

- 1) We agree that a return of a bail/bond schedule is **perfectly constitutional with a safeguard**.
  - a. Under U.S Supreme Court case law and supported by 9<sup>th</sup>, 5<sup>th</sup> and 11<sup>th</sup> circuit courts, it is perfectly constitutional to set an initial bail/bond amount at the time of arrest so long as it is reviewed on an individual basis within a reasonable time. States like (WA, NV, CA, CO, NM ect) have interpreted prompt to mean 48hrs. Some are within 24hrs.
  - b. It is also an important **release valve for the system**. Prompt individualized hearings will be very difficult and not clogging it with people who could have bailed out is important to the success of this system.
  - c. **A bail schedule is not some arbitrary number meant to punish poor people**. It is an amount that makes it viable for an insurer to underwrite the risk that if the person does not show, we can deploy resources. **It is not a fine for being poor**.
  
- 2) We are fully supportive of maximizing pretrial release in the least restrictive means possible but do **not want surety bond to be deemed as most restrictive**.
  - a. **If a county does not offer pretrial services free** to defendants, they can often spend more than a bail bond fee would have been for ankle monitors, weekly check-ins, UA's ect. And violation of those conditions often carries additional criminal charges.
  - b. **Even if pretrial services is free**, a person may find wearing an ankle monitor or other liberty restrictions more restrictive than simply paying a one time fee to a bail company.
  
- 3) **Success rate in Utah FTA and Fugitive**
  - a. We started in Utah in 2016. From 2016 to 2019 we have successfully helped our clients complete their court cases **99% of the time**. **13,536** bonds in Utah. Of those bonds 4,473 had an FTA at some point in their case (33%). Of that **33%** (4,473) bonds, we paid the court a summary judgment on **215** (.01%).
  - a. This amazing success rate is due to fact that we incorporate our client's sphere of influence into their release. This has the effect of adding incentive for our clients to successfully engage with the court process.
  - b. It is also an important risk assessment. If the person has no one who is willing to cosign, that is a very good indication of that person's risk of flight.
  - c. We **do not exact the maximum financial cost for our clients**, but rather work within their economic realities to find a payment plan/arrangement to make the bond fee (10%) manageable for them. For that fee, we very often provide consulting and support for our clients through the process. Our moto is "we get you and through it."