

The Bail Bondsman: An overview on the benefits and advantages of an efficient stakeholder in the Criminal Justice System

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Overview

- Introduction
- Judicial Process: Involving the Bail Bondsmen
- Risk Assessment
- Risk Management
 - Managing FTA Risk: The Bail Benefits of the Bail Bondsman
 - Effective Risk Management Tools
- Statistical overview of Bail Bondsman Efficacy
- “The Bail Bondsman of Today”
- Conclusion

Introduction

- Constitutional Bail:
 - All defendants shall have access to reasonable bail (US Constitution, Eighth Amendment)
 - Purpose:
 - Ensure defendants appear for trial
 - Protect community from threat of violence or harm posed by defendant prior to trial
- Bail Industry
 - Provide a conduit for release for those defendants who pose a sufficient risk, either based on charge or based on a risk assessment aide, to warrant a monetary condition of release

The Judicial Process: Involving a Private Bail Bondsman

- Arrest
- Bail Setting (Determining Risk/Risk Assessment)
 - Bail At Charging
 - Relies on Bail Schedule
 - Criminal Charge assumes several risk factors
 - Arraignment (First Appearance)
 - Relies on Risk Assessment
 - Monetary Bail Condition Imposed
- *Contact with Bondsmen (Risk Management)*
 - *Bondsmen is not involved in judicial process until AFTER arrest and Bail Conditions are completed*
- Underwriting Process
- Presentment Bond
- Release

Risk Assessment: Evaluating a Defendant to ensure Appearance and Protect the Community

- Presumptive Bail Schedule

- Presumes Risk based on common factors presented by like individuals charged with a particular class of crime
- Manages risk through presumptive financial condition of bail to minimize failure to appear and threat of re-offense

- Risk Assessment Aide

- Provide recommendation to Judicial Decision makers
- Used to evaluate factors relating to community ties and propensity to flee.
 - Length, and nature of residence in the community
 - Contacts with the community
 - Employment/Employment History
 - Criminal History/History of Failure to Appear

Risk vs. Need:

Understanding Bail Conditions

- “Risk” Based Bail Conditions

- Default Conditions
- Assessed for all defendants
- Generally, no cost to courts for administration
- Examples:
 - Monetary Conditions
 - Secured v. Unsecured Bonds
 - ROR

- “Need” Based Bail Conditions

- Heightened Awareness Conditions
- Assessed for ONLY those defendants who pose a “threat” based on a particular pattern of behavior
- Costly to administrate
- Examples
 - DAE/DAT
 - Mental Health
 - Anger Management

Managing Defendant FTA Risk: Benefits of Bondsmen

- Supervision Prior Trial
 - No cost to County
 - Require regular “check in” of Defendant
 - Telephone
 - In Person
 - May require GPS monitor for high risk defendants
 - Advise Bail Principal (Defendant) of Court Date
- Recovery of Failure to Appear (FTA)
 - Relies on Defendant Bail Bond Contract and Defendant Contacts
 - Locate Defendant
 - Generally within 24-72 Hours
 - Conduct Independent Investigation (No Cost to County)
 - Recovery of Defendant
 - Intrastate
 - Interstate
 - International

Industry Tools for Effective Risk Management:

- Circle of Responsibility/

- Circle of Love

- Created based on defendant relationships
 - Uses the “carrot and stick” approach to reacquiring a defendant
 - Two stage approach:
 - Voluntary Surrender of Defendant
 - Contacts to commence the “Backside” of Bail

- The “Backside” of Bail

- Refers to the contractual ability created between defendant, defendant support systems and Bail Bondsmen to recuperate the defendant
 - Generally, permits reacquisition of the defendant through lawful means and partnerships with other criminal justice stakeholders

The Efficacy of Private Bail (Surety Bond)

Information Collected from 1988-2007 from the
75 most populated US Counties

- Bureau of Justice Statistics
Summary, 1988-2007

- Defendants under Surety Bond are 28 % less likely to FTA than defendants ROR
- If defendants released on Surety Bond FTA, 53% are less likely to remain “at large” for an extended period of time (more than 30 days) compared to ROR defendants
- If a defendant “skips town” under surety bond, he is 64% less likely to remain a fugitive compared to ROR defendants

- Recent Trend Changes in Bail

- 1990-1994

- 41% of Defendants ROR
- 23% of Defendants on Surety Bond

- 2002-2004

- 42% of Defendants on Surety Bond
- 22% of Defendants ROR
- Only 19% of Surety Bond Defendants FTA, and of those FTA's only 3% remain at large for 1 year
- 33% Unsecured Bail Defendants FTA, and of those 10% remain at large for 1 year
- 27 % of Defendants under conditional release/supervision FTA
- 30% of ROR Defendants FTA



Professional, Responsible and Transparent:
The Bail Bondsman of Today

Conclusion

