

What are some things to look for when choosing a bail bond company?

Integrity and trust are the biggest factors. You are literally trusting your bail bond agent with your life. That includes your valuables and the future of your loved ones. A good bail bond agent is a professional who needs to have the same level of confidentiality as your lawyer, doctor, or financial planner. Like those other professionals, make sure your bail bond agent is licensed. You should feel safe and comfortable when meeting with your bail bond agent.

How Do I Get A Bond?

There are three ways in which a person may be released from custody:

- A. You can use bondsmen this means that you will pay a fee and need to use some form of collateral;
- B. You can post cash for the full amount of the bond with the court or jail;
- C. Lastly, the judge can decide to let the defendant go on their own recognizance.

How do you qualify for a bail bond?

Qualifying for a bail is similar to qualifying for a bank loan. Many of the criteria are the same. Often, you need to have a form of collateral. At Iowa Bail Bonds, we're able to offer financing for people that don't have hard assets and want to get back quickly to their loved ones.

However, since you are dealing with a criminal charge, there are several other factors that are linked to your ability to qualify:

1. How much is the bond? If the judge sets the bail high, that increases the amount that needs to be paid for the bond. With any financial qualifying situation, the higher the price, the harder it is to qualify.
2. What are the charges? The more severe the crime, the higher the bail amount will be. Also, there are some charges where judges will be reluctant to issue bail.
3. Who is the guarantor or indemnitor (the person signing on behalf of the individual now in custody)? If the guarantor has good standing in the community, good credit, and hard assets (in case the individual in question should disappear before trial), the individual applying for the bail bond has a greater chance of approval.
4. The character of the person arrested is also brought into question. Do they have a job? What is their prior criminal record? Do they have a family? Are they an American citizen? Do they have a passport (if they do, then it is usually surrendered until the trial is over)?

All of those factors are considered when approval of the bond is in question.

What are my options if I am arrested?

There are five options for release of a defendant:

- A. Surety Bond (a bail bond)
- B. Property Bond
- C. Cash Bond
- D. Release On Own Recognizance (O.R.)
- E. Release on Citation (Cite Out)

What happens if the charges are dropped the next day or two after a bond is posted for me? Can I get my money back?

Once a court accepts a bond, the money paid to the bail bond agent has been earned and cannot be returned. It is the same whether the charges are dropped the next day or after a full trial.

How Long Is The Bail Process?

The paperwork takes approximately 20-45 minutes, depending on the complexity of the transaction. The release time can be one hour or less for local police stations and 1-12 hours in a county jail. Please remember that these times are not guaranteed but general time frames.

What Factors Are Used in Deciding the Bail Amount?

The judges who set bail usually have several major factors they use when deciding whether to set bail and then at what rate. None of the factors alone decide the issue.

Seriousness of the Charge

The more serious the charges against the person, the more likely a high bail amount will be set. For example, someone that is charged with armed robbery will have to post higher bail than someone charged with shoplifting. If the charge is serious enough (such as murder or kidnapping), no bail is set. The accused is remanded (held in jail) until trial.

Prior Criminal History

If the accused has a prior criminal history, then their chances of having a higher bail set (or even being remanded) increase. Also, the number of prior convictions, their seriousness, and the time at which they were committed play into the judge's decision. For example, someone convicted of shoplifting when they were a teenager twenty years ago won't have as much against them as someone that just got released from jail for armed robbery.

Prior criminal history means less and less as the crime gets more serious. If someone is accused of first degree murder, then their criminal history will matter very little in the judge's decision. Once again, for less serious offenses, history plays a larger role.

Prior Bench Warrants

A defendant that has prior bench warrants for their previous convictions has a much greater chance of their bail being set very high or being remanded until trial. Bench warrants are issued when a defendant fails to show up for court. The entire issue of bail is about whether or not the defendant will show up for their court proceedings, thus avoiding having to issue a warrant.

It is possible that past warrants may have been issued in error or were issued for invalid reasons. If these can be satisfactorily explained by the defense attorney, the judge may remove the warrants from their consideration.

Ties to the Community

A defendant that has strong ties to the community in which they are accused has a more favorable position in regards to bail. For a misdemeanor or less serious crimes, someone with strong ties to the community may even get released on recognizance. For felonies, those with strong ties to the community will often have a lower bail amount set than those without strong ties.

There are several factors that are considered to give the defendant strong ties to the community. One is owning a home or property and living with their family in that community (it also helps if the family is in the courtroom for the arraignment). If they have been a long time resident of the community, that is even better. US Citizenship and employment at a steady full-time job are also considered strong ties. An effort to hire a private attorney can also show that the defendant has a stake in sticking around to face the charges. Finally, if the defendant voluntarily surrenders to the police (without having to be arrested), it also shows strong willingness to face the charges before them.

