

Q 16. How does it work?

A 16. *The defendant, or a family member or friend, engages the services of a licensed bondsman, who possesses a state-issued insurance license to secure his release from custody.*

Q 17. Does this cost the taxpayer?

A 17. *No. To the contrary, should the defendant fail to appear, the bondsman agrees to surrender him to court or pay the authorities the full amount of the bail bond posted to secure the defendant's release.*

Q 18. So under this method, are the defendants, their friends or family held financially accountable for their actions after release as well as for their initial release from jail?

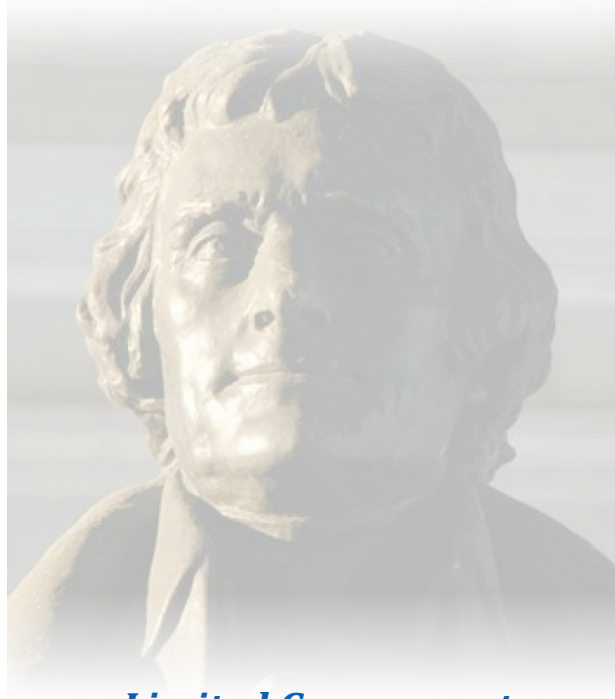
A 18. *Yes.*

Q 19. Isn't this a fairer and more cost effective method for the taxpayer?

A 19. *Yes.*

Q 20. Does ALEC have model legislation on this topic?

A 20. *Yes, the Citizen's Right to Know Act calls for transparency and accountability in Pretrial Release programs. A copy can be found at [www.alec.org](http://www.alec.org).*



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## **Pretrial Release: A Criminal Justice Pandemic**

*Thousands of Violent Defendants  
Are Released Everyday  
To Roam  
Our Streets and Neighborhoods*

**AND YOUR TAX DOLLARS  
ARE PAYING FOR IT!**

20 Questions & Answers  
About Pretrial Release

Q 1. What is Pretrial Release?

A 1. *It is normally a local government entity that releases criminal defendants from jail, at no cost to the defendant.*

Q 2. Where does Pretrial Release get its money?

A 2. *Their operations are normally funded by local tax dollars. An average Pretrial Release program can have a budget in excess of \$1 million.*

Q 3. How did Pretrial Release get its start?

A 3. *It can be traced back to the early 1960's as a means of providing release to the financially indigent defendant who was not charged with a serious crime.*

Q 4. Isn't that a worthwhile program?

A 4. *Yes, but the unfortunate fact is that these types of programs have been expanded beyond the original scope of just providing for the release of the non-violent indigent.*

Q 5. So, what's wrong?

A 5. *This method of release is now being applied to defendants charged with a wide range of criminal offenses, including violent felons, who are financially capable of paying for their release if required to do so.*

Q 6. Once it provides a defendant with a free release, then what is its function?

A 6. *The program is supposed to maintain contact with the defendant and make sure that person comes back to court, as directed, until the case is over.*

Q 7. Does it do a good job of this?

A 7. *No. It has a very high failure-to-appear rate. In fact, 10 percent of defendants released on unsecured bonds were fugitives after one year as compared to three percent of defendants released on commercial bail.*

Q 8. When the defendant subsequently fails to appear in court, is anybody held responsible?

A 8. *Other than the defendant, no. No one is financially responsible for the defendant's failure-to-appear.*

Q 9. Does anyone within the Pretrial Release program go after them?

A 9. *No. The apprehension of the defendant is usually left to the local law enforcement officers - where it is a low priority.*

Q 10. Doesn't this form of release appear to actually 'reward' the defendant?

A 10. *It can certainly be viewed in that way. Defendants enjoy their release from custody at no financial cost and have no subsequent direct supervision which will require their appearance in court. Nor is there a financial penalty required of someone because of a defendant's failure to appear in court. Nor does anyone go after them.*

Q 11. Doesn't this method of release seem to support the idea that "if you reward poor performance, you just get more poor performance?"

A 11. *Yes it does. It also sends the message to defendants that the crime(s) for which they are accused are not taken seriously by the community.*

Q 12. Doesn't this penalize the taxpayers?

A 12. *Yes. The local taxpayers, through the use of their tax dollars, have a criminal defendant released back into the community without any direct supervision guaranteeing appearance in court. Nor is there a party being looked to by the community to bear a financial burden in the form of a penalty for the defendant's failure-to-appear. Most importantly, the local community is exposed to the continued threat that the defendant may commit additional crimes while out on release.*

Q 13. Can't this be perceived as a type of taxpayer-funded "criminal welfare" program?

A 13. *Yes it can. The taxpayer pays for the law enforcement personnel who initially arrest the suspects, who are then housed in a taxpayer-funded jail. Defendants are then provided with taxpayer-funded public defenders and released under a "free release" program as described above. If the defendants do eventually appear in court (paid for by the taxpayer) and are convicted of the charges, they are incarcerated in a taxpayer-funded prison. At no point do the defendants assume any financial responsibility for their own actions.*

Q 14. Are most local taxpayers aware such a program exists?

A 14. *No.*

Q 15. Is there an alternative way for defendants to be released prior to their trials?

A 15. *Yes. It is called the commercial bail bond industry.*