



For Immediate Release:

Presently, the North Carolina Senate and House are considering the passage of Senate Bill 756. If passed, the bill would have a negative impact on the administration of justice in Mecklenburg County. This bill aims to reduce judicial discretion, increase unnecessary detention, and handicap a valuable and effective program that provides information to judicial officials.

Mecklenburg County's Pre-trial service program supports the presentation of verified and timely information to judicial officials that assists with bail determination and provides monitoring and supervisory services that promote public safety and court appearance. The program assists the court in making prompt, fair and effective release/detention decisions by providing factual and objective information on defendants.

Pretrial Services use a risk assessment that takes into account both risk of flight **and** danger to the community when accepting a defendant to supervision. Outcomes under the Pre-Trial Supervision Program yield 82% of defendants appearing in court without any new arrests.

Senate Bill 756 mandates surety without an individualized assessment of risk and is inconsistent with American Bar Association and National District Attorney Standards. The Bill forbids North Carolina counties from funding successful pre-trial services even if they want to.

During July-October, 2010 approximately 1,000 defendants received unsecured bonds at the magistrate level. The increase in the amount of unsecure bonds has not led to an increase in the overall rate of defendants who either fail to appear or are subject to any new arrests. Eliminating unsecured bonds and restricting Pretrial Services will simply result in the unnecessary detention of these defendants based on economic conditions. If 756 passes and unsecure bonds are eliminated, these same defendants would be processed and jailed at the taxpayer's expense only due to their financial situation. If that number were annualized, it would be over 4,000 defendants per year.

These 4,000 defendants that cannot post bond will be prevented from obtaining pretrial release for 72 hours if the Senate bill 756 is passed. Delaying access by 72 hours will result in an increase of over 12,000 jail bed days and \$1.5 million in additional county expenses per year. Why should the tax payer's be punished for a defendant's financial inability to pay for his freedom?

Passing Bill 756 only supports the posting of another's bail for profit. The proposed \$1,000 secure bond seems reasonable on its face, but for many defendants, a \$1,000 bond may as well be a \$1 million bond because of their financial situation. Although bail bond agents may be held financially liable for defendants that fail to appear in court, two points are salient: 1) once a defendant fails to appear in court an Order for Arrest is issued and ultimately may be a law enforcement officer who makes the capture, and 2) the bail bond agent may approach the court to "set aside" the forfeiture.

There are no scientific studies that support the notion that a surety bond ensures a defendant will appear in court, or more importantly, will not commit crimes while released. The underlying motive appears to be profit and not public safety.

**For more information regarding this news release,
contact Lisa Morris at 704-825-9450, or email lisamorrislaw@aol.com.**