

---

## Copy Sheet

Client: Indiana Surety Bail Agents Association

Project: Press Release

Date: December 19, 2007

---

### Study Casts Doubt on Cash Bonds Used in County Bail Agents Association says Surety Bonds work 97% of the time

Columbus - A recent study released by the U.S. Department of Justice reports that the use of the traditional surety bond (bail bond) is a preferred method to release felony defendants from jail because it results in higher court appearance rates.

Bartholomew County defendants are not permitted the option of using a surety bond from licensed bail agents as allowed by state law. Rather, the courts offer a cash deposit bond, which is 10 percent of the total amount of posted bail with the remaining 90 percent of the bond unsecured.

Bail bonds are obtained through private bail agents who collect 10 percent of the bail amount from the defendant and guarantee the court 100 percent of the bond if the defendant fails to appear in court. Bail bonds are often secured by third party guarantors, family members, friends or employers, who, along with the bail agent are financially responsible for the defendant's appearance in court.

"Bartholomew County officials want to act like a bail agent and collect a 10 percent deposit, yet bear no responsibility for seeing the defendant to court or paying the bond in the event of a failure to appear," says Lee Sexton, president of the Indiana Surety Bail Agents Association (ISBAA).

According to the ISBAA, their profession has a 97 percent or higher success rate of defendants appearing in court.

"We, as bail agents, have a very strong motivation to ensure our clients appear in court. If they don't show, we end up forfeiting the entire amount of the bail bond," says Sexton. "Bail bonds are simply an insurance policy that guarantees defendants appear in court. We are there to produce the defendant when required or pay the bond if necessary. We do this at no cost to the taxpayer"

Cash deposit bonds, on the other hand, do not provide any incentives for defendants to appear in court. Many defendants released on this type of bond fail to appear in court after being released. Not only are the defendants unavailable to the court, so is the 90 percent of the bond. Because the courts do not have the resources to collect the defendant or the bond, the county loses twice.

Cash deposit bonds are typically applied to the payment of the remaining court costs and are not returned to the defendant, even if the case is dropped or the client is found not guilty. Some see this type of bond as a money-making tool for a court system that is insensitive to the issue of public safety and victims' rights.

"Criminals can commit terrible crimes, pay 10 percent of their bail and receive a 'get out of jail free' card," said Sexton. "Taxpayers' money is being wasted when these people do not show up to court."

The BJS Study further reports that defendants released on a 10 percent cash deposit bond are more likely to commit future crimes than those who are released through surety bonds.

There are approximately 14,000 commercial bail agents who help more than 2 million defendants secure their release throughout the nation each year.

The extensive study - conducted with information and statistics from the Pretrial Service Resource Center - took over 14 years to complete.

The full study can be found at [www.ojp.usdoj.gov/bjs/pub/pdf/prfdsc.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/prfdsc.pdf)