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 flea.
    - 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