

Report to Staff and Trustees of the Vera Institute of Justice

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BAIL REFORM - NATIONAL

Bail Fund set up for Student Protestors

Berkeley, California. A \$3,000 interest-free loan fund has been set up by the University of California Associated Student senate for those students who are arrested but don't have the money to bail themselves out of jail.

Bail OK Before Booking

Merced County, California. Considering that portion of the criminal code, which states that a person cannot exercise his right to bail until he has been booked, is unconstitutional, a lower court ruled that defendants arrested on misdemeanor charges may escape fingerprinting and photographing if they post bail before booking. The judge based his ruling on his belief that a criminal record will follow a person for the rest of life and (the judge believes) fingerprinting and photos constitute a criminal record.

Bonabond, Inc. Faces Financial Problems

Washington, D. C. Bonabond, Inc., (See Vol. 2 No. 4), an organization of ex-convicts that provides bail and counsel to other ex-convicts, is in danger of closing operations due to congressional delays in providing funds for Federal agencies. In 1967, Bonabond operated on HEW funds. The seven ex-convicts who run the organization state they will continue to work on a voluntary basis in 1968 if funds are not provided. Bonabond, Inc., in its 16 months of operation has paid bail for 350 convicts, found employment for 75 ex-convicts by under-writing the convicts' fidelity bonds, and reports that there have been no failures among the convicts Bonabond has bonded.

Citizens Contribute Funds For Bail Project

Baltimore, Maryland. The successful but financially floundering Baltimore Bail Project (See Vol. 2 No. 10) run by VISTA is scheduled to shut down shortly due to the lack of federal funds for project. Through the efforts of local businessmen, contributions

will be able to keep the project going until December 31st, at which time the federal government will decide on a request pending for anti-poverty funds to be granted to the Baltimore Legal Aid Bureau to take over the project.

A Legislative Council subcommittee has approved legislation requiring that "legal sanctions rather than bail" be used to assure court appearances by defendants in Maryland. (See Vol.2 No.12) The proposed legislation would allow for the R.O.R. of defendants upon the recommendation of "judicial officers" whose main job would be to determine under what conditions a defendant should be released. The proposed legislation has been submitted to the Judiciary Committee of the Legislative Council.

Creation of Bail Agency Planned

Montgomery County, Maryland. The County Council instructed the County Manager and judges to move toward the creation of a county bail agency to handle release on recognizance. The agency would become responsible for the pretrial bail investigation and make recommendations to the judges.

Editorial Urges Bail Reform Measures

Bayonne, New Jersey. A recent editorial in the Bayonne Facts urges immediate bail reform measures. Commenting on the present bail system in the area, the editorial states that the present bail requirement is discrimination to the nth degree -- "to penalize a man because he is not fortunate enough to have the necessary fees for bail."

People v. Gonzales

New York, New York. A highly significant bail case has just been passed upon by the New York Court of Appeals. In People v. Gonzales the defendant and others were charged with assault and robbery of an undercover police officer. The defendant and others beat the officer severely and took his gun while the policeman was holding a gun on a suspect. At issue in the case is whether the defendants knew the victim was an officer, rather than a person committing a crime. The defendant, a 19 year old Puerto Rican who has lived in New York for three years, was employed by Mobilization for Youth, contributes to the support of his family, lives with his family, has no prior record, was attending school in reading and job training and has a Mobilization for Youth social worker who is willing to supervise him if he is released. Bail, which was originally set at \$25,000, was reduced to \$1,000 which the defendant was unable to post.

A petition for writ of habeas corpus was filed in Supreme Court by Mobilization for Youth and the Legal Defense Fund. The defendant argued that: (1) the imposition of money bail on an indigent is a denial of equal protection of the laws; (2) pretrial detention is a denial of due process of the law; and (3) requiring money bail of an indigent, when other conditions at least as likely to insure his return were available, made the bail "excessive" within the meaning of the Eighth Amendment.

The Supreme Court dismissed the petition, as did the Appellate Division. On appeal to the Court of Appeals, the Court held that \$1,000 bond was not an abuse of judicial discretion and hence that it was not necessary to reach the constitutional questions.

A petition for writ of certiorari has been filed in the United States Supreme Court.

FEDERAL BAIL REFORM

Court Rules on ROR Procedure

Washington, D. C. The U.S. Court of Appeals ruled that the primary responsibility for releasing individuals from jail under the Bail Reform Act lies with the Court of General Sessions and the U.S. Commissioner. Following the recommendations of a committee set up to study problems of implementing the Act (See Vol. 2 No. 14), the District Court will no longer hold bail hearings until the preliminary procedures in the lower court and in the Commissioner's office have been exhausted. A defendant will be able to go to the District Court to seek bond modification only after a General Sessions judge or the Commissioner has refused again to grant release after the 24-hour period and has set down his reasons in writing.

