideration and approval of applications to become
10 bondsmen or agents and renewals.

11 MS. GARCIA: There are none.

12 JUDGE DOLLINGER: None. Okay.

13 Complaints against bondsmen, Ms. Godina?

14 MS. GODINA: I don't have any at this time.

15 JUDGE DOLLINGER: None.

16 | Okay. Report from the Treasurer's office.

17 MS. GARCIA: I did pass that out. No one from
18 their office was available to attend today's meeting.

19 JUDGE DOLLINGER: Okay. So that's this one?

20 MS. GARCIA: Yeah.

21 JUDGE DOLLINGER: That's the Treasurer's office
22 there. Anybody have any comments or discussion on the
23 information, the collateral that's posted on bonds? Hearing
24 none, we will pass that.

25 Report from the Auditor's office.

1 MS. GARCIA: She is - Rhonda is also
2 unavailable to attend today's meeting.

3 JUDGE DOLLINGER: Okay. And she didn't send us
4 a report so - Okay. And the last item printed on the agenda is
5 to review the previous procedures on transfer of refused bonds.
6 Is that what that is saying?

7 MS. LANDRY: Me and Dustin had talked about
8 this a few weeks ago, maybe a week ago, and we just wanted to
9 clarify because they had a rule that stated we can't - the
10 60-day rule was not in effect.

11 JUDGE DOLLINGER: Correct.

12 MS. LANDRY: And the question now is say if you
13 get arrested for like a DWI, the District Attorney's office
14 refuses the case and then they refile it as an enhanced. A
15 warrant is activated, but it's actually a warrant on the same
16 case. It's just that the arresting officer booked them in as
17 a --

18 JUDGE DOLLINGER: As a first, as opposed to a
19 second or a third.

20 MS. LANDRY: Or an enhanced. And does that
21 also constitute a new bond? Because once the case is refused,
22 then Cindy sends the bond back to the bondsmen because she has
23 no idea that they are going to refile it as anything else.
24 We've been issuing at large without proper bond on -- or at
25 large without bonds on those. In the past we had judge -- who

1 was it? Was it Judge Flores?

2 MS. GARCIA: (Nodding)

3 MS. BENOIT: And had -- we did a transfer order
4 transferring that bond from the initial bond to the new case
5 once the case was refused but I don't know.

6 MR. GALMOR: Well, I think one of the issues is
7 it's -- obviously if it went to a felony, it's different because
8 the bond is going to be a lot higher and all of that. But on
9 these particular cases, these DWI first with enhancement, the
10 bond amount is not even different. It's the same bond amount.
11 So, I mean, I think that's kind of an issue.

12 But I went through this other day on a felony
13 and the jail took care of it somehow on their own. I'm not
14 exactly sure how it works. But apparently the jail somehow
15 makes a decision on what cases to issue warrants on and what
16 cases not to.

17 MS. GODINA: No.

18 MR. GALMOR: Well, they did a reindictment; and
19 they, on that reindictment, they put that person on bond. It
20 was that case that was in your court.

21 JUDGE WEST: I know. I was wondering how that
22 happened.

23 MR. GALMOR: And it was without our
24 involvement. The jail did it on their own. So I don't know how
25 that works.

1 UNIDENTIFIED SPEAKER: I think that was mine.
2 I don't either. I don't what happened on that.

3 JUDGE WEST: I mean, we were -- we had
4 discussed this beforehand knowing it was going to be an issue
5 and I had already told Dustin in this particular case if it
6 happened, let me know and that I could see if I could do some
7 kind of transfer to make that happen but it somehow happened and
8 I don't know who did what.

9 MS. FERGUSON: On reindictments? On the
10 reindictments, we had talked to district clerk. Remember? And
11 it was like as long as the bond was not dismissed or whatever,
12 it would carry. Now, if it was dismiss, if the case had been
13 dismissed or refused or whatever the case is, the bond is null
14 and void and they're put at large.

15 JUDGE WEST: Okay. That makes sense.

16 MR. GALMOR: In doing the research on that --

17 MS. VOORHEES: The jail doesn't authority to
18 automatically --

19 MR. GALMOR: Doing the research on that, the
20 bond can certainly be transferred on like these misdemeanors.
21 But I think an issue might be the fact that if the bond is being
22 discharged prior to the enhancement case being filed, well then
23 you can't transfer it because it's already been discharged.

