

BAIL BOND INQUIRY CALLED AN OBSCURE EPIDEMIC

Attempt to Shift Public Indignation From Police Failures.

TWO MEN PROMINENT Majority of Cases in 1920 Handled by Offices Near Criminal Courts.

BIG COMPANIES CHARY Corporations Have Long Desired to Drop 'Unsavoury' Branch of Business.

There is much of an unsavoury flavor which may be revealed by District Attorney Swann's "John Doe" inquiry into bail bonding methods, provided that investigation be conducted in a thorough, painstaking and impartial spirit.

Among officers of the large surety and bonding companies there is a disposition to suggest that the inquiry, which is to begin to-morrow afternoon in the Criminal Courts Building with Magistrate George W. Simpson presiding, is not so much a sincere effort to better conditions which in spots have been tainted with scandal as it is an attempt to divert public indignation from the failure of the city administration and of the District Attorney's organization to protect the public against the extraordinary epidemic of crimes of violence. That thought was bluntly expressed by one officer of a big bonding corporation who said: "They are dragging the usual red herring across the trail."

The John Doe inquiry, if it delve deep enough, probably will reveal the fact that one of the bonding company agents to whom Mr. Swann referred as "certain persons who operate in this building under a broker's license" is a "ball bond angel" who has served a term in prison and who at the present moment rests under an indictment charging him with a heinous crime against a woman who visited his office close by the Criminal Courts Building for the purpose of arranging a bail bond for her brother. It will not be difficult to elicit evidence that this particular agent has represented in turn at least two of the large surety and bonding companies and that he still holds his insurance broker's license issued by the State Department of Insurance in Albany, although he no longer enjoys a power of attorney issued on behalf of the company to which he now turns over most of his business.

Custom of the Business.

It has been customary for the bonding and surety companies soliciting this sort of criminal business to give to their Criminal Courts Building agents a power of attorney, thus enabling them to afford prompt relief to arrested or indicted persons in emergency.

In the case of another of these "ball bond angels," the agent is almost as familiar a feature in the neighborhood of the courts and the Tombs as is the Bridge of Sighs that spans Franklin street, his power of attorney was revoked last October, his company, which is one of the oldest and most respected engaged in bonding, having taken the position that it would accept no more of what its president called "this unsavoury business." The agent in question may still be found in the vicinity of Centre and Franklin streets, but his activities, as an officer of his company, are confined now, and have been for two months or more, to the closing out of old business incident to judgments entered in connection with forfeited bonds and similar holdover matter.

Under the law surety and bonding companies are permitted to charge 3 per cent. premium on bail bonds furnished. That is to say, a bond of \$5,000 would cost \$150. Rumors have been rife for years about the Criminal Courts Building, that certain of the "ball bond angels" who followed the trail of the unfortunate newly made prisoner with the energy and tirelessness of an old time "ambulance chaser," earned huge sums as the reward of their clients. Doubtless they often received extra bonuses from attorneys, friends or relatives of their beneficiaries, especially if their meretricious offices were exercised during the night or at times and places involving some personal inconvenience to the "angel" himself.

Among the bonding companies, however, some paid to their criminal courts agents a salary, as a commission. The latter commonly amounted to one-quarter of the amount of the premium charged by the company for the bond. In one case, where the agent is highly competent and of unimpeachable personal character, his company has paid him, in addition to commissions, a salary of more than \$3,000 a year.

Many Withdrawals Considered.

Judge Swann's "John Doe" inquiry may also uncover the fact that long before Mayor Hylan's letter was written calling attention to the incidental evils of this system several of the big surety and bonding companies had about come to the conclusion that the game was not worth the candle. For the sake of the comparatively insignificant proportion of their gross revenues which this more or less unsavoury branch of the business usually yielded, it was hardly worth while to expose the good name and credit of their corporations to constantly recurring sneers, suspicion, innuendo and accusation. That is what more than one high official of large surety or bonding companies told a reporter for The New York Herald.