Judge Criticizes Bail Act

Washington, D. C. Noting that the defendant before him had shot a man who, while out on personal bond had threatened the defendant, General Sessions Court Judge Charles W. Halleck commented to the defendant, "You may well have done the community a service." The judge later said that he had become disgusted and cynical with the system because, Halleck contended, about 15% of suspects out on personal bond are charged with new crimes before they even come to trial. "The courts are powerless under the provision of the bail act to protect society against obvious criminals."

Senate Committee Calls for Investigation

Washington, D. C. The Senate Appropriations Committee urged special studies of the Juvenile Court and the Bail Reform Acts to be undertaken by the House and Senate Judiciary Committees. A 10-member panel headed by District Court Judge George L. Hart, Jr. has been set up by the District's Judicial Council and will report by May. Chief U.S. Court of Appeals Judge L. Bazelon said that the Bail Act has proven difficult to carry out and the major complaint from police, prosecutors, judges and congressional leaders is that ROR leads to release of dangerous defendants likely to commit other crimes. The committee will present interim recommendations before its final report.

LEGISLATION

Bail Reform Measure Introduced into Legislature

Dover, Delaware. A bill to reform Delaware's bail system was introduced into the state legislature October 30, 1967. The bill, a comprehensive proposal for ROR, (See Vol. 2 No. 16) if passed would make the State Board of Corrections responsible for administering the bail law and for investigations into community ties of defendants.

VERA NEWS

Work Release

Vera has participated with the Department of Correction and the Mayor's Office in drafting legislation which will permit trustworthy prisoners at Rikers Island to be released each day to work in the community. The bill will also permit leaves for periods not exceeding seventy-two hours for emergency purposes and for employment interviews. Vera has been asked to assemble materials which will show the experience of the Federal government and other states and cities with work release measures.

Manhattan Bowery Project

The Manhattan Bowery Project now in its third week of operations reports that it has handled about 75 patients. Most of the patients stayed at the Bowery Infirmary for treatment for the full five days. All the patients who desired additional aid were placed by Vera staff with various after-care agencies.

Telephone Project

Vera's Telephone Project in the Men's House of Detention (See Vol. 2 No. 14) has been expanded. A second Vera phone has been installed on the 5th floor of the detention facility directly adjacent to the living quarters of the inmates. The purpose of the second phone is to test the necessity of getting more adequate and immediate telephone service throughout the facility. After three weeks of testing two important successes have been noted. Approximately 50% to 75% more defendants have been able to use the phone and there has been a significant reduction in time spent by Correction officers in transporting inmates to the phone.

Vera is now studying ways in which to bring about telephone service in all detention facilities in the city, possibly through the use of mechanical monitoring devices.

NEW STAFF

Robert Dobrish, an attorney, has joined the Vera staff to work on the Criminal Justice Coordinating Council.

Bail Reform Spreads Throughout State

Maryland. Two counties in Maryland have begun to reform the bail bond system in accordance with recommendations made by the Maryland Bar Association. (See Vol. 2 No. 12) In Carroll County police will continue to set bail until the county is able to set up new procedures. Magistrates in Anne Arundel County will be receiving instructions including objective standards to follow in implementing the new procedures.

A recent editorial in the Sun in discussing the new bail reform measures in Maryland states that "there should be no turning back.." The article goes on to say that in Baltimore in the state court there have been but a few cases in which ROR'd persons failed to appear as ordered, but on the other hand, Criminal Court records show that the percentage of bail jumpers is higher than the percentage of those not appearing for trial after ROR.

Detroit Bail Administration Criticized

Detroit, Michigan. The Detroit Free Press has criticized bail policy in the city during the riot. Two Detroit policemen charged with 1st degree murder of two Negro youths during the riots had bonds set at \$5,000. Each posted bail and were released. A third man, charged with rioting and inciting to riot, had bail set at \$150,000 and was remanded to jail. The police officers were charged with crimes which, if convicted, could send them to prison for life terms. The third man faced a maximum sentence of five years. All three men were regularly employed. The bail amounts reflected neither the severity of the charges nor the likelihood of flight.

Probationer Not Entitled to Bail

Jefferson City, Missouri. In an attempt to clarify the 1965 state legislation on bail in regard to probationers, state Attorney General Norman H. Anderson held that probationers arrested for violating the conditions of their probation are not entitled to bail. According to Anderson, the Constitutional guarantee providing for bail in non-capital cases is applicable only before trial and conviction; there is no constitutional right in Missouri to be admitted to bail after conviction. Any such right would have to be created by statute.