

The Professional Bail Bondsman 2021

The Realities:

For well over 300 years, the American commercial bail system has served the criminal justice system well.....and without any tax payer expense. Our system of bail started in England in 1677 when there were no jails, no money to build jails (sound familiar) and the practice at the time was to release a prisoner into the custody of some reputable individual who would vouch for the defendant to appear in court on a certain date. And soon the reputable individual learned he could collect a fee for this assurance, 10% (same as it is today). In the 20th and 21 century that reputable person became a person or company licensed and regulated by the state wherein he or she operates. Releasing a person in custody by the sheriff to a licensed bail bondsman 1) eliminates the approximate \$50 @ day costs from the County to house the prisoner; 2) reduces the jail population; 3) assures the defendant wil appear for his scheduled court date to answer for his criminal conduct. In the State of Arkansas, the appearance rate for a defendant on bond is 97%, lowest in the United States. 4) Only 2.6% fail to show up for court, and if the defendant fails to show up for court, the bail bond licensee has to pay the amount of the bail bond to the court, so there is an incentive to have the defendant in court; 5) the released prisoner is under supervision while awaiting trail, and has to report weekly to the bondsman as to his whereabouts, employment, etc. In this bail proce3ss, the bail bondsman also obtains an indemnity agreement from a relative to assure the defendant's appearance in court. Mothers, Grandmothers are the very best supervisors that their son, grandson will appear in court. If the defendant knows their bank account will be adversely affected by his criminal behavior is a great influence and deterrent of criminal behavior and insures his appearance in court.

The premium for a bail bond is 10% of the bail bond. The average misdemeanor bond in the State of Arkansas is an approximate \$1,000.00 - \$1,500.00. The premium would be \$100.00 - \$150.00; and the County has all the advantages and benefits above. Arkansas Rule 9.2 authorizes a Release on Money Bail.





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Rule 9.1 - Release on Order to Appear or on Defendant's Own Recognizance

(a) At the first appearance the judicial officer may release the defendant on his personal recognizance or upon an order to appear.

The myth that the jail population is primarily composed of our friends, neighbors, relatives, good people who simply have caught a bit of bad luck; have families, mortgages, employment, etc that all will be lost if they don't have the money to pay the bail bond premium. The commercial bail system creates a debtor's prison; If we were to simply release these "good people" back on the street with a promise to appear in court, they will appear in court. These "good people" will be released however under Rule 9.1.

Nevertheless it is argued by bail reformers there is massive jail overcrowding everywhere and massive jail budget deficits cause by the overcrowding and the housing costs \$50 @ day due to the abusive commercial bail system creating a "debtors prison". This is an untruth. The people who are sitting in jail are there because of their history of criminal behavior, not because they are black or poor.

Racism / Money / Poor:

The **smoke and mirrors** being used by the bail reformers to advocate their bail reform measures claiming only the white rich can afford the bail bond premium while the poor and the black remain in jail because they cannot afford the bail bond premium and therefore discriminates against the black and the poor. Bail reform will equalize bail. **This is an untruth**.

We are talking about \$100.00 misdemeanor bail bond premium and Arkansas Rule 9.1, Release on Own Recognizance. No discrimination against the black and the poor!





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Bail Reformers in effect want to do away with Rule 9.2 in the case of a <u>misdemeanor</u> and have introduced <u>House Bill 1618</u> which would require all individuals charged with a misdemeanor be released as in <u>Rule 9.1</u>, <u>Personal Recognizance</u>. We are talking about a <u>\$100.00</u> misdemeanor bail bond premium and <u>a bail bond's benefits to the County</u>.

Bail Reformers are well intended and speak in terms of "equalized bail for everyone" which is the goal of everyone and is the case in the present bail system. A large part of the perception (or misperception) is that the commercial bail system is somewhat mysterious, greatly misunderstood by most (other than the bail agent community) and that even includes ones within the criminal justice system, judges, et al who you would think would know, and all the general public which includes the state legislators voting for the bail reform measures. And this all works in favor of the movement toward "bail reform" particular with the heavy emphasis on the black population and the poor.

The Dangerous Reality of Bail Reform / Blanket Release:

The dangerous truth of the bail reform measures however (to abolish bail for all misdemeanors and in some states even felonies) and provide a blanket "get out of jail free card" encourages criminal behavior and favors the wrongdoer over the rights of the victims. Law Breakers have no respect or fear of the criminal justice system and simply walk right out of jail within hours of arrest with no supervision or accountability and are free to commit new serious crimes. **There is no deterrent to criminal behavior**. The purpose of punishment is to discourage a person from committing a crime. Imprisonment and loss of income is a major hardship on most people. Bail reform measures however are a safe haven for the criminal. Catch & Release bail reform policies results in **dramatic increases in the crime rate** resulting in a **public safety concern** for the general public who want to live in safety free from any fear of crime. There is no fear of any punishment as 50%-75% of the releasee do not show up for court. Why should they? People shun high crime areas, property values are lowered, business flee, and the county loses revenue.





