

Repeat offenders would welcome 10% bond programs

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In most places across America, if you were to find yourself in the untenable position of being on the business end of a glass partition, you would likely be calling a family member to get you back to breathing free air. In order to facilitate your rebirth, your family member would first need to march down to the local bonding company, plop down 10% and a deed to their property guaranteeing you will stand before the judge when called upon.

However, in some areas of this great nation, you could be lucky enough to be in a county jail, where the court will allow you to put up 10% of the bond as a deposit and an assurance you will appear in court. Unlike posting a bail bond, you will not have to check in once a week with your bondsman. You will not have to inconvenience family and friends by asking them to cosign or put up their home to secure your release from jail and guarantee your appearance in court. With a 10% deposit to the court you can roam the territory unsupervised and the unsuspecting public will be none the wiser. Should you decide not to show for court, don't worry about law enforcement stopping what they're doing to come track you down because your name would be at the end of a very long list.

Illinois, Kentucky, Oregon and Wisconsin are entirely 10% programs. States like Indiana and South Carolina have both 10% deposit bonds and corporate surety bonds and in some cases the courts will set a hybrid bond comprised of 10% and surety bond. Indiana has several counties (Bartholomew, Lake and St. Joseph) whose courts have decided to go entirely with a 10% deposit program, also known as a "give us what you have in your pocket then you're free to go" program.

A couple of years ago a local Gary, Indiana bondsman filed suit against Lake County. The basis of the suit was that the court was issuing forfeitures on surety bonds but not issuing forfeiture notices to depositors for defendants failing to appear on 10% deposit bonds; unequal protection under the law. Ultimately the appellate court did not rule on the issue and so the practice continues. The surety industry knows exactly why the court does not bother mailing forfeiture notices on 10% deposit bonds because with no guarantor they could not hope to recover the cost of mailing much less collect the remaining 90% of the bond.

Some jurisdictions like Larimer County, Colorado are considering initiating a 10% deposit program in their counties because, as one judge put it, "My feeling is defendants

are more likely to appear with their own money on the line”. The court, however, is not telling the public the whole story.

What the court is not telling the public, and what bail agents already know, is most often the defendant never receives their money back as it is typically seized to pay fines and costs associated with their criminal case. In the event of a failure to appear, a warrant may be issued, but it’s placed in the stack waiting to be served by an already overburdened warrant department. Then there is the matter of the unsecured 90% of the bond. Who is going to collect the 90% when the bond forfeits? Is the court going to add staffing and create a subrogation department to deal with all the collections? Not likely as this would undermine the underlying purpose of a 10% deposit program; to raise revenue.

To many it’s a short term fix. The courts generate revenue by sacrificing the act of carrying out justice, which cannot be done without a defendant present to receive it. What about the victims of crime who would be slighted by a 10% program? After their suffering, how are they to feel when their assailant is able to obtain release from jail by paying a 10% bond, with no guarantors, to roam the city unsupervised.

Usually these 10% programs are introduced after a local bondsman has run into problems and their stories are sensationalized. ‘Well, that bondsman stole this or that so we need to get rid of the whole damn industry’ as if no other segment of society has their share of screw ups. We have judges in Gretna, Louisiana taking bribes from a local bondsman. Are we then supposed to do away with judges and revert back to lynching people because it’s more expedient and less costly? What about the governor of Connecticut who was recently impeached for improprieties while in office. Are we now to do away with governors?

A 10% program would be just what the doctor ordered in the mind of the repeat offender. In business we like our expenses fixed in order to easily budget our money. Wouldn’t it be nice to walk up to a loan officer and make a one time payment of 10% on a \$100,000 loan with a only a signature guaranteeing payment of the balance - no collateral? Now most of us would stand by our promise to pay, but what about the 25% who miss there payment? How long can a bank stay in business if they were unable to collect what was owed?

The courts who are employing 10% deposit bond programs seemingly do not have any accountability. ‘Don’t look at the failures to appear and unserved warrants. Look over here at all the money we’re bringing in, that 10% really adds up!’ The court wants to think putting bondsmen out of business is doing society a favor when all they are doing is putting hard working citizens out of work, allowing repeat offenders to roam the area unsupervised and sending chills down the spine of thousands of victims of crime. But, hey, criminals are people too.