

Domestic Violence Reforms Target Bail Bondsmen

Accused abusers are freed through loophole in law

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HARTFORD — —

When Selami Ozdemir went home and shot and killed his wife before killing himself in West Haven last year, he was free on a bond for which he had paid little or no money up front — a process, known as "undercutting," that is used by some bail bondsmen in virtually every Connecticut courthouse.

On Monday, lawmakers on the state's domestic violence task force said they were taking aim at these bondsmen, because the practice of undercutting is most acute in family-violence cases — where the offender returns home to the victim and often assaults her again.

State Rep. Mae Flexer, chairwoman of the task force, said the state Insurance Department has said for years that it lacks the resources and the authority to adequately regulate the bail system in Connecticut. In this climate, undercutting — in which bondsmen set up payment plans with the offenders rather than collecting the amounts prescribed by statute — has flourished, with disastrous consequences.

"They don't have the authority to punish violators," Flexer, D-Killingly, said during a briefing on 25 new task force recommendations to build on domestic violence reform bills passed last year. In addition to bail reform, the proposed bills include a model protocol for how police respond to reports of restraining-order violations.

"We're talking about how to increase the Insurance Department's authority and evaluate the bail system," said Flexer. The legislature's judiciary committee will hold a public hearing in late March on bail reform and the other proposed bills.

"There's discussion about whether or not the Insurance Department is the right agency to be regulating the bail system. Maybe the Department of Public Safety should take it on," Flexer said.

She said that Milford State's Attorney Kevin Lawlor confirmed that undercutting had occurred in the Ozdemir case.

The practice is deeply ingrained in state courthouses. The law requires that bail bondsmen who write bonds for insurance companies charge defendants 10 percent for the first \$5,000 and 7 percent thereafter. That means \$500 on a \$5,000 bond and \$850 on a \$10,000 bond.

"Charging it is one thing; collecting it is another. That's where the problem lies," said veteran professional bondsman William Biestek of Meriden. Biestek has pressed legislators and insurance commissioners for bail reform for more than 10 years.

He said that bondsmen can enter into payment plans with defendants but that the Insurance Department has no way to determine if the full amount is ever collected. He said that payment plans are technically legal, and that the statutes would have to be clarified if the state wants to outlaw them.

"The Insurance Department frowns on payment plans, but all they can do is frown," said Biestek. If the bondsmen who don't require upfront payments can line up enough clients who are paying something every week, then it doesn't matter to them if the clients fail to pay the full amount.

"Happens every day," Biestek said.

There are two types of bondsmen — insurance producers and professional bondsmen. The producers are appointed by insurance companies to write bonds on their behalf. The professional bondsmen, like Biestek, use their own money and can only post bonds up to their personal worth. If a defendant absconds, then the professional pays the bond out of his or her own bank account.

The task force recommendations proposed Monday follow a series of reforms passed last year that include around-the-clock staffing for emergency shelters; a GPS pilot program to monitor high-risk, repeat offenders; the creation of more specialized domestic violence courts; improved employment protections for victims; and stricter enforcement of restraining orders and protective orders.

This year's recommendations include allowing teen victims of dating violence to obtain a restraining order against another teenager; requiring a person ordered to surrender a firearm after a domestic-violence arrest to turn over the gun to someone outside the household; and establishing protocols for police response to violations of court orders.

Police actions can vary greatly from department to department, said Erika Tindill, executive director of the Connecticut Coalition Against Domestic Violence.

"Many departments are extremely responsive and proactive," said Tindill, a former prosecutor. "But in the year 2011, the mindset that a man can do what he wants in his own home still exists out there. If we get the right people at the table and develop a model protocol that works for Connecticut and its 169 communities, then it won't matter if the occasional officer doesn't buy into the culture. These will be the rules."

Tindill said that she and other advocates were "thrilled" with the work of the task force, which was established in November 2009 after a series of high-profile, domestic-violence homicides. She said that other such task forces in the past had done little more than talk; this one, she said, has taken some of the most meaningful action since the landmark Tracey Thurman legislation of the 1980s.

On June 10, 1983, Charles "Buck" Thurman stabbed Tracey Thurman 13 times, stomped on her head, broke her neck and left her in a friend's driveway in Torrington. She had been abused and battered many times before. In 1984, she became the first woman in the country to sue a town and its police department for violating her civil rights, saying that she wasn't protected from the abuse. She won an award of \$2.3 million.

In 1985, Gov. William A. O'Neill appointed a 13-member panel of experts to change the way that Connecticut responds to family violence. The panel's report, in January 1986, led to Public Act 86-337, which, among other reforms, required mandatory arrests if police find evidence of domestic violence.