





## Editorial: Dallas County's broken bond system

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It's not exactly surprising that Dallas County criminal court judges, as a rule, would just as soon not discuss how they handle the nettlesome issue of bond forfeitures.

As some excellent reporting from *The Dallas Morning News'* Kevin Krause and Ed Timms clearly demonstrates, those judges are a large part of the problem. This, remember, is the county where hundreds of thousands of dollars in forfeitures — sadly, no one really knows how much — goes uncollected, often because the bonds are judicially forgiven.

The short version is this: To get out of jail on bail, an arrested person generally fronts a bail bondsman about 10 percent, with the promise that he'll return for his next required court date. If the accused skips out, the bondsman is supposed to be on the hook for the full amount.

Except in Dallas County. Here, money that should go into the county's general fund is too often waved away, as if there were no laws or rules. In the 30 criminal courts — 17 for felony offenses, 13 for misdemeanors — judges do as they please. Give state District Judge Gracie Lewis points for candor, if not necessarily sound logic: "It's informal. At least for me."

This is the crux of the county's problems and one that only the judges, with a strong push from other county officials, can fix. In an "informal" system like Dallas County's, one judge may allow a bondsman to skirt the system and ask, without paperwork, for the judge to set aside a forfeiture. Kind of like no-fault insurance, except a suspected criminal is running free.

Krause and Timms found seven recent cases that cost the county \$700,000. That's real money when you consider it equals all bond forfeiture cash that the county has collected in the last two years.

Unlike other large Texas counties — and in apparent dereliction of state law — Dallas County has no written administrative rules to govern bond forfeitures. Harris County, for instance, has a set of rules and posts them online. So in Dallas County, not only is there no consistency among judges, they also aren't necessarily required to explain how they came to forgive a forfeited bond.

District Clerk Gary Fitzsimmons, who works with the county's courts, is doing what he can with audits and has some solid suggestions, but his authority ends quickly. Judges' only bosses are the voters who elected them, although county commissioners do have leverage over their budgets.

If there's any hope of fixing this mess, it could be a task force chaired by County Commissioner Elba Garcia. One of its goals is to draw up a template for judges to follow, a set of uniform procedures, on bond forfeitures.

At the very least, eh? Because without a clear set of rules, the long-term verdict for crime victims, alleged criminals and some hard-working attorneys is a bad one.

### Cleaning up the bail bond mess

Dallas County criminal court judges should agree to adhere to a common set of administrative rules governing bond forfeitures. Here are a few specific suggestions:

Require written motions from bondsmen or their attorneys to request setting aside a forfeited bond.

Require judges to put in writing in the case file the reason for forgiving a bond forfeiture.

Instead of forgiving entire bonds, offer percentage settlements to bondsmen; if bondsmen decline, they remain liable for the entire amount.