

Fight brewing over pretrial services

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Attorney Doug Bell, Corrections Director Marilyn Ford, state Rep. Fred Costello and Volusia Councilwoman Joie Alexander watch a first appearance hearing at the Branch Jail. (N-J | David Tucker)

Volusia County Councilwoman Joie Alexander talks with state Rep. Fred Costello on Friday as they walk from the pretrial services building to the Branch Jail as part of a tour with pretrial services. (N-J | David Tucker)

Costs vs. savings

Through evaluation and monitoring programs, Volusia County pretrial services helped keep 5,263 low-risk offenders out of jail in 2010. Here are the costs and savings touted by the county:

\$1.3 million — annual cost of pretrial services

\$2.7 million — estimated cost of keeping 1,300 more people a quarter of the pretrial total in jail for 30 days

\$35 million+ — estimated cost for a 500-bed jail addition that might be needed without pretrial services

SOURCES: Volusia County; Office of Program Policy Analysis and Government Accountability

DAYTONA BEACH -- The young woman standing before County Judge Stasia Warren quickly learned she could get out of jail in just a few minutes. On just a few conditions.

No drugs or alcohol -- especially because her domestic violence arrest started with alcohol in the first place -- and no more seeing the person she fought.

"But we're married," she complained.

"That's nice," the judge replied tersely without budging.

This woman, and several others like her, walked out of court Friday under the same strict program that has supervised more than 5,000 people in the past year: Volusia County's pretrial services. Its ranks include many of the area's minor criminal suspects, the ones accused of breaking the law but not considered threatening enough to require a lengthy lockup before trial.

It's a program facing continued criticism and an uncertain future.

The critics: bail bond agencies, their lobbyists and lawmakers across the state who say getting out of jail should require bail money, not a government baby sitter. Legislation that would make deep cuts to the 29 such programs across the state failed last session, but could reemerge in the future.

So Volusia County leaders are lobbying their own cause, saying their program keeps the Volusia County Branch Jail from overcrowding and helps people, guilty or not, navigate the criminal justice system. On Friday, an otherwise normal day of first appearances in the jail courtroom, state Rep. Fred Costello was watching from a bench, along with District 3 Councilwoman Joie Alexander, the county's lobbyist Doug Bell and the pretrial staff. It was one of several presentations planned for each member of the local legislative delegation.

"The ideal thing would be for the state to leave pretrial services programs alone," Alexander had told Costello during a meeting in the staff's trailer next to the main jail building. Costello, it became clear,

was already a supporter.

"I understand the benefits," he answered. "I just don't understand the other side."

BAIL VS. PRETRIAL

The other side is where you'll find Kim Palmer, the woman behind A-1 Kim Palmer Bail Bonds on U.S. 92 near the jail. In her view, someone who can afford to post bail should pay up.

"Our position is: Why should the citizens of Volusia County fund the release of somebody accused of a crime who could fund it himself?" Palmer said. "Why should we support someone who can find his own way out?"

Of the roughly 18,500 people who went to a first appearance in Volusia County last year, more than a quarter (5,263) were released under pretrial services supervision. That means the program cuts sharply into the client base for companies like Palmer's, and it takes away their lowest-risk clientele -- the ones who have few or no prior arrests and aren't likely to skip town or hide from the law. The county says about 98 percent of the people they released returned for their scheduled court dates.

That's at least in part because the county's program is more than a release mechanism; it evaluates people closely. Pretrial workers check each defendant's criminal history, look for open warrants and interview victims and family members when applicable, all before first

appearance. The sum of that information helps decide who the county is willing to see freed under certain conditions.

A judge sets those conditions, and then it's up to the county's staff to supervise and enforce.

"I can tell you one thing: Pretrial services is good about doing their violations," Judge Warren told one of the young women who came before her Friday. "They'll know within 24 hours if you're up to something. That's how good they are."

Despite the county's 98 percent rate for showing up for court dates, Palmer said the bail industry tracks its clients better because profits depend on it. She has a 3 percent profit margin, meaning any lost client hurts.

"They can't possibly search for every person who misses court," she said. "It's more like, if we run across them, we'll throw them in the slammer. But I'll tell you, if it's my money on the line, I'm damn sure going to go out and find them."

COUNTY: PRETRIAL SAVES \$

The average daily population at the Branch Jail was 1,385 in 2009, down almost 10 percent from the more than 1,500 who were jailed there on an average day five years prior. More than half the inmates are there in "pretrial status," or not serving time on any conviction. And Corrections Director Marilyn Chandler Ford said the release program is a big reason the county hasn't had to build an expensive

(an estimated \$35 to \$60 million) 500-bed jail addition.

Without free release, she said, many poor jail inmates couldn't afford their freedom.

"You have to look and see what that (bail amount) means to that family," she said. "So many of them are marginally employed, underemployed . . . Any financial demand really becomes much more onerous on them. It becomes a choice of lights, food, rent."

Volusia's program costs about \$1.3 million a year, according to the Office of Program Policy Analysis and Government Accountability. If that were eliminated, the county estimates about a quarter of the people who go on pretrial release wouldn't be able to afford bail. If 1,300 more people stayed in jail, at an estimated cost of \$70 a day for 30 days each, it would cost \$2.7 million a year to house them.

This debate over how to handle jail release isn't new or unique to Volusia County. The local program has been around since 1979, and bail bondsmen here have been lobbying against it since at least the '90s. And in 2009, Broward County scaled back its program, restricting who qualified, after an intense lobbying effort from the bail-bonds industry.

Enter the House and Senate bills filed last session, which sought to limit participation statewide to the indigent (people who can't afford bail or an attorney). Sen. Ellyn Bogdanoff, R-Fort Lauderdale, who filed the Senate version, said this week she's willing to include the working poor -- people at 200 percent of the poverty level -- but she still thinks the programs have overstepped.

"I think they're making much ado about nothing," Bogdanoff said of

release supporters. "They act like I'm trying to slit their throats . . . but at the end of the day, when the citizen is upset that local government has run amok, that the government is spending so much money, they come to the legislature and ask that we do something about it.

"When government intrudes on the private sector," she added, "the private sector's going to fight back."

BENEFITS BEYOND COST

The County Council passed a resolution at its last meeting that strongly opposes any changes, mainly for the budget reasons. But they also cite the services the program provides.

Criminal Court Services Manager Shirley Olson said, for example, one man released to pretrial supervision couldn't read or write when it came time to fill out the county's paperwork. The county referred him to a local literacy council -- and followed up with him for the duration of his case.

"Part of the problem is people don't know what's available," Olson said. "It's there, but people just don't know where it is."

From the bail bondsman point of view, the county's services come at a price. Palmer, who has been in the local bail industry 23 years, said many of her clients who have been through the program found it a burden.

"The scenario has happened so many times over my career that it's typical," she said. "We hear it all the time. They're like, 'How do I stop

the roller coaster?' Honey, you paid for the ride. You can't get off. That's what the free release did for you.

"It's almost like the government doesn't want us, the small business society, to continue," Palmer said. "Nothing against the people who run it, personally . . . If they would stick to what they were intended for, they would never hear from the bail bondsmen at all. There are people who are sitting languishing in jail who, for one reason or another, can't afford our services. Either the bond is just out of their reach, or they just have nothing. Those are people we don't help."

Palmer said the industry will keep pushing for a scale-back.

Bogdanoff said a compromise might be in the future. Costello, the Ormond Beach Republican, left the jail Friday promising to oppose anything that would threaten what he called a win-win arrangement.

"I normally agree with privatization," he said, "but in this instance, I think if we can help people and save government money at the same time, I'm going to champion that cause."