At the same time, though, I think the problem
is that a person is still posting bond on a particular fact

1 scenario and then through no fault of their own is being made to
2 be bonded twice and it's also, I mean, it's an economic or
3 financial thing. I mean, nothing is gained out of SWAT team
4 going to this person's work and arresting them. Nothing is
5 gained by tying up the jail and nothing is gained. I don't see
6 anything gained anywhere. And the bond is not even different.
7 It's the same amount.

8 JUDGE DOLLINGER: What about in the case,
9 Dustin, where you would have, say, a DWI second and the case
10 gets up to the district attorney's office, intake division, and
11 all of the sudden they see besides the one previous DWI, they
12 find two others in another state or another county in this state
13 and they say, "Wait a minute. We don't have a misdemeanor
14 anymore. We now have a felony."

15 MR. GALMOR: Well, that's different because the
16 bond amount is almost always going to be different. Misdemeanor
17 presets are usually 1000 or 2500 or something like that.
18 Felonies typically are going to be at least 5 or 10 or 15 or 20
19 on a DWI third. So those, the problem there would be the
20 previous bond would be insufficient to even cover the new case.
21 But in this particular situation which has happened a lot are
22 these DWI first enhanced to DWI .15 overs but the bond amount is
23 the same, the same fact scenario. It is a B to an A, though.
24 So there is that distinction.

25 MS. FERGUSON: That's the difference. See,

1 that's what I was going to say. That was the difference that
2 was talked about way back when when we started doing all of
3 this, is that it changes classes. You're going from an A to a
4 B. Even though the bond amount stays the same, the judgment in
5 the end is different; therefore, you refuse the A, or you refuse
6 the original DWI because it's picked up as an enhanced which
7 changes classes which makes the judgment different in the end.

8 JUDGE DOLLINGER: And I understand that, but
9 I'm still -- maybe because I don't do it everyday. I'm still a
10 little bit concerned why if the bond amount for a B or an
11 enhanced is the same amount of money and the person has made a
12 bond of that amount of money, why do we put them to the task of
13 going and making yet another?

14 JUDGE WOODS: Well, it shouldn't be the same.
15 A and B's are different.

16 MS. FERGUSON: DWIs, they are. DWIs are the
17 same.

18 JUDGE WOODS: On A and B?

19 MS. FERGUSON: On DWI, yes.

20 MR. GALMOR: I thought when I looked at the
21 schedule back there was -- because a DWI above .15 is still DWI
22 first on the schedule -- DWI first, DWI first.

23 MS. LANDRY: But I think it says all DWIs.

24 MS. FERGUSON: All DWIs are the same bond
25 amount. Now, your Class As and your Class Bs are different,

1 from 1000 to 2500. But on DWIs they are the same amount, no
2 matter if it's a first, second, enhanced, open container. The
3 bond amount is the same until you get to the third. You know,
4 it's a felony, and then that's set by whatever.

5 MS. LANDRY: You want me to go grab the list?

6 JUDGE WOODS: Yeah.

7 JUDGE WEST: I kind of feel like we might be
8 talking about two different things that we're all -- you're
9 talking about going from a Class B to a Class A or you're going
10 to talk about a Class B that's enhanced because of --

11 MR. GALMOR: Being above .15.

12 JUDGE WEST: -- being above the limit, not
13 because it's the second one.

14 MR. GALMOR: But both of those, I mean, that
15 makes it go from a B to an A.

16 MS. FERGUSON: If it stays the same class, we
17 can carry the same bond. If it's the same -- you know, the same
18 charge, within reason. And we have done that. We've done that
19 on some of the indictments as far as if it stays the same class
20 but changes just a little bit, we'll carry that bond over as
21 opposed to issuing another warrant. But if it changes classes,
22 per our discussion of this meeting several times --

23 JUDGE WEST: I know.

24 MS. FERGUSON: -- that's what I do. I put them
25 at large or I put them -- according to whatever the situation

1 is, that's how it's put, per, again, the meetings we've had over
2 and over.

3 JUDGE WEST: I mean, and I agree that -- I
4 don't necessarily like it. I just see that it's how --

5 MS. FERGUSON: I agree.

6 JUDGE WEST: I don't think someone should be
7 put to the task, like you said, Judge, about having to make a
8 bond for the same fact scenario. Maybe increase of a bond if it
9 shows up.

