

Supreme Court: No bail unless a defendant is dangerous or a flight risk

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Even 15 years later, Juard Barnes sharply recalls sitting in jail for four months in what felt like a debtor's prison.

He had fallen behind on his child support payments because he lost his job for a period of time, although just before his arrest, he said, he had found employment again and was making payments. Still, he was arrested on a charge of failing to pay his full child support. The bail was the amount of child support he owed — several thousand dollars — and he didn't have the money.

He lost his job and his apartment while he sat in the Elkhart County Jail. After that, he had no means to support his child.

Now, Barnes has steady employment and is a pastor at a church on Indianapolis' west side. He fights for bail reform.

Barnes is among those who are applauding Wednesday's Indiana Supreme Court order that bars local judges from leveraging a monetary bail amount unless defendants pose a flight risk or a danger to themselves or others. He has [advocated for criminal justice reform](http://www.indystar.com/story/news/2016/09/01/indycan-pushes-end-money-bail-marion-county/89724638/) as part of the Indianapolis Congregation Action Network, or IndyCAN.

In short, the state's highest court ordered that no one should languish behind bars before they are convicted of a crime simply because they are too poor.



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[IndyCAN pushes to end money bail in Marion County](http://www.indystar.com/story/news/2016/09/01/indycan-pushes-end-money-bail-marion-county/89724638/)

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"I'm super excited that our Supreme Court saw fit to discontinue this debtor's prison that we've had that has pushed countless people deeper into an abyss," Barnes said. "Humans are caged like this just because they don't have money."

The court's order tells judges to use an "evidence-based risk assessment," a standard adopted by the state, to determine whether a person who was arrested is dangerous or a flight risk. The order takes effect immediately in full for nine counties that are designated in a pilot program. The counties are: Allen, Bartholomew, Hamilton, Hendricks, Jefferson, Monroe, St. Joseph, Starke and Tipton.

The order will take effect in full throughout the state on Jan. 1, 2018.

"The reforms are designed to provide for public safety and protect the presumption of innocence," Indiana Supreme Court Chief Justice Loretta Rush said in a statement. "The prompt release of arrestees who do not pose a public safety risk is associated with reduced recidivism and lower jail expenses."

Grant Circuit Judge Mark Spitzer said he is "cautiously optimistic" about the order, noting that the risk assessments offer "more tools in the toolbox" for judges when making decisions.



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[Bail to end for many arrests in Hamilton and Hendricks counties](http://www.indystar.com/story/news/crime/2016/09/08/bail-end-many-arrests-hamilton-hendricks-counties/90010892/)

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The 16 months before the order takes effect should allow courts time for training and changes where necessary to make sure judges across the state are using the risk assessments consistently and effectively when deciding whether a defendant should be held on bond, he said.

"I think you will see jurisdictions changing their bond schedules and their approach to bond," Spitzer said.

In Marion County, which will begin seeing the impact of the ruling in 2018, the jail faces ongoing problems with overcrowding (</story/news/crime/2016/07/28/council-distributes-800000-grants-yet-jail-overcrowding-persists/87626826/>). Indianapolis Mayor Joe Hogsett has proposed allotting \$2.5 million (</story/news/crime/2016/08/17/more-police-officers-hogsetts-proposed-public-safety-budget/88836398/>) to fund the cost of housing the overflow of inmates in other counties.

Nearly 90 percent of the 2,638 currently booked in the Marion County Jail are inmates awaiting trial.

"For a violent crime, there needs to be a good size bail. But for these driving offenses, or if someone gets caught with half of a blunt in the ashtray, get them classes to get them straight," said Lionel Muse, an Indianapolis man who sat in jail for being a habitual traffic violator.

As a teenager, Muse racked up traffic tickets that he never paid. They led to a felony conviction as a habitual traffic offender, although he said he never was involved in an accident or faced an accusation of drunken driving. He was jailed and couldn't pay the \$1,500 bail until friends and family raised the money.

"Sometimes it's almost like a ransom," Muse said.

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