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NY lawmakers face wave of voter anger on botched criminal justice reforms

There is a tsunami and a backlash of public anger coming in New York. New York is the epicenter of America's COVID-19 crisis, but it's also the focal point of the national debate about **reducing jail populations through bail reform.**

On January 1, 2020, a landmark New York law curtailing the use of cash bail went into effect, signaling a leap in a nationwide movement to reduce the number of people held in jails. But after **less than a week** under the new system, elected officials are already having second thoughts, rattled by stories of **dangerous criminals being set free**, **allowed to remain on the streets and committing new crimes.** For criminals in New York, January 1 has represented freedom.

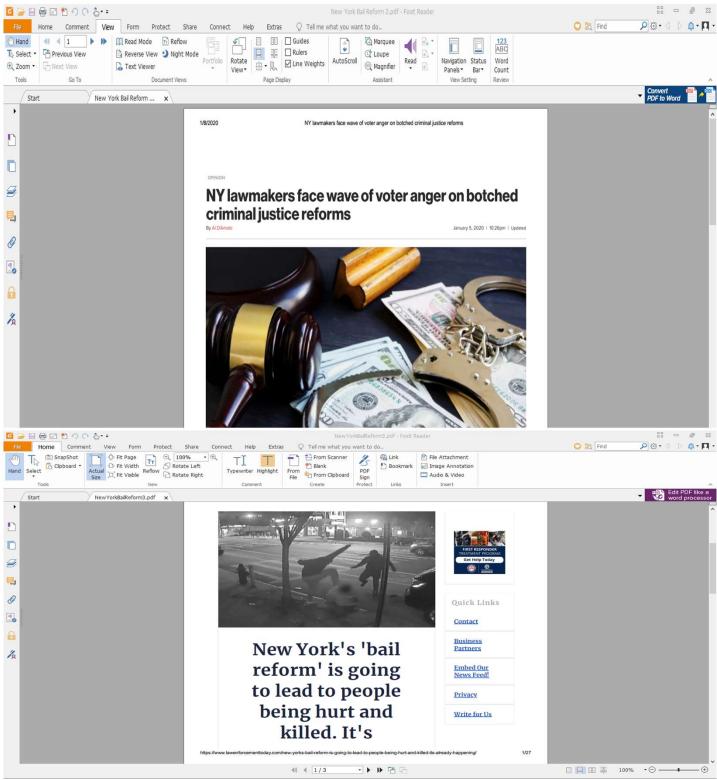
In 2020, under the new bail reform policy, communities across the Empire State will face the release of thousands of defendants charged with serious crimes. Already, we are seeing criminals being released before their victims have time to return home from the emergency room. Very few people arrested for even the most serious crimes will face detention, and having them show up for trial will be playing the long odds. **Fear will grip law-abiding citizens.** Every voter, every resident and every law-abiding citizen should become an advocate for **public safety**.

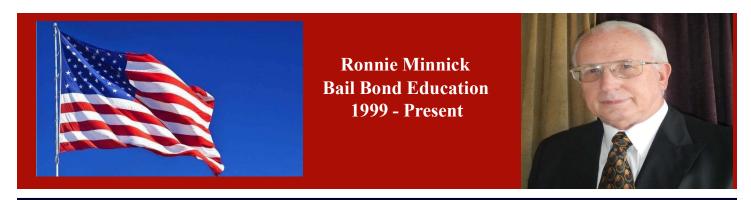
The debate over New York bail reform ground to a halt on Friday morning April 3, 2020, **only three months** since going into effect January 1, 2020. The New York Assembly voted for a "fix" to the bail reform which has dominated headlines ever since January 1 due to **dramatic increases in the New York crime rate.**

What was the "fix"? Monetary bail was re-introduced into the system for a wide variety of offenses, mostly felony offenses, along with some small percentage of misdemeanors. New York now become a lesson for others considering similar changes



