

Travis County leads Texas in personal bond releases

Records show most are set free for \$20 fee and promise to return to court by municipal judges.

By **Steven Kreytak**

AMERICAN-STATESMAN STAFF

Updated: 1:22 a.m. Sunday, Nov. 21, 2010

Published: 9:36 p.m. Saturday, Nov. 20, 2010

Within hours of being booked into the Travis County Jail, most criminal defendants sit down for an interview with a county pretrial services employee a crucial juncture in their trip through the local criminal justice system.

The employee asks the defendant for things like address and criminal history, references and whether they have any substance abuse issues. After the interview, which lasts about 10 minutes, the officers call work and family references and check state criminal history databases.

In domestic violence cases, pretrial services officers call the alleged victim and ask his or her opinion on whether the defendant should be released from jail.

"We tell them we don't make decisions on guilt or innocence, that's not our role," said Ron Morgan, pretrial services training and education coordinator.

Ultimately, the officers make a recommendation to judges on whether the person should get a personal recognizance bond, which gets the defendant out of jail in return for a \$20 fee and a promise to appear at future court hearings.

In setting bail, Texas law states that judges must consider whether the person will return to court as well as the safety of the victim and of the community.

"If you take that perspective, release would be the norm as opposed to keeping them in jail is the norm," said Geraldine Nagy, who oversees the Pretrial Services Department, "because they're defendants that have those constitutional rights."

Most of the recommendations go to City of Austin municipal judges, who under an agreement with the county work as magistrates at the central booking facility in the downtown jail on West 10th Street.

When the recommendation is for personal bond, judges follow it 98 percent of the time, county statistics show.

If pretrial recommends "no" personal bond, defendants can pay their full bond amount in cash or pay a bail bondsman to sign a bond for them. For that, bondsmen generally require a 10 to 20 percent nonrefundable fee, which could be thousands of dollars.

If a judge won't sign a personal bond, defendants can get out of jail by paying their entire bail in cash, which is then returned to them at the end of their case. Most can't afford that.

Sometimes, judges allow defendants to pay a deposit to the county in exchange for jail release, which is then returned to them — or put toward the cost of their court-appointed defense — at the end of the case.

Other times, defendants get a second chance at a personal bond when their lawyers, usually armed with information not available to pretrial services, bring bond requests straight to judges.

"I'll go explain to the judge why we ought to let the person out — because, for example, they've got a job that they will lose if they don't get out of jail, that they've got a kid who will be unsupervised," defense lawyer Ben Blackburn said.

In financial year 2009, about 4,200 of the 18,257 personal bonds signed in Travis County were approved after an initial "no" recommendation, according to pretrial services statistics.

More than half — 2,315— of those second-chance bonds were approved by municipal judges. Often those were rejected initially because the defendant could not provide information that would have secured his release, such as phone numbers for his family members.

Municipal Court Presiding Judge Evelyn McKee said those numbers often are in cell phones, which are taken from defendants upon booking. She said that hiring a lawyer alone is enough to get someone being held on a low-value bond out of jail on a personal bond.

The rest of the second-chance bonds come from the judges who handle the defendants' trials — 725 were approved by county judges, who handle misdemeanors, and 725 were signed by district judges, who handle felonies. (About 220 others were approved by other judges, including substitute judges.)

Judges sometimes set conditions that defendants must follow to satisfy the personal bond, such as regular drug testing, home confinement or participation in counseling for things like anger problems or substance abuse.

Pretrial services employees monitor those defendants to ensure they are complying, and if they are not, the officers report it to the court.

When a defendant on personal bond fails to show up for court, the county attorney's office files a lawsuit seeking payment of a predetermined amount of the bond within 30 days, said Assistant County Attorney Mack Martinez.

Pretrial services Assistant Director Irma Guerrero said several factors affect whether a person is recommended for personal recognizance bond in Travis County.

Positive factors include if a person:

- is employed.
- has support of his or her family.
- has lived at his or her current address for at least a year.
- has appeared in court for any previous cases.
- will most probably receive probation if convicted.

Negative factors include if a person:

- has a record of previous bond forfeitures, convictions.
- has no telephone and knows no one else who has one.
- appears emotionally unstable.
- seems to have a totally unrealistic perception of his or her situation.
- has a history of violence.

skreytak@statesman.com; 912-2946

Find this article at:

<http://www.statesman.com/news/local/travis-county-leads-texas-in-personal-bond-releases-1063324.html>

[Print this page](#)

[Close](#)

