

KIMA 29 - Yakima, Washington 29

[Print this article](#)

Bail Shopping: "Washington's Dirty Little Secret"

Originally printed at <http://www.kimatv.com/news/local/121362079.html>

By David Klugh May 5, 2011

WASHINGTON -- KIMA is exposing the truth about bail bonds in Washington. Local prosecutors and judges call it our state's "dirty little secret". In fact, what we discovered will be news to many who have spent their careers working in our criminal justice system.

But what our Action News investigation reveals, is a potential threat to your safety.

Six days after posting bail on charges of raping a child, Maurice Clemmons walked into a suburban Tacoma coffee shop and murdered 4 Lakewood police officers as they prepared for their shifts.

Clemmons freedom from the Pierce County jail required posting a \$190,000 bond. Prosecutors, and Clemmons' victims felt secure knowing he could never come up with the 10-percent cash required to secure that bond. But he didn't have to.

Instead of the standard \$19,000 premium, Clemmons' family worked the system. The man who executed 4 police officers was freed for just over \$3000.

" We were deceived," says Yakima County Prosecutor, Jim Hagarty. "You know we were all assuming that it was 10%. We were all believing that he would have to post that kind of money."

Clemmons and dozens of inmates before and since shopped their bond... contacting one bail bondsman after another until they found the best deal. Prosecutors say 10% premiums in Washington are nothing but a myth.

Mark Roe is the Prosecuting Attorney in Snohomish County. "It's the dirty little secret that we didn't know about. You can essentially shop around and make the best deal to get out for pennies on the dollar."

Once the secret was out, the mission for Washington's justice system was clear. A

task force of judges, prosecutors and jail personnel was formed, a bill was drafted for the current legislature, testimony was given... and nothing was accomplished.

"Judges on the other hand were kinda pissed off about it," says Roe. "Because they're the ones with the black robes and they believe what they say should mean something."

Bail bondsmen admit that defendants and their families will attempt to work the system by pitting one bondsman against another and another and another and so on until they can finally get the cheapest bail possible. But they say bail shopping is the exception, not the rule.

One bail bondsman who did not want to be identified says this does not happen as often as some say.

"People that are not used to the bail industry will call one bondsman, a lot of times be turned down, and because they were turned down, they learn the information the bondsman wants. So, the next bondsman that they call they'll provide different information and they'll basically lie until they find someone who believes them who will then take the small amount and trust them to pay the rest."

He insists bail bondsmen in Washington see the 10% premium as a standard. Whether that means using collateral against the premium, like a defendant's Harley Davidson motorcycle sitting in his office, or a little creative financing.

"For instance when we write a larger bond, and there's a payment plan involved, typically we take some form of collateral to secure the other half of the money."

Bail Bondsmen are operating in a free enterprise system. They are a for profit operations. It is not their job to ensure public safety or set the standards by which inmates are freed or remain in jail.

Hagarty insists the lack of legal standards fails us all.

"When those serious public safety concerns are addressed by bail, then let's have some truth in that. Let's know, the citizens, the prosecutor, the court, let's know how much he will have to post to get out of jail."

Bond is a valuable tool in assuring both public safety and the rights of the accused. And bondsmen insist no legislation can guarantee both. But rest assured, local prosecutors aren't finished attacking what they see as a flaw in the system.

" When a Judge says this is how much bail is, everybody should know exactly what that means," says Roe.

Roe calls this is Washington's dirty little secret that 4 Lakewood police officers paid the ultimate price to expose.

To demonstrate just how wide spread confusion is about the bail issue, several bail bond web sites actually post that 10% is Washington law. It is not. Even several bail bondsmen we spoke with thought the same. And the legislatures failure this year to create some kind of standard should serve as fair warning to all crime victims, that your security cannot be based on the bond set by a judge.