

States hope tougher bail laws prevent violence

DAVE COLLINS, Associated Press
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HARTFORD, Conn. (AP) — Shortly after his second arrest for domestic violence in four months, Selami Ozdemir was able to post a no-money-down, \$25,000 bail through a bondsman and returned hours later to his Connecticut home, where authorities say he shot his wife to death and then killed himself in January 2010.

Just two months earlier in Lakewood, Wash., Maurice Clemmons fatally shot four local police officers less than a week after posting bail by paying bondsmen fees that were well below those charged in other states. He was shot to death by police in another town two days later.

The killings prompted lawmakers in both states this year to consider legislation that would impose tougher regulations on the bail bond industry. In Virginia, Gov. Bob McDonnell signed off on new rules last month that require arrestees to pay at least 10 percent of their bail to bondsmen before being released.

Judges, police officers, victims and even many bail bondsmen across the country have complained for years about the so-called practice of "undercutting," in which bondsmen charge little or no money down before posting someone's bail. They say it has become more common as companies compete for cash-strapped customers in tough economic times.

Mary Casey, senior vice president of the industry group Professional Bail Agents of the United States and owner of a Hartford bail bonds company, said the problems are widespread nationally. "States are trying to pull on the reins. I think for the first time, we're getting a lot of state agencies that are very pro-bail reform."

Last year, 26 states passed tougher bail industry regulation laws and seven placed additional restrictions on the release of people charged with violent crimes and sex offenses, according to the National Conference of State Legislatures.

Connecticut prosecutors have been pushing for new bail bond rules for a decade, but bills have died amid concern by some black and Puerto Rican lawmakers that many poor and working-class people would no longer be able to post bail if the state imposed minimum bond fees.

"Sometimes people are being unnecessarily held because they just can't afford to post the amount of the bond the judge sets or they can't afford to pay a bondsman," said Connecticut state Sen. Eric Coleman, a Bloomfield Democrat who has opposed previous bail bond legislation.

More than 2 million people are incarcerated in local, state and federal jails in the U.S., according to the federal Bureau of Justice Statistics.

In a study released last year, the bureau found that nearly 60 percent of the 57,560 defendants charged with felonies in 2006 in the nation's 75 largest urban counties, or about 33,000, were released from custody while their cases were pending. Of those released, about 42 percent, or about 14,000, posted a bond, and about 28 percent, or about 9,000, were released on their own recognizance without bail.

About a third of the felony defendants in large urban counties released from custody, or about 11,000, committed some kind of pretrial misconduct, including about 6,000 who were re-arrested on new charges, the study said.

In most states, people held on bail — which is set by judges or by police after arrests — can either post the full amount themselves or pay a bondsman a nonrefundable fee, generally 10 percent of the bail. If a defendant fails to show up in court, bondsmen could be forced to forfeit the total bail amount to state authorities. Bondsmen make their money by collecting nonrefundable fees to bail out people.

What some bondsmen have been doing, law enforcement and bail industry officials say, is accepting less than the 10 percent standard or letting customers go on payment plans for the bond fee, with little or no money down.

In Connecticut, the law that allowed Ozdemir to post bail does not set a minimum fee amount and does not address payment plans. Pending legislation would require bondsmen to charge a minimum 10 percent bail fee, and arrestees who set up payment plans would have to put down at least 35 percent of the fee and repay the entire amount within 15 months.

Ansonia-Milford State's Attorney Kevin Lawlor, a critic of discounted bonds who recently testified on the issue before state lawmakers, says they

are a serious threat to public safety.

Referring to the Ozdemir case, Lawlor said, "This woman is dead because this guy got out for no money."

On the afternoon of Jan. 16, 2010, West Haven police arrested Ozdemir, 42, for the second time in four months for domestic violence against his 25-year-old wife, Shengyl Rasim.

Ozdemir posted the \$25,000 bail with no money down through Porky's Bail Bonds of New Haven, state officials said.

Several hours later, police received a 911 call in which a dispatcher heard an argument, a baby crying and what appeared to be gunshots. When police arrived at the home, they found Rasim suffering from multiple gunshot wounds, Ozdemir dead of a self-inflicted gunshot wound and the couple's son sleeping in a bedroom unharmed.

An investigation of Porky's by the state Insurance Department, which regulates the bail bond industry, found no state laws were violated. An answering machine message at Porky's says it is closed but plans to reopen in June.

Advocates for domestic violence victims say stricter bail rules are essential for protecting victims.

"In some of these cases, these offenders are getting out when victims were under the perception that this person was going to remain in the custody of the court," said Linda Blozie, public affairs director for the Connecticut Coalition Against Domestic Violence.

In Washington state, lawmakers considered changes to the bail system in response to the killings of the four officers. Authorities say the suspect, Clemmons, 37, had posted bail three times that year without ever paying more than 4 percent up front.

The legislation failed to advance, however, as lawmakers contended with budget concerns. The measure would have created a statewide computer system containing criminal record information to help judges make decisions in setting bail. State prosecutors said there was one glaring omission, though — it didn't set minimum payment rates for those who get a bail bond.

Michael Georgetti, a Connecticut defense lawyer, said strengthening bail bond laws is never an easy task.

"There has to be some delicate balancing between several interests — treating people among different economic levels equally, making sure our jails don't become so overcrowded because people cannot make bond and making sure the laws on the books against undercutting are enforced fairly," Georgetti said.

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