10 MS. FERGUSON: Make it different.

11 JUDGE DOLLINGER: Oh, absolutely.

12 JUDGE WEST: But I also know that we've had
13 this discussion and haven't figured out a way to fix that.

14 MS. FERGUSON: And that's what I'm saying. I
15 do exactly, you know, what we've discussed and talked about
16 exactly.

17 MS. BENOIT: Okay. What it says is a DWI first
18 which is a Class B is \$1000. A DWI second with an interlock or
19 a random drug or alcohol screening is 2500. All other Class As,
20 which that would be the first being bumped up to an A, is \$1000
21 so it stays at \$1,000.

22 MR. GALMOR: Stays the same.

23 JUDGE WEST: So the enhanced, because of the
24 other circumstances, stays at 1000 even though it goes up to a
25 Class A?

1 JUDGE WOODS: The .15.

2 MS. LANDRY: Because all Class As are 1000.

3 All other Class As.

4 MR. GALMOR: DWI first are Bs but they are the
5 same equivalent as an A because they are DWIs.

6 JUDGE WEST: Right.

7 MR. GALMOR: Is the DA's office routinely just
8 refusing the case in order to file the enhancement? I mean, why
9 isn't the case getting refused before they file an enhancement?

10 (PEOPLE SPEAKING SIMULTANEOUSLY)

11 JUDGE WOODS: They won't file the case until
12 they get the blood results. So they'll file it as a Class B.
13 They get the blood results back and it shows it's above .15,
14 then they refile it as a .15.

15 MR. GALMOR: But it's never filed in the first
16 place, though?

17 JUDGE WOODS: Huh?

18 MR. GALMOR: Was it ever actually filed in the
19 first place? There was an arrest, but the DA's office is not
20 filing --

21 JUDGE WOODS: Right. I'm sorry. Right.

22 MR. GALMOR: They're refusing it at some point
23 before they file it. But what's the purpose of the refusal?

24 JUDGE WEST: Are they refusing it, or are they
25 just --

1 MS. GODINA: Pending.

2 JUDGE WEST: Right.

3 JUDGE WOODS: Deferring.

4 JUDGE WEST: Deferring it.

5 MS. FERGUSON: It's refused.

6 JUDGE WEST: It's refused?

7 MR. GALMOR: I think the refusal and the
8 discharge of the bond is what's causing a problem with easily
9 being able to transfer those over because I don't think you can
10 transfer it if it's been discharged.

11 MS. FERGUSON: You can't.

12 MR. GALMOR: But maybe something can be looked
13 at on why it's being discharged.

14 MS. GARCIA: Well, I've actually approached
15 this issue with the DA's office before because sadly when these
16 people are going back and getting background checks, they're
17 seeing an arrest for this one and then they have the arrest for
18 the next one to make a bond so it causes great confusion that,
19 "Hey, it appears out there that I have two when I only had one."

20 MR. GALMOR: Uh-huh.

21 MS. GARCIA: And if they would just stay with
22 receiving the case until they are sure how they want to file it
23 and then --

24 JUDGE WEST: Maybe we can talk to the district
25 attorney's office again.

1 MS. FERGUSON: The reason that they're refusing
2 them is because of the meetings we've had and the decisions that
3 were made here to let them refuse it. I can guarantee you
4 that's exactly why they're refusing them because it was
5 discussed and asked in this meeting.

6 MS. LANDRY: It was, but I still don't agree
7 with it, I mean.

8 MS. FERGUSON: I don't agree with it, but
9 that's why they're doing it. I can tell you now, it's because
10 that's the decision that the board made and we all agreed upon
11 at some time or another.

12 MR. GALMOR: Even if they refuse it, though,
13 what requires the bond to be discharged in these situations?

14 MS. FERGUSON: The case is refused.

15 MS. GODINA: She gets the refusal from the DA's
16 office.

17 MS. FERGUSON: That refuses that charge and
18 that bond is null and void.

19 JUDGE DOLLINGER: And has to be returned?

20 MS. FERGUSON: Uh-huh.

21 MS. GARCIA: The refusal is equivalent to a
22 disposition.

23 JUDGE WOODS: Because some cases are refused
24 and they are never refiled. But then some of these
25 circumstances we have that are refused but refiled.