The Pre-Trial Release

The Pre-Trial Release makes recommendations with respect to releasing each defendant that comes through the court. The agency makes its recommendations after interviewing each defendant. Obtaining a good recommendation from The Pre-Trial Release is a plus for the defendant, but the judges are not bound by the Pre-Trial Release recommendation and there is a lot of debate as to how much influence the Pre-Trial Release has in the judge's decision.

The Judge

The judge that handles the arraignment of the defendant is different than the judge that will later handle the trial. Since a typical arraignment judge handles 80-100 arraignments in a day, they aren't particularly interested in getting to the bottom of the case. The arraignment judge isn't there to hear evidence or conduct an investigation. They are there to take care of that part of the criminal justice process, which is to make sure the defendant is properly charged and to determine whether or not bail is set and at what amount.

Judges are given a large amount of discretion when setting bail. Their attitudes and experiences when setting bail vary widely. Some judges set bail in most of their cases, others release many of the defendants, while some others have a fairly even split. The less experienced the judge, the more likely they are to "play it safe" and either remand the defendant (as compared to setting bail) or set bail (as compared to releasing on recognizance).

The Prosecutor

The prosecutor handling the arraignment is usually an assistant and doesn't have much more than a passing interest in the case. However, the better the prosecutor, the more likely a defendant is remanded or has a high bail set.

The Defense Attorney

The arraignment can be among the most important few minutes of the case. Hiring a good defense attorney can be the difference between being remand or having bail set (or having bail set versus getting released on recognizance). Hiring a lawyer to guide the defendant through the arrest and arraignment process can also reduce a lot of the stress on the defendant's family. A private attorney hired in time for the arraignment can explain and monitor the process to reassure the defendant's friends and family that their loved one is getting their due process. The earlier an attorney is involved in the process, the more they can protect their client.

If the defendant is not able to hire an attorney, they will be appointed a lawyer that is staffing the arraignment courtroom. The appointed lawyers are not in the position monitor individual cases from arrest to the arraignment. They receive the case last minute after the accused has been fully processed by the police and court staff. The appointed attorneys are often very knowledgeable, but their caseload and the lack of time involved prevents them from speaking with the police and the court staff in order to obtain reliable information about the case.

The attorney for the accused will usually provide their client with accurate, reliable information about their situation. That is of course dependant on the time of hiring and the extent the lawyer is able to communicate with their client while in the courtroom.

What is Collateral?

Collateral is some property placed within the bondsman's legal control, which may be sold in the event the defendant does not show for the next court proceeding. The bondsman can then sell the property to cover the amount paid to post the bail. Essentially, collateral is a way of insuring the defendant will go back to court and complete his/her obligation to the court.

What Do Bondsmen Accept As Collateral?

Each bonding office will have their own standards but, for the most part they will take:

- A. Real estate
- B. Cars
- C. Credit cards
- D. Stocks
- E. Bonds
- F. Jewelry
- G. Personal credit
- H. Bank accounts
- I. Art work

Can I finance the bail bond fee?

Yes. We do offer payment plans for those who qualify.

At Bail Stop, we accept the following forms of payment:

1. Cash
2. Visa
3. Master Card
4. American Express
5. Discover
6. Diners Club
7. Personal, Cashier's, or Traveler's Checks
8. Quick Collect
9. Electronic Bank Transfers

Do I get my money back after the case is over?

There are a few exceptions to this but you do not get your premium back that you paid to the bonding office. This fee is what allowed the defendant to get out of jail and is fully earned once the defendant is out of custody. For example, if the defendant gets rearrested a week later, you get neither portion nor a refund of any money. If the bondsman fails to live up to his end of the contract, then and only then may you be entitled to a refund of some kind.

Can I leave the state or country while I am out on bond?

You will have to get permission from the bonding office in writing before attempting to do so. If the court has given you direct instructions not to leave the state or country you must then get permission from the bondsmen and the court before leaving. Otherwise you are subject to arrest!

What happens if the defendant misses their court date?

When the defendant misses a court appearance, a bench warrant is issued for the person's arrest. The defendant's name is then entered into a nation wide data base (NCIC) as a fugitive. The defendant's Bail Agency is obligated by law to arrest individual as well. This will cause the indemnator to incur further costs.

What happens if the case goes more than a year?

There is from time to time where a criminal case may take more than a year, and in this case a second premium will be owed to keep the defendant on bond. It may be wise to contact the attorney and try to get a bail reduction in the 10 or 11 months of the case in order to save a costly renewal premium.

What happens if the defendant gets rearrested while out on bond?

