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Fix The Broken Bail Bond System

Friday, August 5, 2011

Opinion

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By Timothy Murray

Every day in America, half a million people sit in local jails awaiting trial. They are there because they can't afford to make bail. Two of every three of these people are charged with nonviolent offenses and are simply waiting to face their accusers.

Meanwhile, well-publicized and well-off defendants like former International Monetary Fund head Dominique Strauss-Kahn can make bail easily, no matter how high, and are released before court action. In effect, they have purchased their freedom until their trial begins.

The cost to local taxpayers to feed and house those who can't make bail is \$9 billion a year. We could save those dollars, ease prison overcrowding and bring more justice to the entire system with some relatively simple reforms.

Nearly 50 years ago, then-Attorney General Robert F. Kennedy convened the country's first national conference on this issue, describing the pretrial justice and bail system in America as "unsafe, unfair and ineffective." Unfortunately, that description remains accurate today. This outdated and dangerous system only benefits the special-interest, for-profit bail bond industry. It favors those who have the money to obtain bail, regardless of how dangerous those people are.

Recently a group of prestigious criminal justice organizations, together with the Office of Justice Programs at the U.S. Department of Justice, convened another national meeting on pretrial justice and bail reform. The 2011 conference examined the nation's progress toward a fair, safe and accountable system and sought to outline proven solutions.

States like Illinois and Kentucky banned for-profit bail bonds decades ago. Instead, they substituted a system that relies on family and community supervision for those charged with nonviolent offenses. This includes frequent contact with a supervising officer, mandatory assessments for substance abuse, and mental health and drug testing. The

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We need to fix the unjust pretrial system in which dangerous criminals who happen to be wealthy can purchase their freedom while nonviolent offenders must remain behind bars. We must move to a system based on danger to the public, not dollars. Judges must be empowered with the best possible tools to determine who should be held and who can be released with appropriate supervision pending trial.

Our local jails are increasingly overcrowded, at tremendous cost to our already-strapped local governments. Sensible reforms of state and local pretrial justice procedures should focus on safety while containing costs to the taxpayer.465 words

Murray is executive director of the Pretrial Justice Institute which is the nation's only nonprofit organization dedicated to ensuring informed pretrial decision making for safe communities through technical assistance, training and advocacy.

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