

## Measure 6: Set Bond Hearings Within 5 Days

### A. Introduction

According to national jail inmate statistics, most pretrial inmates are those who cannot post a money bond (Bureau of Justice Assistance, 2000). One of the Jail Oversight Commission's case-processing recommendations involved setting and conducting bond hearings within five working days. While 50% of those booked are released for various reasons by the end of the second full day of incarceration at Orange County, the post-initial appearance bond hearing would provide an opportunity to review the situations of those individuals who remain in custody. The overall issue of bond hearings is a timely one both in the news and in the literature. The May 24, 2002 edition of the Chicago Daily Law Bulletin notes that the large number of people in the Cook County jail unable to post bail is a serious problem. The August 15, 2002 edition of the same publication argues that Cook County's overcrowding problems could largely be solved by reducing bonds at subsequent bond review hearings. Meanwhile, the Fulton County jail in Georgia is currently under a court-ordered bond review process. Under the terms of the court order, a magistrate has been designated to regularly review the jail lists and release individuals who cannot post bond. The first such review resulted in a release of 52 inmates who did not commit crimes against people. The second review released 62 inmates who had been held 30 days or more on bonds of \$1,000 or less (Fulton County Daily Report, 12/3/2001).

### B. Benchmark(s)

While the 5-day deadline within the language of the specific JOC recommendation is fairly clear, the literature recommends a host of time periods during which bond reviews should be conducted. For instance, in Baltimore, the first bond discussion actually takes place within the first hours of incarceration. Immediately after booking, the inmate's case is reviewed by a bail commissioner. The bail recommendation is produced during this meeting with the bail commissioner. The bail hearing itself (as outlined in the Initial Appearance section of this report) occurs later in the process. At that hearing, the judge is able to review bail, and either reduce it, release the inmate on recognizance, or leave the bail commissioner's recommendation untouched. In Kentucky, a bail review must be conducted within 24 hours of the bond being set (at initial appearance in most jurisdictions). Furthermore, inmates can request a review at any time.

The National Association of Pretrial Service Agencies (NAPSA), has an active performance standard in which they recommend that any inmate who remains in custody for 72 hours because they cannot post bail should be presented before a judicial officer for a bond review. Because the majority of inmates booked into the Orange County jail are released within 72 hours, this guideline might be more cost-effective than the 5-day guideline recommended by the Jail Oversight Commission.

Meanwhile,

Judges can reduce the average LOS of defendants who at first are unable to post bail by scheduling bond review hearings several days after the defendants enter jail. The Volusia County, Florida, court regularly holds "jail arraignments," hearings for defendants who have been incarcerated 3 to 5 days after their initial appearance and who might qualify for case disposition, bond reduction, or pretrial release consideration. (Bureau of Justice Assistance, 2000).

## **Measure 6: Set Bond Hearings Within 5 Days (Cont.)**

### **C. Conclusion**

If and when the post-initial appearance bond hearing comes into existence in Orange County, this process needs to be linked to the duties of the proposed population control coordinator (another JOC recommendation). This position could perform some of the same functions as the magistrate in Fulton County. For instance, the population control coordinator could review the jail rosters for individuals who have stayed a certain number of days and are unable to post bond. Indeed, even the small jail of Clark County, Indiana has a “jail scout” who scans the jail for bond review and community corrections candidates.