

Seminar in criminology discussion 5

Law



Law Discussion 5: Criminology Q a Barriers facing defendants when securing pretrial releases One of the barriers that defendants face when securing a pretrial release is lack of finances to post bond. The system allows the judge to inform defendant whether he or she is eligible for a release that comes prior to the trial. Defendants from lower socioeconomic levels are not likely to benefit when the judge decides that they should post bail, if they want get released prior to a trial.

For defendants who want to get the assistance from surety companies or bail bondsmen, they still face other barriers. Defendants seeking such assistance are likely to fall prey to opportunists who are fond of abusing the rights of defendants. For example, defendants have to provide 10% of the amount to the bail bondsman that is requested by the court (Thistlethwaite & Wooldredge, 2013). Some of these bondsmen usually work together with attorneys and recommend them to their clients. Some of the attorneys recommended to clients by the bondsmen are not qualified or as experienced as a client would want.

Some suspects are not allowed to make phone calls or write letters to their family. It results to delays in communication with the family members and attorneys and it interferes with the suspect's ability get the re-trial release. A suspect's bail gets determined after the court gets the advice from the legal counsel (Thistlethwaite & Wooldredge, 2013). The legal counsel always gives the court advice on previous bail jumping behavior for the suspect. For counsels who advise suspects not to show up to court so that they delay the trial process makes it hard for the suspect to become eligible for future pre-trial releases.

Q. 1 b) How to overcome the barriers

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One of the ways to overcome the mentioned barriers would be to ensure that the bail is determined based on the suspect's offense and not based on the suspect's dress code or their race.

The other suitable way would be for the judicial system to implement new policies that ensure the defendant has immediate access to means of posting bonds or family members.

On page 128, Thistlethwaite and Wooldredge (2013) assert that research on how the bail is made needs proper documentation and communicated to the defendant, the court and the public to ensure that the bail decisions made are fair. As Thistlethwaite and Wooldredge (2013) note, it ensures that the bail made is more individualized.

Reference

Thistlethwaite, A., & Wooldredge, J. (2013). " Part II: Chapter 1: Pre-Conviction dispositions." In *Forty Studies that Changed Criminal Justice: Explorations into the History of Criminal Justice Research* (2 ed.). New Jersey: Pearson Higher Ed USA.