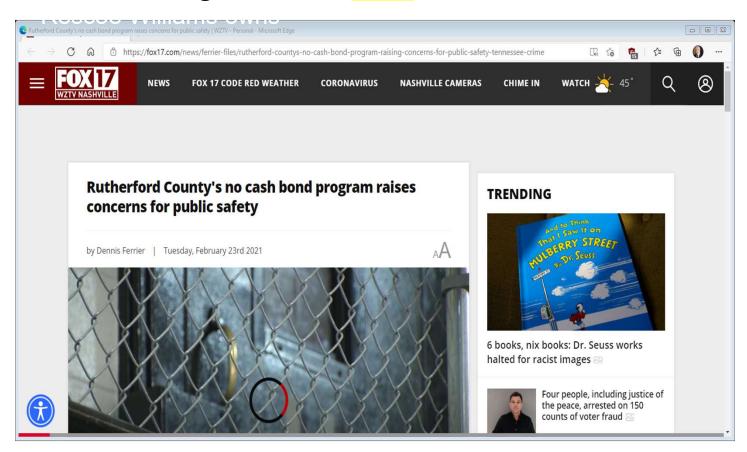


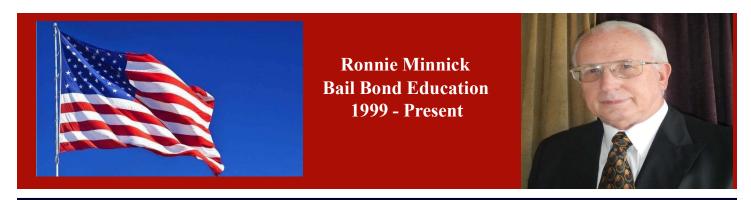




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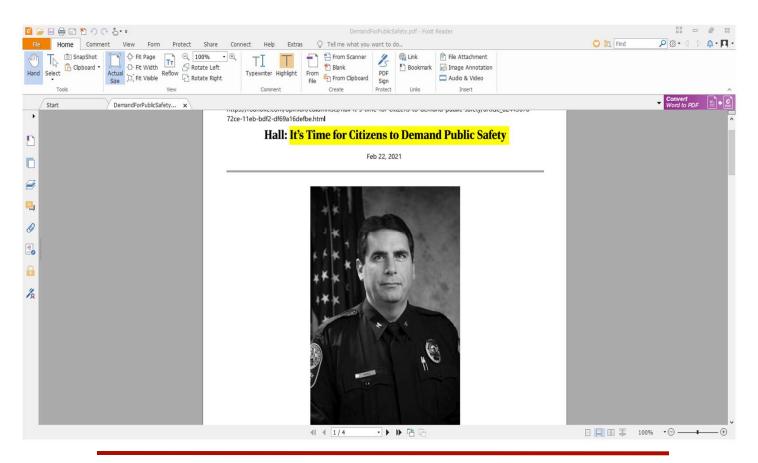
RUTHERFORD COUNTY, Tenn. (WZTV), Feb. 23, 2021 — Rutherford County leaders say they save \$63 for every day a defendant is kept out of jail. But what is the cost to public safety? The Courts are releasing all kinds of people who are committing all kinds of crime.



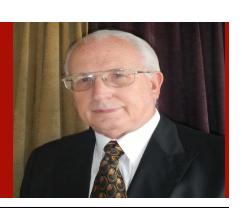


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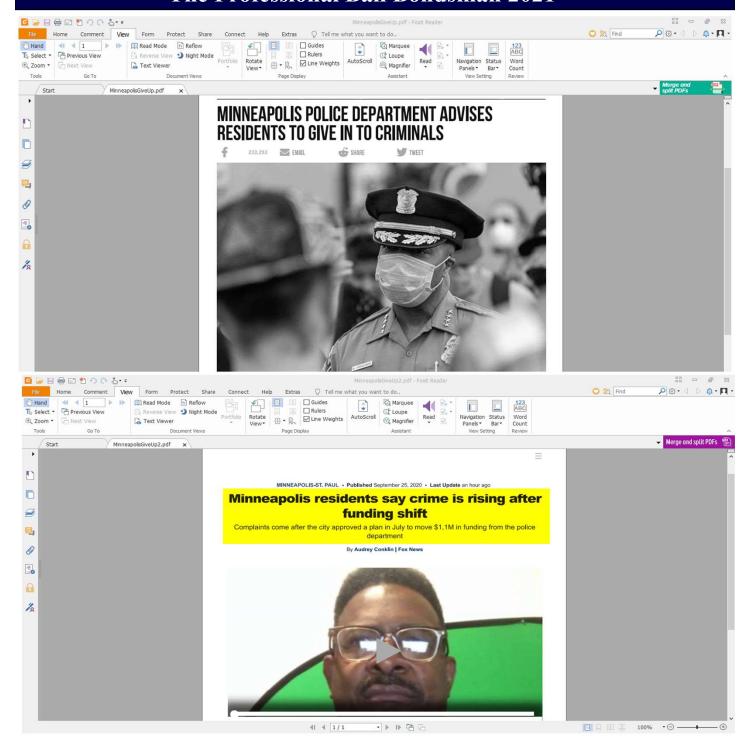
Feb. 22, 2021. "None the bail reform measures will prevent crimes or help victims. It does lessen accountability for criminals and reduce the likelihood that they will be apprehended. This is a dangerous trend that will have long-term implications for community safety."