If certain of these surety company officers be called as witnesses in the coming inquiry District Attorney Swann may elicit the fact that as long ago as last February a committee composed of representatives of four or five of the corporations doing the largest ball bond business in this city called upon George A. Lavelle, the Assistant District Attorney in charge of Mr. Swann's ball bond bureau, and conferred with him. In that conference, according to members of the committee attending it, representatives of at least one or two of the companies concerned suggested the propriety of their withdrawal entirely from this field of business. They came away, they say, with the distinct impression that the District Attorney's office would deplore any such withdrawal on the ground that if the big bonding companies stopped issuing ball bonds in criminal cases the jails would be filled to suffocation with indicted men and that a return to the old system of professional bondsmen would

result in greater scandal than ever has attended present methods.

Mr. Lavelle's Recollection.

When Mr. Lavelle was asked concerning that statement, he said he recalled the February conference with the committee, but that he had no recollection of having expressed any preference, one way or the other, concerning their retiring from the ball bond business. His recollection of the conference, he said, was that it had to do chiefly, if not exclusively, with the objectionable record and personality of the agent already referred to, who had been a convict and who since last February has come under indictment for a crime of violence against a woman. That particular agent, Mr. Lavelle said, has not now for more than a year executed a ball bond that has gone through his (Mr. Lavelle's) office, in connection with the criminal courts, though he may still be doing business in the magistrates' courts.

The president of one surety and bonding company more recently and within the last few months was in correspondence with a high official of the District Attorney's organization, inviting a conference looking to the discontinuance of his corporation's activities in unsavoury criminal cases and seeking advice concerning the best method of its withdrawal, without causing confusion and inconvenience in the courts. Nothing came of this, however, and the company in question afterward went ahead on its own initiative and withdrew its former agent's power of attorney, instructing him to take no more ball bonds in unsavoury cases or cases of second offence.

Speaking of the activities of these surety company agents in the magistrates' courts, as distinguished from the Special and General Sessions Courts, located in the Criminal Courts Building, Chief Magistrate McAdoo said: "The appearance of the surety companies in criminal bond cases is distinctly a modern development. The surety company is represented by an agent who specializes in criminal cases. It is that in these courts before the ink is dry on the papers in cases of pickpockets, burglars, loft robbers, gunmen, gamblers, a surety company agent or a cash bondsman is at once in court. I have often expressed wonder that they find so readily in advance the information which enables them to be present so promptly."

Suggested Remedial Measures.

As remedial measures Mr. McAdoo suggested that every agent should be licensed by the Mayor or by the Judges of the higher courts and only after careful inquiry into his personal character, that such licenses be revocable at the will of the licensing authority, and that it be made a misdemeanor for any bonding or surety company or its agent to pay any bribes or commissions to lawyers or others for bringing ball cases to them.

Commenting upon Mayor Hylan's letter which prompted the "John Doe" inquiry, a high official of one of the largest surety and bonding companies said that while in the past his corporation had executed some ball bonds, the business has been repugnant to the management of the company. Its management believed that men charged with crime, especially in cases alleging a second offence, should be handled in a different manner, since it is the constitutional right of every man to give bail. "For a long time," said the official, "this company has looked upon the business with grave disfavour and it has endeavored to the utmost to get out of the system in which the present system is wholly inadequate to meet prevailing conditions. I have heard the statement made that several years ago some accused man was bailed out by some other company—not this company—and that he gave to the bonding company as security some of the property that had been stolen. I do not know the name of the man."

Herring Across the Trail.

The president of another corporation prominent in the local ball bond field dictated the following: "It is my understanding that the surety companies rarely, if ever, furnish bonds in holdup or robbery cases. In such cases I think the agent is almost always furnished by personal bondsmen. At all events, it is the purpose of this company to abstain entirely from any connection with cases of this character. I have failed signally to protect citizens against the present wave of violent crime, is trying to drag a herring across the trail to divert attention from public indignation upon the heads of the bonding companies."

