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**MINUTES OF A MEETING OF
THE BAIL SYSTEM TASK FORCE
March 3, 2004**

10 The Task Force held its third meeting on March 3, 2004, beginning at 3:00 p.m., at the
11 Maryland Judicial Training, Annapolis, Maryland.

12 Task Force members present were:

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Hon. James N. Vaughan, Chair	Hon. Daniel M. Long, Vice Chair
Brian J. Frank, Esq.	Kristen M. Mahoney, Esq.
Carolyn Hughes Henneman, Esq.	Joseph P. Rosenthal
Hon. Maureen M. Lamasney	Hon. Rosalyn E. Pugh
Dennis J. Laye, Esq.	Elizabeth Ann Ritter, Esq.
Patrick Loveless	Hon. Barbara B. Waxman

16 Also present were:

17 Joan E. Baer, Operations Manager, District Court of Maryland
18 Dennis A. Bartlett, PhD., American Bail Coalition
19 Hon. James K. Bredar, Magistrate Judge, U. S. District Court for the District of Maryland
20 William G. Donahue, Maryland Insurance Administration
21 Solomon Hamilton III
22 Polly Harding, Administrative Services, Headquarters, District Court of Maryland
23 Lois Highsmith, Law Office of Christopher Flohr, Esq.
24 Lelia E. Newman, Bail Bond Commissioner, 7th Judicial Circuit
25 Diane S. Pawlowicz, Assistant Chief Clerk, District Court of Maryland
26 Rhea R. Reed, Esq., Director of Internal Audit, Maryland Judiciary
27 John H. Riggle, Chief Enforcement Officer, Compliance and Enforcement Section, Maryland
28 Insurance Administration
29 Elizabeth Buckler Veronis, Esq., Task Force staff
30 Linda Williams, Lead Auditor, Maryland Judiciary

31
32 The Chair began the meeting by welcoming the Honorable James K. Bredar, Magistrate Judge
33 for the United States District Court for the District of Maryland, and expressing appreciation
34 for his interest in contributing to the Task Force's work. Judge Bredar had no formal

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1 presentation but wished to hear about the Task Force’s progress and contribute insight into
2 the federal process should that prove helpful.

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4 The Chair then welcomed Ms. Lelia E. Newman, Bail Bond Commissioner, 7th Judicial
5 Circuit, noting that her name had come up frequently during the Task Force meetings, as the
6 sole bail bond commissioner in the State. The Task Force was hopeful that Ms. Newman
7 would share her expertise. For example, how does Ms. Newman deal with property located
8 outside the county in which pledged ? Ms. Newman responded that bond papers are faxed to
9 her daily from every county in the 7th circuit. Clerks handle forfeitures in their respective
10 counties but, should a property bondsman go out of business, status of the property is checked
11 before a release is issued. Ms. Newman stated that she must property located outside the 7th
12 Circuit.

13
14 The 7th Circuit has no restriction on posting of property by family or friends, unlike the 8th
15 Circuit, which allows posting only by relatives.

16
17 Ms. Newman likened her system to a check book balance, with subtraction of expenditures
18 and addition of credits. In response to the Chair’s query, Ms. Newman agreed that the process
19 could lend itself to Statewide operation, assuming that the computer systems coordinated and
20 everyone used the same procedures. Ms. Newman pointed out that currently the Prince
21 George’s County Circuit Court and the District Court computers do not communicate well.

22
23 Mr. Hamilton pointed out that, in Prince George’s County, a property bondsman deeds
24 property to the State’s attorney so that it cannot be conveyed, although the Chair suggested
25 that physically conveying the papers would not wholly protect the property interest. Mr.
26 Hamilton noted that periodic title searches are required as well, while Mr. Frank noted that
27 the property is not in the bondsman’s name. Ms. Reed suggested that there is a 3- to 5-year
28 gap between title searches, which she felt is too long. Her recommendation had been that, for
29 any property to be used, a deed of trust be filed, thereby avoiding the need for notice between
30 counties.

31
32 There was discussion of the number of bonds posted, with reference to the materials
33 disseminated by Ms. Williams at the outset of the meeting.

34
35 Ms. Ritter observed that there are 12 bondsmen in Prince George’s County and inquired about
36 the number of properties each listed annually. Ms. Newman explained that it varied. Ms. Reed
37 expressed frustration that data are only for circuit courts in the 7th Circuit, not for the District
38 Court and circuit courts outside the 7th Circuit. Under the 7th Circuit rules, a bondsman is
39 supposed to keep a credit/debit account but the responses of 2 bondsmen had been a list with
40 no equity amount available. Additionally, 1 bondsman did not respond. Commissioner
41 Loveless reiterated that commissioners in the 7th Circuit fax information daily.

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1 Mr. Frank suggested that creation of a Statewide system for 12 bondsmen was unnecessary
2 and repeated his suggestion for a standard form to be filed with the land records. The Chair
3 countered that a Statewide system patterned on the 7th Circuit process would afford greater
4 flexibility, although Mr. Frank believes the cost-benefit ratio does not justify such a system.
5

6 In response to a query, Mr. Hamilton indicated that the problems of dealing with courts
7 outside his county means he generally refers business to someone local.
8

9 Mr. Frank perceives the issue as one of enforcement – that is, the District Court delists
10 bondsmen for non-payment of forfeitures but there is no enforcement. The Chair noted that
11 enforcement is a State's attorney function.
12

13 Discussion turned to the writing of property bonds outside of the 7th Circuit and the lack of
14 regulation as perhaps a historical anomaly as a result of local rules, with the Chair advancing
15 for consideration the need for uniform laws.
16

