

How a media frenzy and Republican politics led to a new law targeting The Bail Project

Ryan Martin, Tony Cook and Lawrence Andrea Indianapolis Star

Published 5:23 a.m. ET March 24, 2022 | [Updated 2:47 p.m. ET March 25, 2022](#)

Aaron Freeman read a list of 10 names to his fellow Indiana state senators in January. Each name represented someone accused of a violent crime who had been bailed out of jail by The Bail Project.

There was a problem, though, with Freeman's list.

At least five people were out of jail because someone else — not The Bail Project — posted their bonds. And for two others, the nonprofit paid bail in earlier cases but was not responsible for their most recent releases from jail.

The inaccurate list shared by Freeman, an Indianapolis Republican, is just one example among many demonstrating the misinformation surrounding the passage of a new law designed to crack down on charitable bail organizations. Republican lawmakers pitched the legislation as part of a package of bills to address Indianapolis' struggle with violence.

Bail is money defendants are required to put up to ensure they appear in court. If they don't show up, the court can keep the money. The Bail Project, which started operating in Indianapolis at the end of 2018, covers the cost of bail to ensure people are not stuck in jail prior to trial simply because they are poor.

But the nonprofit organization's time in Indianapolis is now under threat after the revelations that it played a role in bailing out two people who were later charged with murder and a third person who was later accused of stabbing two Indianapolis police officers.

The Indianapolis police union has breathlessly challenged the organization on social media. Republican lawmakers have echoed the attacks. And local media have repeatedly published

incomplete stories or misleading statistics that fueled those criticisms.

The narrative was clear: The Bail Project is a major contributor to Indianapolis' record number of homicides.

An IndyStar analysis, however, reveals a much different picture. Reporters examined the 225 murder cases filed in Marion County since the nonprofit's inception in December 2018. IndyStar could identify just 37 people, or 16%, who were out of jail in a pending Indiana case prior to the homicides.

And of those? Three were linked to The Bail Project.

That represents 1% of the murder cases filed in Marion County in that time period. And it represents less than 1% of the people bailed out by The Bail Project.

"We're talking about really tiny numbers," said Eric Grommon, an IUPUI criminologist who has studied pretrial release. "We look at tragic exceptions, and not the norms, when we're creating legislation."

Commercial bond agents bailed out more people who were later accused of murder. IndyStar's analysis found 10 cases. One company alone — Barbara Roach Bail Bonds — matched The Bail Project's total.

No one shared that information in the halls of the Indiana Statehouse, where the commercial bond industry has spent hundreds of thousands of dollars over the past decade to influence legislation.

Instead, what emerged was House Bill 1300, which focused solely on charitable bail organizations. The bill prevents such groups from bailing out people accused of violent crimes; requires them to register with the Indiana Department of Insurance; and bans them from receiving taxpayer dollars.

The commercial bond industry is still free to bail out whoever it wants. And bond agents stand to benefit from the loss of a nonprofit competitor. Unlike The Bail Project, they typically charge a 10% fee for bonds that often run into the tens of thousands of dollars. The agents, meanwhile, promise the court to cover the full amount if the defendants fail to show up. They also hold the defendants financially responsible.

"A small number of headlines from maybe one Twitter account and one news outlet are completely driving this conversation," said Jasmine Heiss, a researcher and project director

for The Vera Institute of Justice, which advocates for alternatives to jailing. "That's how politics overtake good policy, and people are harmed in the process."

The right to bail is enshrined in Indiana's constitution — right alongside the right to bear arms. But Heiss said the legislation erodes that right. As a result, more low-income Hoosiers will remain unnecessarily in jail.

Gov. Eric Holcomb signed the new restrictions into law this month. It marks a victory for the commercial bond industry at a time when similar battles are playing out in other states, such as Florida, Kentucky, Texas, Virginia and Washington.

But if Indiana lawmakers hoped to significantly address Indianapolis' homicide problem, the numbers suggest their legislation is going to fall short. At most, the new law would have affected three cases involving The Bail Project.

One of those cases, in particular, illustrates the difficulty of trying to find a simple answer to a complicated problem.

The misinformed case of Travis Lang

Last October, a double shooting on the east side left one man dead and a woman injured. Police arrested Travis Lang, now 24, saying the shooting occurred during a planned drug deal that escalated into an armed robbery and homicide.

The case generated intense interest from Fox59, WRTV-6 and WISH-8. Each aired news stories emphasizing a detail: At the time of the homicide, they claimed, Lang was free because The Bail Project paid his bail.

Conservative personalities, too, pushed that narrative.

"Really hitting it out of the park there, Bail Project Indianapolis!" wrote the Hammer and Nigel Show, a conservative talk show on WIBC-FM (93.1).