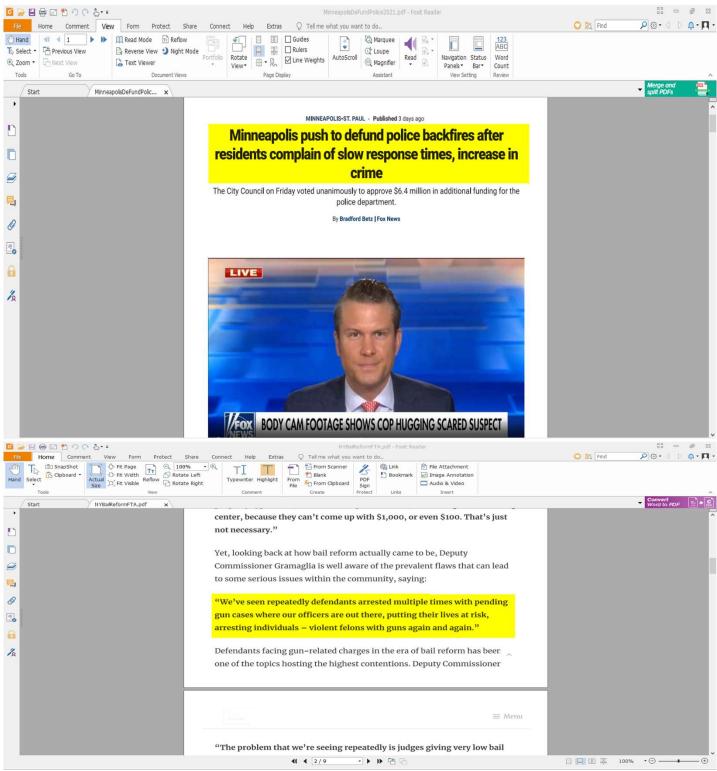


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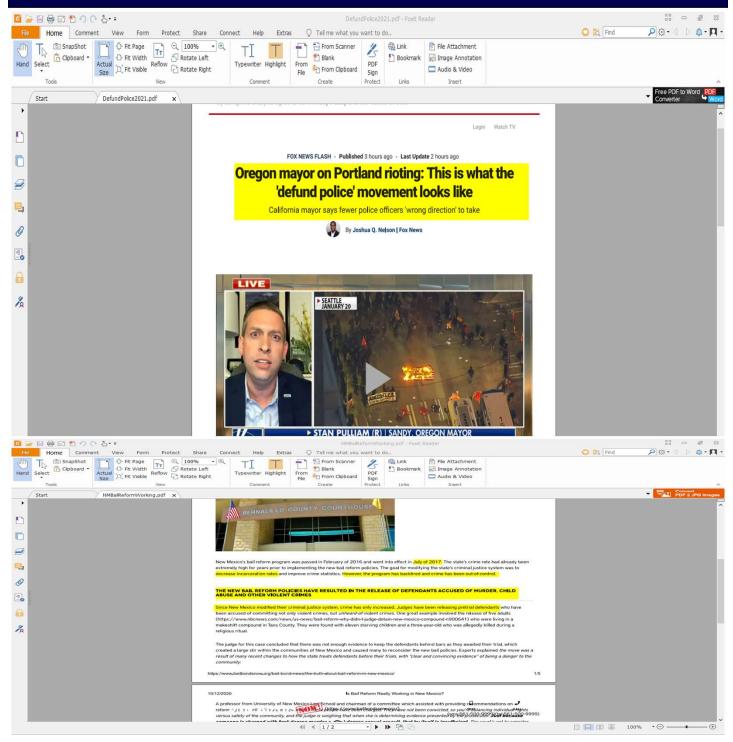












Guest Columns

Arnold risks public safety to release suspects

By Richard Mccarty / Director Of Research, Americans For Limited Government Foundation

Friday, March 13th, 2020 at 12:05am

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Billionaire John Arnold, who calls himself a "special interest pot stirrer," has decided to join New York City – which is suffering through a crime wave with its new arrest and release program – to meddle in the issue of bail reform.