17 In response to a comment by Ms. Reed, Ms. Newman affirmed that 7th Circuit licensees are
18 informed that they cannot write bonds elsewhere. Mr. Hamilton believes that infractions are
19 reported by other bondsmen. Ms. Reed opined, however, that licensed bondsmen differ from
20 the informal property bondsmen operating outside the 7th Circuit. Note was made that, in
21 Washington County for example, 1 property bondsman had been allowed to continue
22 business until retirement, at which time the court implemented an informal policy against
23 property bonds.
24

25 Acceptance of a fee by other than a professional property bondsmen is proscribed in a number
26 of jurisdictions so that fraud is being committed. Commissioners cannot check for all the
27 requisite information without resources.
28

29 Judge Long took the position that Statewide regulation is needed. Even if problems currently
30 seem localized to Baltimore City and Montgomery or Prince George's County, there is no
31 assurance that Somerset or other counties won't be next. Ms. Ritter directed the Task Force's
32 attention to Criminal Procedure Article § 5-203 (D-76 on 11/3/03 compilation).
33

34 Mr. Frank talked about the gross premium and transfer taxes, annual audits, and quarterly
35 suspensions for noncompliance as a factors to be considered in equitable treatment of
36 corporate surety and property bondsmen. Mr. Frank would prefer the Task Force to focus on
37 over-encumbrance of property. He noted that, about 5 years ago, the bail bond industry had
38 proposed legislation for annual title searches of property.
39

40 Ms. Ritter pointed out the hybrid bondsmen in Baltimore City, who, having reached their
41 corporate bond limit, pledge their own or others' property.

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1 Ms. Henneman suggested that Judge Bredar might offer some advice. Judge Bredar noted that
2 property bonds are taken only occasionally in the federal court. In those instances,
3 documentation must be filed in the appropriate land records and the bond cannot be released
4 without proof of recordation being filed with the clerk. Judge Bredar observed, however, that
5 the federal court has but 5 to 7% of the criminal caseload of a state court with perhaps 5 to 10
6 times the resources. Hence, the federal process may not carry over.

7
8 **D** Mr. Frank reiterated his suggestion for title search requirement, even for “mom and pop”
9 operations, but the Chair noted the impossibility of searching land records outside of normal
10 business hours although tax records are available.

11
12 Judge Bredar summarized that the current system involves unsecured bonds because of the
13 absence of enforcement. Ms. Ritter opined that a Statewide system, coupled with some
14 prosecutions, could enhance the deterrent effect, but Judge Bredar observed that, in 20 years
15 as a prosecutor, lawyer, and judge, he had never seen forfeiture of a “mom-pop” bond.

16
17 **R** Ms. Ritter suggested that the Task Force might decide on a number that, if exceeded, would
18 trigger a flag in the system. The current Judicial Information System’s (“JIS”) computer
19 program does allow searches for names with indicators as to surety (“SUR”) or property
20 bondsman (“BAB”) and a determination whether a case is open or closed. Judge Waxman
21 suggested property identification also is critical because it will not alter. Ms. Ritter said such
22 search is possible but labor intensive.

23
24 **A** Mr. Laye inquired about the likelihood that the JIS system would be updated, with relevant
25 information included, noting the lack of Statewide circuit court data. Ms. Ritter noted that,
26 due to central booking, all Baltimore City data are in the District Court computers. Ms. Baer
27 noted, however, that lack of traffic data such as drunk driving.

28
29 Ms. Reed suggested that Ms. Williams walk the Task Force through the handout, as JIS data
30 had been used to develop the spreadsheets. Commissioner Loveless cautioned that some data
31 reflect manual entry by commissioners, when they remember. Mr. Frank also noted Baltimore
32 City’s complicated block/lot land record system. Ms. Williams **P** cited the auditors’ incorrect
33 assumption at the outset of their 7th Circuit review as to use of surety rather than property
34 bonds and the realization that usage varied with districts *etc.*

35
36 Ms. Ritter feels that regulation of property bondsmen will not go to the heart of the problem
37 and suggested that the process starts with a commissioner. Ms. Ritter propounded a process
38 for commissioners to follow, incorporating flags for commissioners to check. The **I** Chair
39 responded that commissioners currently are overwhelmed with expanding duties such as
40 domestic violence and peace orders. In response to the Chair’s question, Commissioner
41 Loveless noted that commissioners currently must access 26 different computer systems, with

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1 14 passwords and computer numbers, to ascertain criminal history information. Judge
2 Lamasney pointed out that the task demonstrates the beauty of having a bail bond
3 commissioner, with note made that just last week, Ms. Newman had contacted Commissioner
4 Loveless about an individual who was writing an excessive number of bonds. Commissioner
5 Loveless was able to inform all of the commissioners by intranet.

6
7 Ms. Ritter described the divided functions at central booking, at which some commissioners'
8 sole function is operation of a bail window. Those personnel has expressed great interest in
9 performing their duties accurately but lack the resources to check information. Simple steps
10 could be added without overburdening them, beginning with an exchange of information
11 amongst commissioners so that they are aware of who may be over writing on property.

12
13 Mr. Laye questioned the figures on Baltimore City bonds, with Ms. Williams noting the
14 caveats but also that the Office of the Coordinator of Commissioner Activity supposedly
15 could compare releases versus bonds, to ensure some accuracy.

16
17 The Chair closed the meeting by asking each Task Force member to draft a proposal
18 predicated on the need, or lack of need, for a Statewide system modeled on the 7th Circuit
19 system, reflecting the comments made during the meeting. The Chair asked that the proposals
20 be submitted to staff 1 week in advance of the next meeting.

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22 There being no further business, the meeting ended at 4:45 p.m.

23
24 Respectfully submitted,

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26
27 Elizabeth Buckler Veronis
28 Staff
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Approved: July 2, 2004

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