

INTRODUCTIONS

- **Stephen Owens**
 - Owens Bonding Inc. - 18 years
 - Kansas Representative for the 74th House District
- **Shane Rolf**
 - Shane's Bail Bonds – 33 Years
 - Vice-President, Kansas Bail Agents Association
- **Dennis Berndt**
 - B&K Bonding – 19 Years
 - Treasurer, Kansas Bail Agents Association

Bail and Appearance

No other form of pretrial release guarantees appearance better than surety bail.

Defining “Failure to Appear”

- Failure to Appear: Occurs when a court issues a bench warrant for a defendant's arrest because he or she has missed a scheduled court appearance. (Defined by the BJS 1992)
- Other jurisdictions have created alternate definitions of what constitutes a “failure to appear.”
 - For instance, Delaware’s new calculation is that if a defendant appears for more than half of their court dates they have not failed to appear.....
 - Other jurisdictions calculate their FTA rate based upon a percentage of the number of court appearances.
 - Still others argue that appearance isn’t really all that important

Excusing Failure to Appear

“What we’re finding is that when people aren’t making it to court for their first appointment, most likely they’ll come to their second appointment—and nearly everyone makes it by the third,” Schlesinger* said. “If people aren’t missing past the third appearance, they haven’t failed to appear.”

* Tracey Schlesinger, Board Member, Pretrial Justice Institute

Shane's Bonding

- 6 Agents serving 8 Counties in NE Kansas
- Failure to Appear Rate of 11.8%
 - Actual Loss Rate of 3.2%
- Primarily operates in Johnson & Wyandotte County, Kansas

Johnson County

- In Johnson County, defendants subject to Pretrial Services supervision are only counted as FTA's if they fail to appear *while on the program*. However, whenever someone falls out of compliance, a warrant is issued immediately for the failure to comply and the defendant is no longer considered to be "on the program." These Failure to Comply warrants are always requested prior to upcoming court appearance dates, therefore if the defendant fails to appear after a non-compliance incident, it does not count as a failure to appear "on the program" for tracking purposes.
- As a result, when Johnson County claims that their FTA rate is less than 5%, this is really only those defendants who FTA while still in compliance with Pretrial Supervision.
- Note that Sedgwick County's reporting is done in a similar manner. However, while Sedgwick County reports a 4-5% FTA rate, they also report a Fail to Comply rate in excess of 30%.

Johnson County

This is not to say that Johnson County Pretrial does a poor job in its role of supervising those released on bond. This is particularly true of their drug testing regimen. It is just to say that the FTA numbers can be artificially skewed by aggressively issuing non-compliance warrants.

Further, many of the defendants subject to the JoCo Pretrial Services program have also posted a cash or surety bail. In this sense, Pretrial Services and the Surety Bail Bondsmen work synergistically. Since the bondsmen do not have the luxury of taking a mulligan when the defendant falls out of compliance, the bail bondsman must still ensure the continued appearance of the defendant or return them to custody should they fail to appear.

In this manner, the State receives the benefits of both regular drug testing and reporting as well as a motivated surety for ensuring appearance and/or recapture in the event of failure to appear.

B&K Bonding – Salina & Surrounding

- 16 Agents serving 18 Counties
- Failure to Appear rate of 8.6%
 - Actual Loss Rate of .7%
- Captira Bail Management Software
 - Check in & notification capacities
 - Mobile Applications for check-ins & call-ins
 - GPS Monitoring Equipment as needed
 - UA's as requested by families & court

Owens Bonding – Statewide

- 42 agents & employees serving 98 counties
 - Posted 5,709 bonds in 2018
 - Failure to Appear Rate of 8.3%
 - Actual loss rate of .7%
- Expertbailvision – Our Bail Management Software
 - Reminders
 - Text Messages, Robo-Calls, emails
 - Check in Mobile Application
 - Electronic Monitoring available as needed
 - Family Involvement

Kansas City

Following the Ferguson riots, Missouri enacted a type of bail reform, restricting the municipal courts from enforcing appearance through monetary bail.

The results have been sadly predictable.

Many defendants have stopped coming to court.

THE KANSAS CITY STAR

EDITORIALS

'There's no punishment for not showing up to court': How Missouri defendants get off easy

BY THE KANSAS CITY STAR EDITORIAL BOARD

JULY 08, 2018 05:30 AM, UPDATED JULY 08, 2018 04:30 AM



"On the 10 a.m. docket that day were 368 cases. In the audience were
— count 'em —
seven defendants."



Missouri State Treasurer Eric Schmitt said there is a "breakdown of trust" between people, the government and the court system. *FILE PHOTO*

A recent Friday morning in the courtroom of presiding Independence Municipal Judge Garry Helm demonstrates as conclusively as anything why Missouri's sweeping 2015 judicial reforms went too far.

Recent Results of “Bail Reform”

- New Jersey refuses to release its Failure to Appear stats since it enacted bail reform. (Which should tell you all you need to know)
- Alaska has rolled back major portions of its bail reform legislation after the Governor described Alaska as “now the most dangerous state in the country.”
- Delaware jail populations have gone up as Preventative Detention has increased without a surety bail option.
- New Hampshire & Vermont are both considering modifications following a series of high profile crimes by people who had been released on signature bonds.
- New Mexico Governor comes out demanding action and reversal of Supreme Courts approach to bail reform