As part of Arnold's scheme to remake the criminal justice system by releasing criminals before they are tried, he created a "Public Safety Assessment" (PSA) tool, which is basically a formula that is supposed to assess whether suspects are safe to be released before their trials. (The tool is used by judges in Bernalillo County's Second Judicial District.) According to Arnold's website, it is "a risk assessment tool that helps judges make accurate, efficient, and evidence-based decisions about which defendants should be detained prior to trial and which can be safely released."

New York City's program differs insofar as the state has simply barred police from detaining criminals for most offenses. But the results are the same as criminals go free.

Unsurprisingly, Arnold's efforts at releasing criminals have encountered a lot of resistance from law enforcement professionals from across the country who are alarmed at what they are seeing in municipalities that participate, and they just don't want to take the risk.

One law enforcement professional who opposes the use of the hedge fund manager's formula is Eric Siddall, the vice president of the Los Angeles Association of Deputy District Attorneys. "We're trying to use a method that hedge funds use to make money to make a determination of whether someone should be in custody or not... The problem is if a hedge fund makes a mistake, they lose money. If we make a mistake, someone dies," said Siddall.

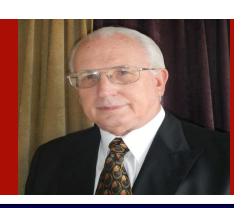
For those unfamiliar with Arnold, he is the former trader who collected the largest bonus in Enron's history and went on to found his own hedge fund before retiring at the age of 38. Maybe that's why he thinks it's safe to gamble with public safety.

Incredibly, the assessment tool assigned two armed robbery suspects the lowest risk score — a one out of six. The two Indiana residents are alleged to have entered a New Orleans pharmacy early in the morning wearing gloves and hoodies, robbed the pharmacy at gunpoint, bound two employees with zip ties, and engaged in a shootout with police as they attempted to flee, injuring an officer.

Fortunately, the PSA scores were completely disregarded and bail for each of the suspects was set at more than \$1 million. The assistant district attorney at the bail hearings asserted the assessments were "unconscionable." The district attorney followed up by calling the PSA's score for one of the suspects "absurd" and stated it "shows exactly why the skepticism" of the PSA "is both warranted and deserved."

Two former sheriffs – David Clark, the former sheriff of Milwaukee County, Wisconsin, and Bob White, the former sheriff of Pasco County, Florida – wrote an op-ed opposing the use of the PSA tool: "John Arnold claims to have cooked up a mathematical formula that can somehow predict whether a given criminal suspect will abscond or commit another crime – in other words, Mr. Arnold wants to play of game of Russian roulette, but the gun is always pointed at your head, not his. ... Pre-trial release determinations are complicated and fraught with danger to the public. They are difficult decisions best made on a case-by-case evaluation of all the evidence and circumstances by an experienced judge who has heard arguments on all sides. You can't leave those decisions to a mathematical formula."





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In addition, former Gov. Susana Martinez, a career prosecutor with more than 20 years of experience, issued the following warning about the PSA tool: "Here in New Mexico, we've been working hard to crack down on a catchand-release revolving-door criminal justice system – a problem that irresponsible interpretations and rules implemented by courts and the Arnold pretrial risk assessment tool have only aggravated. New Mexico implemented this pretrial risk assessment tool to devastating results."

Even a supporter of the PSA tool admits there are significant problems. Alex Bastian, a San Francisco assistant district attorney who is also a spokesman for the office stated, "We feel as though the calculations have not been done accurately on many occasions."

Throughout Arnold's career of gambling on natural gas prices, formulas may have been helpful to him in amassing his fortune, but neither human nature, nor justice, nor public safety can be reduced to a simple formula utilizing only basic information about a suspect. That is why the decision of whether or not to release a suspect from custody should be made by an experienced professional – one who is not relying on a magic formula.

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Please include your contact information so we can verify, and your loved one's name, age, community where they lived and something you want our readers to know about them.





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Bail Reform 2021

"Its Law & Order, Stupid"

The Push Back / The Backlash / Public Opposition

New York: When the law took effect in January 2020, jail populations plummeted. But there was a sharp rise in serious violence. Public opinion polls which had initially showed support for the bail reform measures had soured. In April, 2020, Governor Andrew Cuomo signed a new bill that scaled back much of the reform changes.

California: In 2018, then Governor Jerry Brown signed a similar law but it wasn't allowed to take effect until voters approved on Proposition 25 which was defeated on November 3, 2020, by California voters who saw it as unsafe and costly.