There are remedies that can be done here as well. Contact the bondsman as soon as possible so that they can discuss your options in full detail with you.

What happens if I think the defendant is not going to show up for court after I have already posted the bond?

There are remedies that can be done here as well. Contact the bondsman as soon as possible so that they can discuss your options in full detail with you.

Are some bondsmen less expensive than others?

Bondsmen are licensed by the state in which they practice. State guidelines provide a set rate. Some bondsmen are licensed to write at 8%, meaning that the cost to you the customer will be less but there are certain provisions for this rate.

Can the bail bond agent discount the fees on the premium?

The surety files a rate with the department of insurance, which must be changed. Bail is 10% of the bond amount plus an incidental insurance fee of \$10-15. Discount fees can lead to the suspension or revocation of any agent's bail license by the department of insurance. There are companies that legally charge 8% and 15 % under certain circumstances. Always ask to see a rate chart if you feel that you are being wrongly charged.

What information should I have before I contact the bail agent?

A. Where is the person in custody? Make sure that you ask the person in custody where they are located (city, state and name of jail).

B. What is the full name and booking number of the person in jail? The bail agent will need this information in order to contact the jail. The bail agent can get the booking number for you if you don't have that information.

C. How much is the bail? The bail agent will get this information when they contact the jail if you do not have it. With the bail amount the agent can tell you the amount it will cost to post a bond and get the person out of jail.

At what point is the co-signer no longer liable for the bond?

The co-signer is no longer liable for the defendant's bond when he/she completes all of their court appearances and all premiums have been paid. It is best to contact the agent when the bond is exonerated by the court. This allows the fast return of any collateral pledged and also confirms that the bond is exonerated. In the event of forfeiture, the indemnitor is liable until the full amount of the bail has been paid, plus any expenses incurred or until the court exonerates the bond, which then becomes void.

What is the Difference Between an Arraignment and a Trial?

Although there are many common aspects to an arraignment and a trial (held in a courtroom; judge, prosecutor, and defense attorney are present), they are very different events in the criminal justice process. No witnesses appear at an arraignment and no evidence is presented. Both are done later during the trial. The accused person's guilt or innocence is determined only during the trial, not the arraignment.

What happens at an arraignment?

Arraignments follow a step-by-step process that goes like this:

(1) Calling of the Case- The court officer that organizes the cases into the judge's calendar will announce the case, usually by calling out the case/docket number and then the defendant's name "The People versus John Doe."

(2) The court officer then brings the accused out from the court holding area and place them in front of the judge's bench. The defense attorney stands next to the accused and the prosecuting attorney stands on the other side of the accused. Everyone involved faces the judge for the proceeding.

In recent years, some arraignments are conducted using closed circuit TV. The accused stands in front of a camera at the jail while the judge, defense attorney, prosecutor, and anyone else involved is in the courtroom with the accused appearing on the TV monitor.

(3) The next formal step is for the accused to be read the formal (detailed) charges against them. To save time, the judge will ask the defense attorney if they will wave the reading of the detailed charges. A defense attorney following good courtroom etiquette will agree and explain the charges to their client if private.

(4) After taking a moment to review the file, the judge asks the prosecutor for specifics of the case. The prosecutor then provides the court and defense attorney with certain formal notices (which can take many different forms) that may be required by law or procedural custom. The defense attorney can then provide the court and prosecutor with some “cross notices”.

(5) Once the paperwork has been exchanged, the judge asks the prosecutor to make a statement regarding bail. The prosecutor then tells the judge whether or not they feel bail should be set (along with reasons), how much the bail should be, and a very brief description of the case. At this point, those speaking cannot be interrupted by an objection or other motion. Once the prosecutor is finished, the defense attorney can state their reasoning as to whether or not bail should be set and/or the reasons why bail should be kept lower.

(6) Once the judge has heard both sides, they then make their decision regarding bail and the arraignment is over.

(7) If bail is set, the court officer escorts the defendant back to the court’s holding area until bail is posted. If the judge set a “Release on Recognizance” (the defendant is released simply on the promise that they will return on the date of the trial), the defendant can simply walk out the courtroom door. In some states, the defendant is held in jail for a short time while ROR paperwork is processed, then released.

Note 1: For some minor cases, the judge, prosecutor, and defense attorney may discuss resolving the case right then and there in order to save valuable court time for more serious cases.

Note 2: Although it seems like a fairly detailed process, most arraignments take place in only 3-5 minutes. The experience of the judge and the attorneys involved greatly influences this process. Experienced lawyers and judges are very adept at presenting and evaluating cases quickly and using a lot of legal jargon that courtroom spectators may not be aware of. Family and friends of the defendant that are not aware of how the arraignment process works are often frustrated that the case is not argued at that time.