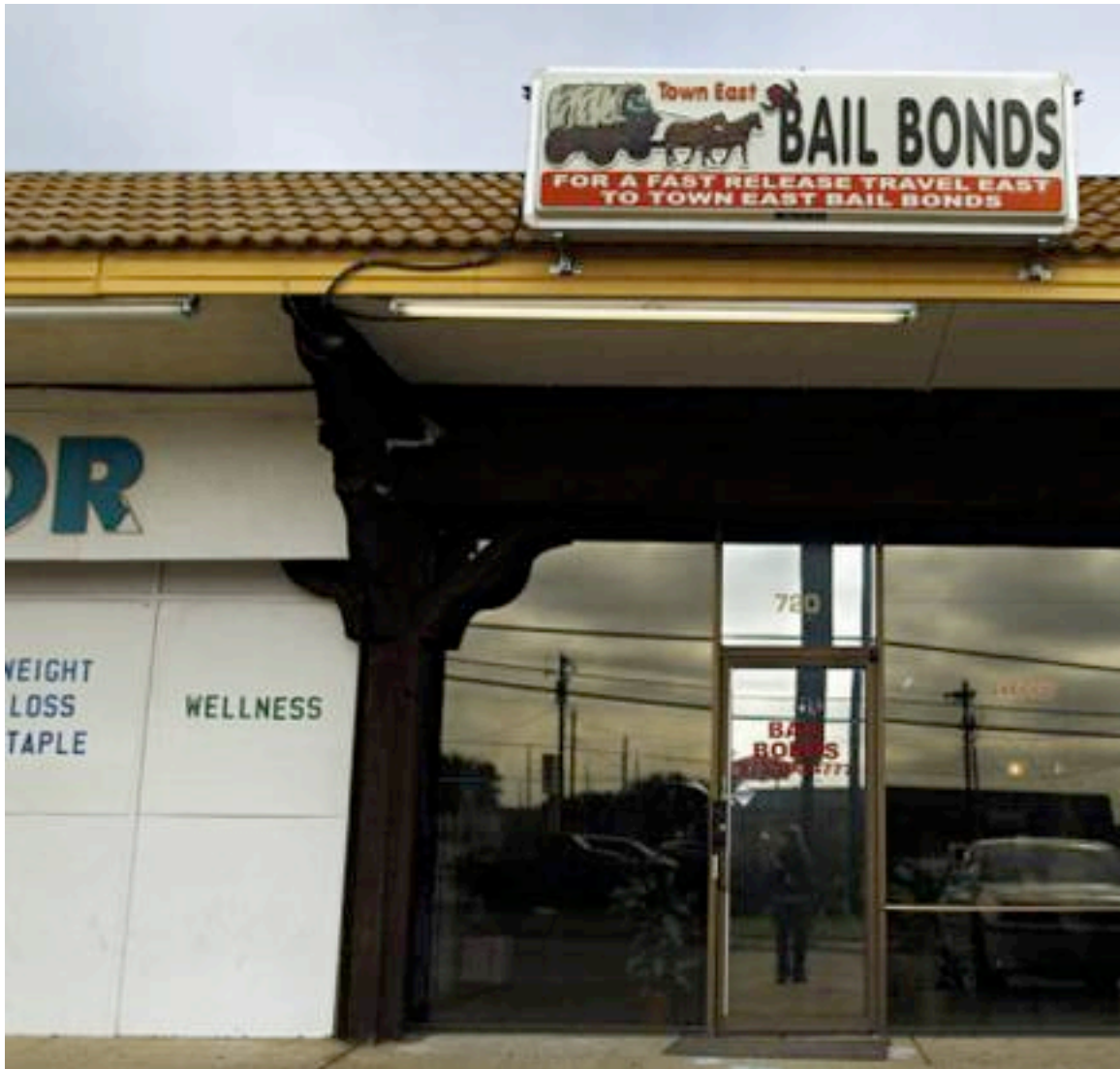


The Dallas Morning News

Editorial: Bondsmen's rearrest system needs total overhaul



At the very least, the standard operating procedure underpinning Dallas County's bail bond system should be "trust but verify." As revealed by this newspaper, the situation is more like "look the other way and approve."

In a series of articles stretching back to June, *The Dallas Morning News* has detailed numerous cracks and loopholes in the county's bail bond system. Shoddy follow-through is costing county taxpayers and making a mockery of a system intended to assure that a defendant doesn't simply disappear.

The latest fiasco, detailed by reporters Kevin Krause and Ed Timms earlier this week, involves bondsmen who filed court papers claiming that clients whom they had helped get out of jail — and who later skipped town — had been rearrested. Those rearrests of bail jumpers saved the bondsmen substantial money.

There's just one problem: Many of the bondsmen didn't file — nor did judges and lawyers demand — basic documentation to back up the rearrest claims.

Let's start with the disturbing fact that some bondsmen just make up these stories. How do citizens have confidence in a system that condones that kind of abuse? Equally important are the pocketbook implications of this laziness and dishonesty.

Bail bonds serve as insurance that the defendant will show up for court hearings and trial. If the person fails to appear, bondsmen must pay the entire amount of the bond to the county. When bondsmen game the system to avoid paying thousands of dollars to the county, guess who eventually foots the bill for that? Those of us paying Dallas County taxes.

It is particularly distressing that other counties seem to have easy, rational solutions to this problem. State law grants a payment reprieve to a bondsman whose felony defendant is rearrested within nine months of a missed court date. However, most Texas counties wisely require bondsmen or their attorneys to provide details that prove incarceration.

For example, Tarrant County has a written policy requiring bondsmen to “provide proof of incarceration,” and the Harris County DA's office requires bondsmen to attach a copy of the verification of incarceration to the file.

District Attorney Craig Watkins, a former bail bondsman, said Dallas County is a tightly knit legal community that has long operated on an honor system. It appears that this informal process has devolved in some instances to one in which whether the forfeiture system works is of little concern.

We're glad to hear Watkins say that his office and a new county task force are putting together policies that will require better documentation. Forcing bondsmen to provide proof that their bail jumpers are back in custody is an easy start for a county that has much work to do on its entire bail bond system.

Among the key findings of *The Dallas Morning News* series on the bail bond system:

Current and former bondsmen and attorneys authorized to write bonds owed the county \$35 million in unpaid judgments.

The county lacks a system to track bond forfeiture cases to make sure final judgments are paid on time.

Until recently, Dallas County was charging bondsmen bargain rates for fees owed when clients missed court and wasn't charging interest on money owed.

Judges and the DA's office have been letting bondsmen off the hook for court judgments against them, often without explanation.