California: 800 prosecutors have filed a lawsuit challenging the directives aimed at a kinder criminal justice system proposed by District Attorney George Gascon as being soft on crime. The argument is that police departments will be crippled and judges forced to release dangerous criminals with no bail and an unrealistic hope that they will return for trial.

Illinois: DuPage County State Attorney Robert Berlin said people want to feel safe in their homes. People for the first time in the community are telling me "We are afraid. What are you doing to protect us"

A lesson for Illinois on cash bail? New York and California got rid of it and the results were disasterous. Illinois police and law enforcement already sounding off "a blatant move to punish an honorable system that will end up hurting law-abiding citizens the most"





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Colorado: SB 21-062 - Further Eroding the Criminal Justice System

BY: ABCADMIN / ON: MARCH 8, 2021 / IN: ABC POSTS, COLORADO

Bail Reform Legislation Would Create a Presumption of Personal Recognizance Bonds in All Felony 4, Felony 5, Felony 6, and Misdemeanor Crimes in Colorado





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As crime continues to spike in Colorado's urban centers, bail reformers are at it again, pushing Senate Bill 21-062. This new proposed legislation attempts to further erode criminal accountability by arguing that we need to further loosen up the criminal justice system so that fewer defendants will get arrested and more will receive a get out of jail free card (known as a "personal recognizance bond.").

This is a dramatic move that is opposed by Colorado Chiefs of Police, numerous Sheriffs, and many members of the community. Recent public testimony against the bill included numerous angry business owners who are attempting to operate on Boulder's Pearl Street mall, where they are subjected to continuing crimes against their businesses, which sadly includes subjecting their employees to physical violence from repeat offenders.

Originally, the ACLU's legislation would have also prohibited the arrest by police of Felony 4-6 and all misdemeanor crimes in Colorado. Of course, to get groups to "neutral" (which doesn't mean "support") it had to make a litany of concessions as to these arrest powers. These included some serious exceptions including: (1) Victim's Right Act crimes, which are of the most serious crimes to human victims in Colorado; (2) Sexual Offenses including failure to register; (3) repeat DUI crimes including felony DUI crimes; and (4) "The offense includes an element of illegal possession or use of a firearm." So, Police Officers under the ACLU's bill have unfettered authority to arrest persons in these categories.

But when it comes to the presumption of a personal recognizance bond in all F-4, F-5, F-6 and misdemeanors, there are no such exceptions. While there are new exceptions to the personal recognizance presumption, they are quite narrow and require prosecutors to put on evidence at a bail mini-trial. The end result is that officers are going to arrest defendants on felony Victim Rights Act Crimes, Sexual Offenses, Repeat DUI and Firearms Crimes that are going to get out of jail on a personal recognizance bond as a direct result of this presumption. How many, we'll never know, but it will be a significant amount





American Bail Coalitic

City Council approves vote of no in district attorney

"The Santa Clarita City Council unanimously on Tuesday to app of no confidence in District Attor Gascon, citing recent policy cha the D.A.'s office as having a det impact on public safety."

http://ow.ly/ekO650DVED5



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Take Action

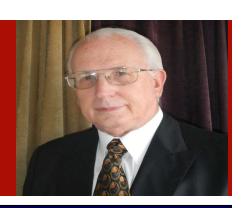
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The Future or Bail
THE 4TH GENERATION OF BAIL REFORM





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because, as the ACLU testified at the hearing, the goal is to depopulate the jails permanently and make things look the COVID-19 release policy where the jail populations dropped 10-50% depending on the jurisdiction.

Where is the Governor on this, you may ask? We don't know. The ACLU testified at the hearing that the Colorado Department of Public Safety (a cabinet department) supported the bill, but the sponsor of the bill noted that the Colorado Department of Public Safety was "neutral" on the bill. So, which is it? We do know that this bill was not the product of careful deliberations of the Colorado Commission on Criminal and Juvenile Justice (CCJJ), chaired by the Administration's Public Safety Director Stan Hilkey. Similarly, the bill does not enjoy the support of CCJJ, which nearly all important criminal justice legislation that has become law over the last 15 years has.

At the end of the day, this deceptive bill, known as "jail population management tools" is legislative line drawing at expense of judicial discretion.

As we learned in New York and many other states, this line drawing is dangerous and increases defendants thumbing their nose at the system and skipping court, delaying justice. Amazingly, the bill that was actually endorsed by CCJJ for the past two years that would have provided funding to local governments is nowhere to be seen.