1 MS. FERGUSON: Right. In the same day.

2 JUDGE WOODS: Right.

3 MR. GALMOR: But it seems like the only real
4 situation here is just these DWI enhancements. I don't see this
5 in other cases that I can think of.

6 MS. BENOIT: That is true. And the
7 enhancement -- and that's when this all started to begin with
8 because we talked to the DA's office way before the bail bond
9 board even got involved, asking please do not refuse a case just
10 have it pending lab and then you can always go in and change the
11 code and it will still say DWI. It will say enhanced, but you
12 can just go in and change the code once you file the case and
13 back then it was Ramon that was in charge of it and they --

14 MS. GARCIA: Tina and I and the DA's office and
15 Judge Flores tried to relay that information to the district
16 attorney's office and it just didn't sink in. It's really a
17 clerical thing that can prevent this and they're just not seeing
18 it.

19 MS. GODINA: They do have a lot of codes
20 that -- I mean, I know y'all see it, too, where it says pending
21 lab results or lab reports or whatever. It's the 83 or 85,
22 whatever the code is. That's Corey and Sarah in intake.

23 MS. FERGUSON: Right.

24 MS. GODINA: So I don't know why they wouldn't
25 just leave them in the pending status.

1 MS. GARCIA: Well, what Tina and I had
2 discussed with them is if they receive the case, obviously
3 they're not going to create cause number and typically they'll
4 put it in an internal office code is 5404 and then once they get
5 the results, they would change that to a 5416 with the
6 enhancement but at the time that they get the results in, then
7 file the case. But what they're doing is they are filing the
8 case immediately, give it a cause number and then saying, "Oh,
9 we got lab results in. Let me change this." So they'll refuse
10 it and refile it in the same day a lot of times.

11 MS. GODINA: Yeah, that's what I'm saying. I
12 don't know why they just don't leave it in the pending status
13 until they get the results back to know which way to go

14 JUDGE DOLLINGER: Maybe the resolution would be
15 to have a meeting with Mr. Knauth and whoever is in charge. I
16 don't know. Is Jerry Holmes?

17 JUDGE WEST: Corey Neeland.

18 JUDGE DOLLINGER: Corey is over the intake
19 division. Have a meeting with Corey and Mr. Knauth and see if
20 we can come to some consensus about a way to do it that wouldn't
21 put the people who are on bond at a disadvantage. I mean, I
22 understand we got to protect the county and I understand that
23 the different charges. But if the amounts are not different, I
24 don't really see the reason we're going forward the way we're
25 going forward right now. I mean, I understand what you're

1 doing. That makes perfect sense but --

2 JUDGE WEST: And we've talked about it and done
3 that but it's obvious it's still not resolved and I think
4 talking to them about it again might be helpful, to say that
5 we're still having these issues and see if there is --

6 MS. FERGUSON: And if the bond transfers, put
7 that back in. Because that was one of the discussions that we
8 decided not to do bond transfers. If that's a fix to it, that
9 would be something that where instead of refusing the case, once
10 they picked it up and they decide what it's going to be and what
11 the charge is going to be, then the court can authorize a bond
12 transfer to apply the original bond to the case that's actually
13 being picked up. That would take care of it.

14 JUDGE DOLLINGER: Why don't we see if we can --
15 Tina, if you might be able to set up a meeting with Corey and
16 Pat for, say, the week of the 19th or 20th, sometime maybe
17 during lunch, and we just get together and see if we can work
18 out a solution and we'll let everybody know who is a member of
19 the board and if you want to attend, please feel free to come
20 and give us your input.

21 MS. LANDRY: What's Corey's last name.

22 MS. GODINA: Corey Neeland. And you'll have to
23 get Sarah.

24 MS. FERGUSON: Neeland. Yeah, definitely
25 Sarah.

1 JUDGE DOLLINGER: Any other new business that
2 we need to take up that was not published on the agenda?
3 Hearing none.

4 Any old, unfinished business that's not on the
5 agenda? Not hearing any so -- somebody is over there smirking
6 at me. I don't know if that's --

7 MS. GARCIA: Make a motion.

8 MS. GOODNESS: I make a motion we adjourn.

9 JUDGE DOLLINGER: Oh, all right. Cool. All
10 those in favor, be quiet.

11 (MEETING CONCLUDED AT 12:55 P.M.)