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THE BATTLE FOR PHILLY'S BAIL: Who Gets The Money?

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BY TONY WEST/ Philadelphia's bail system is a mess, most observers say. Reforms of some sort are inevitable, now the Clerk of Quarter Sessions Office, which used to process bail records, has been eliminated. At a hearing Tuesday at the Bar Association, leaders of the different branches of public-safety professions butted heads as they struggled to move these reforms toward often-opposed goals.

On one bottom line, however, all public-sector officials å€" the City Controller, 1st Judicial Dist., District Attorney候s Office and Public Defender候s Office å€" banded together to fight off the reintroduction of private bail bondsmen to city courts. With equal force, bail bondsmen argued they can handle the job better than government has

CONTROLLER Alan Butkovitz testifies before Senate Judiciary Committee hearing his audits found many inadequacies in City's bail-collection procedures, as State Sens. Mike Stack and Stewart Greenleaf listen intently.

Bail is money. And it's a fact as long as bail is handled internally by the court system, its revenues return to the courts. That matters to President Judge Pam Dembe, who testified her pre-trial services are funded by bail money. At a time when court budgets are under extraordinary pressure, nobody wants to surrender control of a revenue source that, properly managed, could bring in new millions – money that could fund innovative alternative programs to empty out overcrowded prisons in better ways.

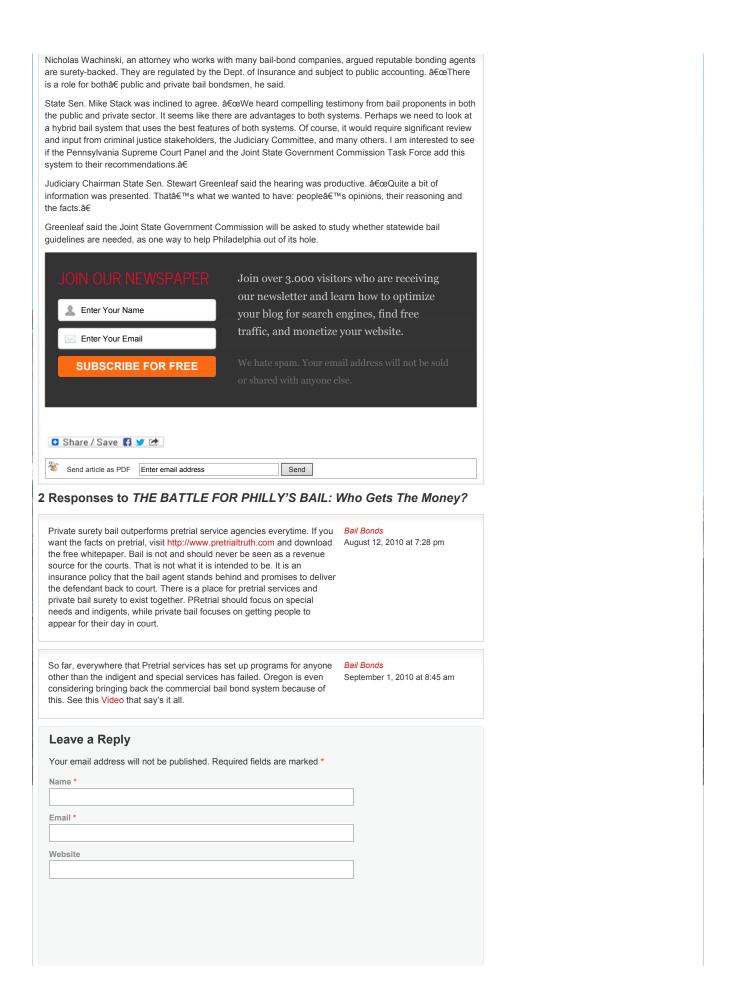
Jodi Lobel, who heads the Charging Unit in the DA's Office, even asserted going after back bail owed by "skipsâ€, which has been estimated to run as high as \$1 billion, should be the top priority of the Senate Judiciary Committee, which is investigating Philadelphia's bail system.

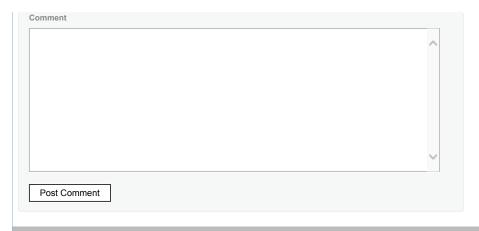
But spokespersons for the bonding industry retorted government bondsmen have no economic incentive to administer bail so as to ensure defendants appear in court. In fact, under the city's current system, the more no-shows, the more defaulted deposits (10% of the official bail bond) are retained as income by the courts. When defendants show up in court, these deposits are refunded. To a criminal, a forfeited deposit is just a cost of doing business.

Bail-jumping is a complex problem and public officials cited many other concerns about private bondsmen. They tend to "cherry-pick,†said Judge Dembe, leaving tougher cases to rot in jail. Controller Alan Butkovitz noted private bail bondsmen were banned in Philadelphia in the 1970s after allegations of corruption. Stuart Schuman of the Defender Association of Philadelphia said, "Private bondsmen tend to use a lot of petty reasons for revoking bail. We shouldn't be privatizing what is a public function.â€

A troop of bail bondsmen disputed these contentions. "Government has no motivation to run bail like a business,†said Stanley Orlin, a veteran of Philadelphia's earlier private bail-bond industry.†Several bondsmen testified their companies keep skips under 1% – a far cry from Philadelphia's 7% no-show rate. They study applicants' credit, monitor their families closely, issue electronic restraints and provide pre-trial management – all to avoid losing their bonds, which are10 times larger than what defendants currently risk.







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