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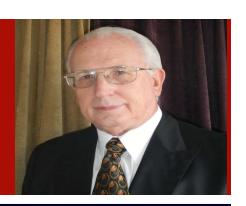
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NEW: Landmark Report on Criminal Risk Algorithms Demonstrates Why





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Northwest Arkansas Times Editorials

August 28, 2019: Catch and Release?

For county leaders who need to fix jail overcrowding, the choice is not between spending millions of dollars on jail expansion or some alternative that costs nothing.

The Quorum Court is advocating 1) For the quick release from jail of people accused but not yet convicted and 2) No one should be incarcerated solely because they can't afford the cost of bail. "Cash bail discriminates against poor people" said one member. Let the poor people go and the problem is then solved?

If we let these poor people go unfettered 1) will they show up for trial? and 2) will not commit new crimes? It is just now that simple. Just being poor or rich or white or black, or male or female are not reasonable determinants that 1) one is likely to show up for trial or 2) will not commit a new crime. Cash bail is the incentive to 1) to show up for trial.

October 19, 2019: Letting Inmates Go

When a sheriff starts turning away from the county jail people accused of breaking the law, it might be a sign that political leadership within county government is failing. County residents don't ask much of their county governments, keep roads smooth, law enforcement help if needed, put law-breakers in jail, maintain community safety and for most part residents will be satisfied.

Sheriff Tim Helder has been warning the Quorum Court for years the county jail has reached critical stages of the number of prisoners the jail can house and at present will force him to limit the number of prisoners he can accept. Quorum Court members have embraced alternatives to jail overcrowding other than to expand the jail. We now have the clearest example of how the county's leadership favors law-breakers and fails to live up to their obligations to the people they represent.

Utah Latest State to Repeal Cash Bail Reform As Advocates Push for Bail Reform in Colorado

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The Missouri Senate / March 22, 2021

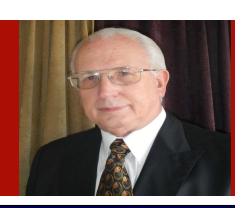
.The Missouri Senate discussed a bill Monday that would set new rules for bail and conditions of release in Missouri

The bill would establish **public safety as the primary consideration** for releasing detainees and change a ruling set in 2019 by the Missouri Supreme Court. Sen. Bob Onder, R-Lake St. Louis, sponsor of Senate Bill 487, explained in a Senate hearing that a norm established by the Missouri Supreme Court in July 2019 created a strong presumption against requiring bail for pretrial release, **instead favoring personal recognizance bonds**. Personal recognizance bonds allow defendants to leave custody without having to pay bail, after court consideration. this decision was meant as a way of addressing some abuses happening in Court but had **"disastrous consequences."**

Utah, Latest State To Repeal Bail Reform Laws

In 2020, Utah passed bail reform to address was a concern for indigent people stuck in jail who were unable to afford their bail. After a mere six (6) months on March 25, 2021, Governor Spencer Cox signed HB 220 that entirely repealed the prior bail reform legislation. Utah becomes the third state to embark down the road of bail reform only to quickly repeal it, joining New York in April, 2020, and Alaska in 2019, mostly at the urging of law enforcement. The most recent bail reform playbook has usually meant expanding personal recognizance bonds. As a result, studies have shown crimes have skyrocketed.





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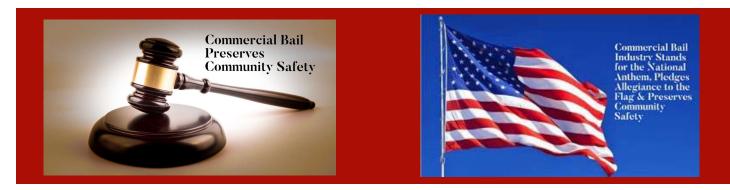
History of Bail Reform:

The push for bail reform is nothing new in our country.

The first push came In 1963, Robert Kennedy, Attorney General, delivered a comprehensive report basically wanting to curtail the large role commercial bail was playing in the criminal justice system. This report led to Senate hearings in 1964 and 1965 and resulted in the passage of the Federal Bail Reform Act of 1966, focusing **bail on appearance in court**, and **alternatives to the traditional money bail.**

The second push came as a result of the public concern over rising crime rates attributed to defendants on release pending trial and introduced the permissibility of <u>public safety</u> <u>considerations</u> as a "constitutionally valid purpose to limit pretrial freedom". Up to now, court appearance was the only constitutionally valid purpose for limiting pretrial freedom. Congress passed the District of Columbia Court Reform and Criminal Procedure Act of 1970, which allowed public safety to be considered equally to court appearance in pretrial release determinations. Many states then followed with similar legislation. This dual criteria, 1) <u>appearance in court</u> and 2) <u>public safety</u>, was adopted to <u>the Bail Reform Act of 1984</u>, and followed by all the states. In 1987, the <u>United States Supreme Court in United States vs Salerno</u>, 481 U.S. 739, upheld the legitimacy of considering dangerousness to the community in pretrial release decisions.

