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Local officials against bill barring pre-trial release program spending

by Billy Ball

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Every day, Andrea Currin, coordinator and lone staff worker for Lee County's bustling pre-trial program, takes dozens of phone calls.

She sifts through piles of paperwork, ensures her 60-plus roster of defendants is following the court rules set upon their release from jail, and makes sure those with an impending court date are ready and willing to appear.

It's the daily minutiae, according to Currin, that makes her job and the program tick.

She deals with alleged criminals every day, but Currin is polite, firm and proud of the work she does.

Pre-trial, which has operated in Lee County since 2005, specializes in freeing nonviolent, low-income prisoners from jail and ensuring they make it to their court date, no small task in a day where police blotters are crammed with defendants who, for some reason or other, skip out on court.

County leaders swear by the program, particularly for its enormous cost-saving practices. Thus far this fiscal year, officials say pre-trial has provided Lee County with more than \$1.1 million in cost avoidance based on space saved in Lee County Jail.

"I'd do anything for Andrea, and I'd do anything for the pre-trial program," says Tiffany Pritt, one of Currin's former clients once accused of a slew of charges that include breaking and entering and larceny.

Today, Pritt is finished with more than 18 months of house arrest and electronic monitoring. She's set to wrap up her GED later this month and is looking toward a college education, much of which she attributes to pre-trial.

Pritt is just one of many coming to the defense of Currin and pre-trial because they believe the program is in real jeopardy of shuttering its doors come July 1.

Local leaders are riled up over Senate Bill 756, a measure in the N.C. General Assembly that, among its tenets, would effectively bar counties and the state from spending on pre-trial programs.

At this point, the state already does not provide funding for pre-trial. The impetus is placed on local governments like Lee County, some of which have given the

programs clearance in recent years.

The legislation, which has passed its first of three readings in the state Senate and awaits committee discussion, is the brainchild of bail bond lobbyists and others who argue that the program provides a logistics headache for law enforcement and a business bane for bondsman.

Those points, some will say, are debatable, but Currin points out there's nothing in doubt about the future of pre-trial if the bill passes as is.

"Effective June 30, 2011, it would shut us down," she said.

CRIME AND PUNISHMENT

To understand the pre-trial program, it's important to first grasp the bail process.

Bail acts as something of a guarantee for courts and police that criminal defendants will show in front of a judge. Yet depending on the accused offense, bail can sometimes soar to thousands of dollars and beyond the spending capacity of many.

In these cases, court-authorized bondsmen will post the bail for defendants in exchange for a fee, typically amounting to 10 percent or more of the bail cost.

If the defendant turns out for court, the bail money is reimbursed, but if the accused fails to appear, the bondsman and ultimately the client will be responsible for the bail cost. Meanwhile, the defendant will face new criminal charges.

In some cases, the bond fee is too high, or bail bonds companies will not want to bother with bail set below \$1,000, Currin said.

That's where pre-trial comes into the picture.

Following interviews and background checks, Currin will intervene to release the prisoner from jail if they meet the pre-trial criteria, or otherwise offer a low-risk, nonviolent offender without the means to cough up bail.

The defendant, in some cases, will then be subject to requirements that include house arrest, daily phone calls to Currin to verify their whereabouts or regular drug screenings.

Break those rules, and an order for arrest is issued.

Simple but effective, Currin says. And the results can't be argued with, according

to many local leaders who point out one jailed day for a prisoner costs the county \$61.

Through March, funding pre-trial had cost the county nearly \$48,000, but it had saved more than \$1.1 million, savings that are expected to surpass \$1.3 million by the end of the fiscal year.

In the 2009-2010 fiscal year, pre-trial cost \$66,753 and saved more than \$1.1 million.

The year before? Much the same, a cost of \$65,752 and cost avoidance of \$1.2 million.

Those numbers likely fall far short of the reality when it comes to saved money, according to Currin, who points out the county is also responsible for footing the bill for medical care for jailed individuals.

The cost of that care is not available for reporting due to healthcare privacy laws.

Meanwhile, stories of new crimes committed after pre-trial release are extremely rare, leaders say.

"Since 2005, we have not ever had a community member that I know of who was hurt by a person who was out," Currin said.

Meanwhile, the program boasted an appearance rate of 98 percent in 2009-2010, and 97 percent in 2008-2009. This fiscal year appears headed for similar numbers, Currin said.

"We're doing a successful program here," Currin said. "We're not waiting until they fail to show for court. I'm very proud of this program."

Local support from cash-strapped Lee County leaders is unified as of now. Democrat and Republican commissioners alike joined this month with Lee Sheriff Tracy Carter in blasting the state legislation.

"It's ironic that you have something working good and they tell you you can't spend your own money," said Commissioner Robert Reives. "I don't know if that's good government."

Commissioners have unanimously approved a resolution calling on lawmakers to rebuff the bill as it makes the rounds in Raleigh.

For Carter, it's a simple matter of dollars and cents.

"It saves taxpayers a lot of money," he said. "Because sometimes we get people that really don't need to be in jail. I'm all for keeping the violent offenders in jail, but sometimes you get somebody who's nonviolent and they can't afford to pay a \$1,000 bond or a bail bondsman. They don't need to be in jail."

Carter said closing the program would stress the capacity in the 126-bed jail.

He said his office has faced "very few" problems with those released by the program, adding that public concerns about the safety of releasing pre-trial offenders are misplaced.

"This is not designed to let anybody out who would be a threat," Carter said. "It's meant to save money and it does."

THE BILL

The origins and initiative for Senate Bill 756 are, at this moment, unclear.

Aside from its effect on pre-trial funding, the legislation also nixes unsecured bonds and imposes a minimum \$1,000 secured bond as conditions for the program.

Secured bonds are those for which money or property was deposited to ensure a defendant's appearance in court. Unsecured bonds are issued in exchange for a promise to ensure their appearance.

Local officials say the bill is the work of bail bond lobbyists who lose business when jailed individuals are released through the pre-trial program.

Two of the bill's primary sponsors, Republicans Don East and Debbie Clary, did not return multiple phone calls placed to their legislative offices this week.

The bill's third sponsor, Democrat Ed Jones, said he was unfamiliar with many of the bill's provisions during an interview this week.

Jones, a former highway patrolman, said the bill was presented to him by bail bond lobbyists as a means to cut down on the law enforcement troubles presented by wayward pre-trial defendants.

He said he agreed to sponsor the bill after that presentation.

"Sometimes our people have a lot of trouble trying to locate people going outside of the state getting out on the pre-trial hearings," he said.

Jones initially described the legislation as a blessing for local governments, but

acknowledged he had not researched the financial impacts for counties.

After reviewing the bill this week, Jones said he believes the measure has its "pitfalls" that will need to be addressed before it can progress in the General Assembly, particularly whether it takes advantage of low-income prisoners by forcing pricey bonds as a condition for release.

"Now that I've read the bill, I signed onto it based on what was in the title and not so much the contents," he said. "I'm not totally in agreement with it."

For now though, locals will have to wait to see what comes of the Senate bill, which some predict would face a steeper climb in the N.C. House of Representatives.

As of this week, Senate Bill 756 was set for discussion in a Senate judiciary committee.

Currin, meanwhile, will continue with her day-to-day aware that her program may be scuttled before summer's hottest days.

Still, she warns the biggest blow could fall on the county's stretched pocketbook.

"The budget cannot handle not having this program," Currin said.

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