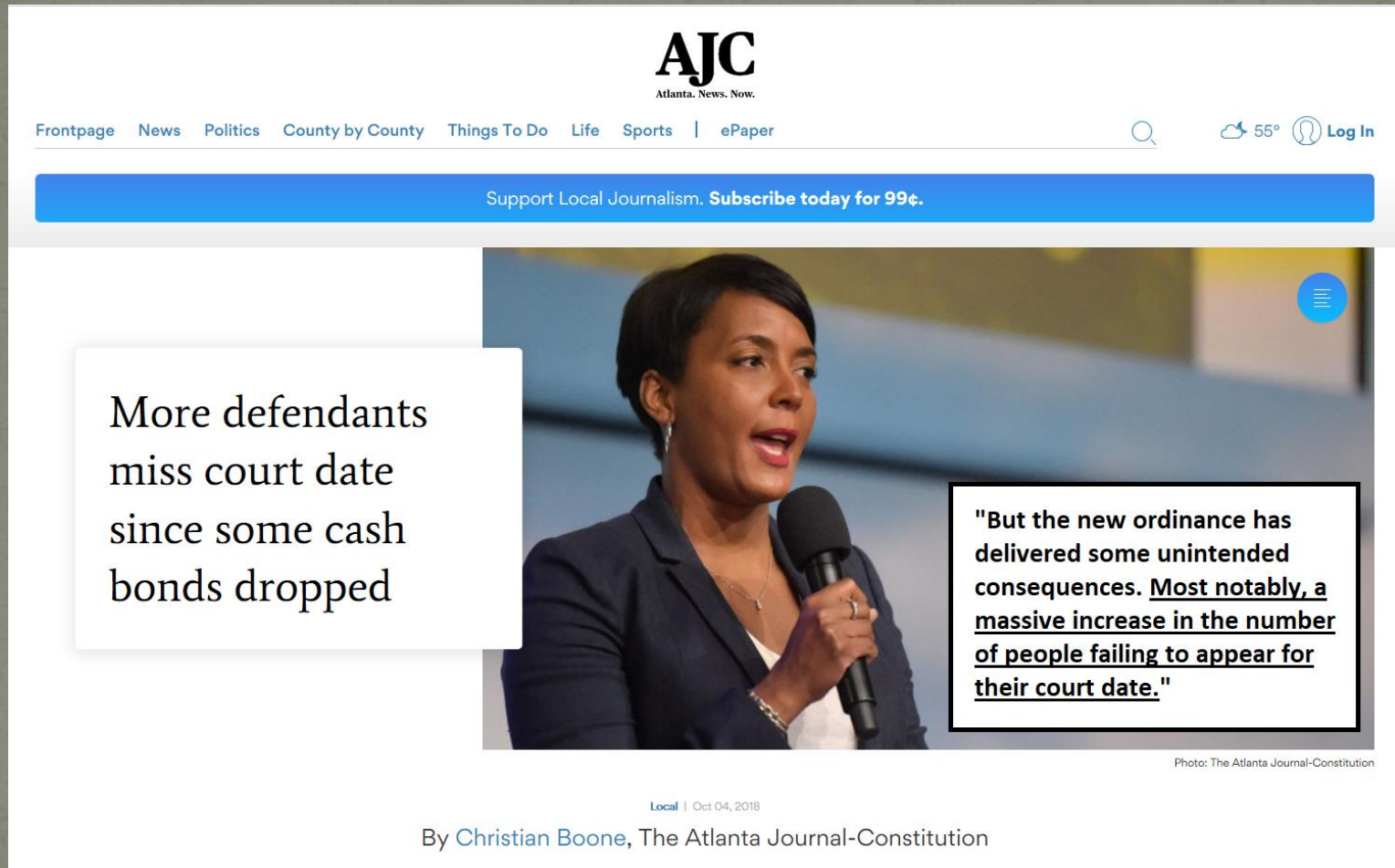
Harris County, Texas

49.3%

Failure to Appear Rate
in Harris County, Texas
after "bail reform"

Harris County Criminal Court at Law Judges filed a lawsuit citing "Irreparable Harm to the Community" re: Federal Judge Lee Rosenthals Order in Harris County

Atlanta, Georgia



The image is a screenshot of a news article from the Atlanta Journal-Constitution (AJC). At the top, the AJC logo is displayed with the tagline "Atlanta. News. Now." Below the logo is a navigation menu with links for "Frontpage", "News", "Politics", "County by County", "Things To Do", "Life", "Sports", and "ePaper". On the right side of the navigation bar, there is a search icon, a weather icon showing "55°", and a "Log In" button. A blue banner below the navigation bar reads "Support Local Journalism. Subscribe today for 99¢." The main content area features a large photograph of a woman with short dark hair, wearing a dark blazer, speaking into a microphone. To the left of the photo is a white text box containing the headline: "More defendants miss court date since some cash bonds dropped". To the right of the photo is a black-bordered text box containing a quote: "But the new ordinance has delivered some unintended consequences. Most notably, a massive increase in the number of people failing to appear for their court date." Below the photo, the text "Local | Oct 04, 2018" is visible, followed by the byline "By Christian Boone, The Atlanta Journal-Constitution". At the bottom right of the photo, there is a small credit line: "Photo: The Atlanta Journal-Constitution".

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More defendants miss court date since some cash bonds dropped

"But the new ordinance has delivered some unintended consequences. Most notably, a massive increase in the number of people failing to appear for their court date."

Local | Oct 04, 2018

By [Christian Boone](#), The Atlanta Journal-Constitution

Photo: The Atlanta Journal-Constitution

The FTA rate in Atlanta doubled in the first six months of Bail Reform

Conclusion

- In short, every jurisdiction that has eliminated or severely curtailed its use of monetary bail, particularly surety bail, has seen a marked increase in failures to appear.
- If a defendant fails to appear, where does that leave the victim of the crime who is looking for restorative justice?

Questions



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