The third push is now underway using a more "<u>risk-based system of release and detention</u>.", i.e The Arnold Foundation, Inc. Risk-Assessment Tool which was first introduced in 2014. Several states have adopted this risk assessment measure but all however to devastating results. The "catch and release, revolving door" system results 1) in <u>dramatic increases in serious crimes</u> resulting in a <u>lack of public safety</u>, and 2) <u>failure to appear rations exceeding 50%-75%, resulting in no justice for the crime victim</u>. The same considerations resulting in the passage of the Bail Reform Act of 1984.



Commercial Bail vs Bail Reform

The Commercial Bail System

400 Years Effective Criminal Justice System
No Tax Payer Expense
Supervision & Accountability of Defendants
Insures Public Safety within community
97% Court Appearances

Bail Reform / Catch & Release

Favors the Criminal over Public Safety
Lawbreakers have no fear of law enforcement
Lawbreakers walk the streets unsupervised
Increase of 50% in serious crime rates
50%-75% Failure to Appear rate for court appearances
Bail Reform is Inherently dangerous and reckless
Every single State has had devasting results







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"Its Law & Order, Stupid" The Push Back / The Backlash / Public Opposition

➤ The commercial bail bond business is somewhat mysterious and greatly misunderstood by the general public who already have a misconception (bad one) about the bail bond business and are skeptical of an industry that continues to perpetuates its rumors and negativity. The solution is to make the bail bond agent a genuine bail bond professional.

What is a **Professional**: To most people a professional means working and behaving in such a way that others think of them as competent, reliable and respectful. What are the six traits of a professional:

Appearance, Proper Dress: If you are going to be a professional, look like a professional, look the part. You are initially judged by your appearance. Looks matter! Perception is reality. The idea that appearance might be so influential can be evidenced by the dollars spent each election year on the candidates in front of television cameras and public audiences.

I once heard a Sheriff make reference to a remark made by one of his hired minimum wage help stating that a particular "bail bond agent does not know what he was doing". Why the Sheriff asked? "Because of the way he was dressed, shorts and flip flops".

<u>Competence</u>: "Appearance" gets you to "looking competent". "You look like you know what you are doing." Competence: The ability to do something successfully or efficiently. These are traits learned from proper education (knowledge) and experience (skill).

<u>Credibility:</u> Appearance, Competence gets you to Credibility, having the expertise and information that one can believe to be true. Credibility leads to having the ability to <u>influence</u> others or impact you have on others.

Appearance, Competence, Credibility, equals a person worthy of having influence on others and demanding a known and <u>recognizable presence</u> within the <u>local community</u> as an ambassador for his industry (and a change in the misperception of bail bond agents)





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Bail Bond Professionalism 2021

> The commercial bail bond business is somewhat mysterious and greatly misunderstood by the general public who already have a misconception (bad one) about the bail bond business and are skeptical of an industry that continues to perpetuates its rumors and negativity. The solution is to make the bail bond agent a genuine bail bond professional.

Bail Agent <> Bail Agent:

Avoid conflicts and controversies with other agents in public and visible areas for others to see and hear. Do unto others as you would have them to do unto you. If you can't say something nice, say nothing at all. If you have grievances, air them to each other in private. Likewise, do not involve others in these matters or make complaints or comments about the conduct of other agents to others. "Others" in this meaning include jail personnel, etc with whom agents conduct business on a regular basis. The point: All Bail Bond Agents are Professionals

Bail agents should share with other agents, possibly not as experienced, of the ins and outs of how the bail bond business is done in particular localities. Again the point: All Bail Bond Agents are Professionals.

All bail bond agents should strive for the highest degree possible of professionalism within the industry. Sometimes it becomes necessary to police our own industry. Sometimes certain steps are necessary in alerting the proper regulatory officials of unethical business practices.

Bail bond agents should share with other agents all relevant negative information known about a particular defendant with whom the other agent is in the process of bonding out of jail.

Bail agents should make an extensive effort to support their state bail association or other organization whose goals are to promote the bail industry.





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Where Do We Go From Here?

Three Choices: 1. Build More Jails (Not Popular)

- 2. Catch & Release (Safety Issue)
- 3. Commercial Bail System
 No Tax Payer Expense
 97% Court Appearance
 Supervision / Accountability
 Eliminates \$50 @ day housing