The coverage, however, failed to include a full picture of what happened.

It is true that The Bail Project paid cash bonds in two of Lang's low-level felony cases: residential entry and cocaine possession.

But the nonprofit did not act alone. In two other cases, judges also set large surety bonds. Those are typically for larger amounts and are used in cases involving more serious charges. The defendant can either pay the surety bond's total sum or, more commonly, rely on a commercial bail agent.

The Bail Project cannot pay surety bonds because it is not a licensed bail agent.

Records show that two companies, Barbara Roach Bail Bonds and Smith American Bonds, covered Lang's two surety bonds.

Brent Smith, owner of Smith American Bail Bonds, downplayed the charges he bailed out Lang on — felony resisting law enforcement and a driving infraction — and emphasized they came two years before the man was accused of murder. Smith said he looks at previous charges before bailing someone out, but it's impossible to predict someone's actions.

"Fingers are being pointed to the prosecutor, it's being pointed at the judges, it's being pointed at the bondsmen, it's being pointed at The Bail Project," Smith told IndyStar. "As a bondsman, all I'm saying is: We don't set bonds."

Barbara Roach, who more recently bailed Lang out, did not respond to inquiries about her company's role in that case and others.

Lang was arrested again in July and charged with a misdemeanor. It was his last time in jail, records show, before the homicide. Lang would have remained there if someone hadn't bailed him out.

But someone did. It was not The Bail Project, though. The group said it declined to post bond in that case. Records show it was a friend or family member.

Put simply: The Bail Project paid bail in two of Lang's pending cases. Commercial agents posted bonds in two. And a friend or family member paid the most recent bail.

But the flurry of headlines — and the Republican legislation that followed — did not account for the full picture. The Bail Project suddenly found itself swept into the center of a brewing political battle.

Despite the bail industry's role in securing Lang's release, its trade group sent numerous press releases citing the alleged murder as a cautionary tale against the use of charitable bail funds.

The press releases did not note that commercial bond agents also posted bonds in Lang's cases.

The political battle in Indianapolis

If the bond industry had a financial incentive for targeting The Bail Project, Indianapolis Republicans had a political one.

Despite nearly total control of local offices, Democrats have been unable to reverse a yearslong rise in homicides. Republicans capitalized on that vulnerability by attacking The Bail Project, which received \$150,000 in city grants from 2019 to 2021.

Local Republicans latched onto the media coverage to question why Democrats Mayor Joe Hogsett and City-County Council President Vop Osili would allow The Bail Project to receive public funds. Each new headline created a fresh opening for Republicans.

"Another Taxpayer-Funded Tragedy," a Marion County Republican Party news release trumpeted after two IMPD officers were stabbed in December. The suspect had been bailed out on another charge by The Bail Project in April.

The statement did not mention a judge had released the suspect without bail in another case in August. That's why the man was out of jail when the officers were ambushed.

Others piled on around that time. Indianapolis Fraternal Order of Police President Rick Snyder called on lawmakers to address charitable bail groups. Even one of the state's highest officeholders, U.S. Sen. Mike Braun, jumped into the fray with a letter to Holcomb calling for regulations to be put on The Bail Project.

The fervor culminated in a package of bills carried by Republican state senators from Indianapolis. That included Freeman's bill targeting The Bail Project.

'A lot of blame to go around'

When asked about his inaccurate list, Freeman continued to insist each name he read was connected to The Bail Project.

"And even if one was not," Freeman told IndyStar, "some (cases) are egregious, and these people need to be regulated."

His primary goal, he noted, was to prevent charitable bail organizations like The Bail Project from receiving public tax dollars. "I certainly achieved my goal," Freeman said.

"These charitable bail folks were in the Wild West," Freeman added. "They didn't have any requirements at all or restrictions in code."

Bond agents are already regulated by the Department of Insurance, he said, and have financial motives to ensure clients return to court. If someone skips out on a court date, for example, a bond agent can go find the person. That's not the case with The Bail Project.

Representatives of the commercial bail industry emphasized those differences during the legislative session. Still, those factors did not prevent 10 clients of bail agents from becoming murder suspects.

American Bail Coalition executive director Jeff Clayton said "it's not surprising" bail agents bonded out more people who were later accused of murder than The Bail Project.

"We post a whole heck of a lot more bonds than they do," he said. "I would expect our numbers to be higher with higher risk cases."

The Bail Project paid bail in about 1,000 cases in Marion County, according to a report it shared with IndyStar. During that time, just over 5,100 surety bonds, most often involving a bail agent, were paid in Marion County.

Clayton deflected when asked about cases such as Lang's in which the bond industry played a role.

