

Bail Plan Time Running Out

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Last in a series

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The D.C. Bail Bond Project closes up shop less than two months from now.

The project's Ford Foundation grant is running out and after July 1 it will no longer be available to obtain without bond the pretrial release of defendants awaiting trial in Washington courts.

If nothing is done — if Congress fails to pass two bail reform bills now before it—it will be business as usual for the city's professional bondsmen.

And many of the 70 defendants released without

bond through the Bail Bond Project in an average month may end up in the D.C. jail instead.

The Justice Department-backed package of legislation now before Congress includes:

- The Federal Bail Reform Act of 1966. Already passed by the Senate and approved by the Judiciary Committee in the House, it would have Federal judges release most defendants appearing before them on their personal promise to return to trial.

- The D.C. Bail Agency bill. Now being considered in two slightly different versions by both the House and Senate District Committees, it would set up a permanent, indepen-

dent successor to the Bail Bond Project, to advise the judges.

The Bail Reform Act would apply to U.S. District Courts across the country and both the U.S. District and General Sessions courts here. Washington would be the only city where reform would cover "local" courts.

"It would give courts here an exciting opportunity to remold pretrial release practices completely," one Justice Department official said. "Every other city would be watching the progress here."

Judges here were reluctant to release defendants on personal bond pending trial until the Bail Bond

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bills will not reach into the police precinct.

A person arrested at night would still have to post a monetary bail bond to avoid staying in a precinct cellblock until he went to court, and became eligible for release without bond, the next morning.

Washington lawyers and court officials are expected to discuss this problem at an upcoming Judicial Conference meeting. Among the suggested solutions are placing D.C. Bail Agency representatives at the precincts and issuing summons

to court, like traffic tickets, instead of arrests for less serious crimes.

Also left untouched was the question of preventive detention: keeping a defendant in jail until his trial because of the belief that, if he were released, he would commit another crime.

Technically, preventive detention is unconstitutional, but Washington's judges admit that they try to accomplish much the same purpose by setting bonds high so defendants cannot afford them.

"We've been hypocritical

about it," one General Sessions Court judge said. "But we do it. I wonder if the bail reform legislation will make us face the question."

Deputy Attorney General Ramsay Clark said the Justice Department recently tried to write a preventive detention law, but could not come up with a model that would work and yet be constitutional.

Clark and others believe that a combination of bail reform, speedier trials, and redesigned rehabilitative systems might better combat the repeater problem by

getting him into a better corrections system sooner.

Project came along to check out each defendant's background and take the responsibility of recommending personal bond release.

Otherwise, the judges usually set a monetary bond, a decision often based on little or no information about the defendant except the charge against him.

On this basis, some judges —like Milton S. Kronheim in the Court of General Sessions and Matthews F.

be expected to assure the defendant's return to court:

- Put the defendant in the custody of someone who agrees to supervise him.

- Restrict where he can live, travel or who he can associate with until he returns to court.

- Set a bail bond in the case and require the defendant to post 10 per cent of the amount with the court. The defendant would get his money back when he returned on time to court for trial.

- Set a bail bond amount and require the defendant to pay a bondsman to post it for him (the current prevailing system). Bondsmen do not return premium fees paid them when the defendant returns to court for trial.

- Impose some other condition of the judge's choosing, including daytime release with nighttime custody.

Review Decision

If the defendant is still unable to get out of jail 24 hours after the judge has set one of these conditions for him, the judge must review his decision and, if he still does not release the defendant, put the reason for

his action in writing.

The jailed defendant can then appeal the judge's decision to a higher court which can order a rehearing or release the defendant itself.

Supporters of the legislation predict that its passage would leave few defendants in jail awaiting trial and would take much business away from bondsmen.

But they point out that the D.C. Bail Agency also is needed to give the judges choosing the alternatives

enough information on which to base their decisions.

Urges Early Approval

In a lengthy floor speech on May 9, Sen. Daniel Brewster (D-Md.) urged the District Committee to consider the Bail Agency bill "a matter of top priority." He said it should be approved by the committee and the Senate "at the earliest possible date."

Observers in Washington's courts believe there may be one loophole in the legislation: the bail reform

McGuire of the U.S. District —became noted for setting exceptionally high bonds in some cases with little apparent reason.

The Bail Reform Act would require judges to release all defendants (except those charged with crimes punishable by death) on personal bond pending trial unless the judge "determines, in the exercise of his discretion, that such a release will not reasonably assure

the appearance of the person as required."

In that case, the Act requires the judge to impose the first of the following release conditions that could