"It certainly is not our practice, and I think it is not the practice of other companies, to accept jewelry as security for ball bond purposes. Such security would not be acceptable, even if it were not feared that it had been stolen. Nor do the companies accept as security any property that they may have the slightest reason to think may have been stolen. Apart from any ethical consideration, they could do so only at the greatest peril of having to surrender the stolen property to its rightful owner, thus standing the loss themselves, and that would be very poor business. The companies issuing ball bonds usually are secured against loss either by means of cash or its equivalent, such as Liberty bonds, bank deposits, put up by friends or relatives, or else by indemnity agreements executed by persons believed to be reliable and responsible."

Abuses Are Inseparable.

"Because of some abuses that seem to be almost inseparable from the business, notwithstanding our constant efforts to end them, we have frequently contemplated quitting it altogether, and not long ago we conferred with the District Attorney's office as to the advisability of such a step. That conference was held at the instance of all the security companies writing ball bonds in New York county. As a result of it an

"FOR

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In view of the fact that we were led to believe from that conference that our retirement from the business would be regretted by the District Attorney's office, we decided to continue to furnish ball bonds and to conduct business in a way that could not be criticised by anybody.

"Our ball bond business consists of so trifling an amount of our total business—not much more than one-quarter of one per cent.—that we should not hesitate to abandon it. For the year just ending it will have yielded us about \$7,500 revenue, while our total revenues will aggregate close to \$20,000,000."

Before Judge Swann announced the coming investigation he had received a detailed report on the subject from Mr. Lavelle, chief of the ball bond bureau of his office. Mr. Lavelle in his report said, in part: "I beg to say that after my long experience as the head of the Bureau of Bail and Forfeited Recognizances I have come to the conclusion that the professional criminal invariably makes arrangements in advance for the procurement of the bail for the commission of the crime itself, the matter of bail being to his mind quite as important as the commission of the crime and the disposition of the proceeds thereof."

"Aside from the companies duly authorized to write ball bonds the number of professional bondsmen in New York county has been reduced to a minimum. This, I attribute in great part to the severe test to which they are subjected as to their qualifications, so far as this office is concerned, before accepting them and the rapidity with which judgments are entered against them when any of their bonds are forfeited."

List of Unfit Bondsmen.

Mr. Lavelle then referred to the fact that in each of the magistrates' courts there is "the District Attorney's list of unfit bondsmen," bearing the names and addresses of such bondsmen. The clerk in the courts are required to certify that the surety named is not on this list.

Mr. Lavelle also declared that all bonds are thoroughly investigated, excepting those supplied by the surety companies, which operate under certificates from the State Superintendent of Insurance. This precludes investigation by the District Attorney. He further said that the surety companies before executing a ball bond exact from the person or persons acting in a prisoner's behalf an agreement of indemnity. Of this he said: "I understand that such agreements contain a confession of judgment which is executed by the indemnifier." This indemnity consists usually of real estate, stocks, bonds or bank books.

Mr. Lavelle appended an itemized record of all bonds written in 1920. It shows a majority of them were written by two agents whose offices are within the shadow of the Criminal Courts Building.

Continuing, Mr. Lavelle said: "It not infrequently happens that while a criminal is out on bail he commits a second offence and is arraigned before a magistrate who has no knowledge of the criminal record of such defendant or of the fact that at the time he is on bail, and for that reason would not be warranted in making bail so high as to practically secure his detention in custody until he could be put to trial."

"If I may be permitted to make a suggestion, I believe that when a person is arrested and arraigned before a city magistrate charged with serious crime the arresting officer should be required to procure with the least possible delay and present to such magistrate the previous criminal record of such defendant. The magistrate would then be in a position to know what would be a suitable amount of bail to exact."

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 - M. Flesh Batiste, with assorted figures and hemstitching in contrasting color. 94c

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94c.—Double-panel Cambric models with scalloped edge; also Cambric top models with lace-trimmed flounce. Also samples from one of our best manufacturers.

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Other Short Cotton Petticoats. 66c. to \$1.46

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