He said the \$150 cash bond that secured Lang's most recent release from jail prior to the murder was "low." Although the charge was a misdemeanor, Lang had four pending felony cases at the time. That bond, paid by friend or family member, was the "final straw," Clayton said.

"I guess in tragic cases," Clayton said, "there's a lot of blame to go around."

That's exactly why opponents of the new law are so frustrated. Amid all the finger pointing, only one organization was targeted.

Twyla Carter, the national legal and policy director at The Bail Project, said Holcomb's signing of the bill "formalizes the double standard" that people without money will remain in jail while those with money can get out.

"It certainly entrenches what we know to be an attack on us, an attack on poor people and confirms a vendor bill that was designed to pad the pockets of the bail bond industry," Carter told IndyStar.

With the legislative fight over, The Bail Project is now turning its attention to another challenge — this one inside Marion County's courtrooms.

The Bail Project's future is under threat

Marion County judges initially welcomed The Bail Project in 2018. They saw it as an opportunity to reduce jail crowding, which would cut costs for the county.

But the group's promise to provide follow-up services — rides to court, help with finding childcare or employment — was the real selling point.

The court agreed in December 2018 to return the group's bail money at the end of a criminal case as long as the defendant showed up for court dates. That was an exception because bail is supposed to be returned to the defendant regardless of who posted it.

As criticism reached a crescendo last December, though, the court suspended its support for the group.

Many judges believed The Bail Project fell short of its promise to provide services, Presiding Marion Superior Judge Amy Jones told IndyStar. The group also failed on some occasions to provide quarterly reports the court had requested, she said.

In response to the suspension, The Bail Project produced a report it provided to judges earlier this month. In the report, the group says its clients were re-arrested at a rate 20% lower than commercial bail bond clients. It also says its clients had a 95% appearance rate.

The report, however, includes no data on the number of services provided. The group blamed it on its rapid expansion.

That's a big problem, Jones said.

When judges reduce someone's bond, they are taking a risk. But they are willing to do so, Jones said, when they believe a defendant has the necessary support to stay out of trouble and return to court. Some people bring a pastor, employer or landlord. Jones considered The Bail Project to be another type of support.

Over time, though, The Bail Project's representatives appeared in court less often, Jones said. That coincided with the court's decision to preemptively release more people accused in low-level, non-violent crimes. Since those cases no longer needed bail, Jones said, it seemed as if The Bail Project began intervening in more serious cases.

"When you've got a group that came into our community and made these assertions that they were going to do certain things, I think the judges relied upon that and thought that was happening," Jones said. "So it makes it a bigger deal when one of their people goes out and gets arrested and charged with a subsequent case."

The judges are planning to meet this month to discuss The Bail Project's future in Marion County.

In the meantime, Jones said it does not matter who bails someone out of jail, whether it is a charitable bail organization or a bail bond company. Even when defendants violate the terms of their pretrial release, Jones said, bail bond companies are rarely required to pay the full bond amounts.

"Most of them make a few phone calls and they file something with the court. 'Um, will you release us from this?'" she said.

Jones also expressed skepticism about the bail bond industry's claims that agents do a better job compelling people to appear in court or keeping the public safe.

"When people think bond agents," Jones said, "they think we've got like a bunch of Dog the Bounty Hunters around Indianapolis and they're out tracking people down."

It's really just a financial arrangement, she said: "It's basically insurance."

A murder arrest

Two days before Gov. Holcomb approved new restrictions on charitable bail organizations, Indianapolis Metropolitan Police Department officers made an arrest.

Investigators say three people robbed a man who had been selling clothes from his car. Then someone shot him. Prosecutors charged 32-year-old Julius Thomas with murder.

At the time of the homicide, Thomas had been out of jail while facing two other felony cases. One is a gun charge. In the other, he is accused of leading state police on a high speed chase — nearly striking two other vehicles — before crashing into a guard rail.

Records show Thomas also has been convicted of felonies in at least four other cases, including robbery, unlawful possession of a gun and resisting law enforcement.

No Indianapolis media reported on Thomas' prior convictions or his two pending charges at the time of the homicide.

He was not out of jail because of The Bail Project.

It was Barbara Roach Bail Bonds.

Contact IndyStar investigative reporter Ryan Martin at ryan.martin@indystar.com or by phone, Signal or WhatsApp at 317-500-4897. Follow him on Facebook or Twitter: @ryanmartin.

Contact IndyStar reporter Tony Cook at 317-444-6081 or tony.cook@indystar.com. Follow him on Twitter: @IndyStarTony.

Contact IndyStar reporter Lawrence Andrea at 317-775-4313 or landrea@indystar.com. Follow him on Twitter @lawrencegandrea.