Bail Reform Initiative in the United States

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The following paper analyzes the bail reform initiative in the United States and elaborates on other interrelated issues. Bail can be defined as a temporary release of the accused from incarceration on behalf of some real guarantee that may include bonds, cash or any other property. This bailed asset is given to the court, and the granter also assures the appearance of the accused whenever he is required for the criminal proceeding in court.

Evidently, when an individual is officially accused of committing a criminal offence in the United States; they have to appear before a judge in a specific court setting before initiating any proper trial. Most states of the United States at this phase, allow paying a particular and explicitly stated amount of money or equivalent for an accused person to attain a temporary release. Such releases are widely known as pretrial releases, and according to legal implications, a bailed person is expected to appear before the court on a preset date or any related proceedings.

The legal scope allows judges; depending on their region and state; some prudence to either decrease or elevate the determined sum of bailing money. This alteration of the predetermined amount can depend on several factors, including the type of underlying case, crime and the level of threat by the accused, the enticed risk of escape, and the likelihood of the defendant obeying the implications imposed by the bailing process. Individually, if a bailed individual leaves the premises of the United States, in this case, he or she can be repatriated and forced to return to confront the subject trail. Such extradites are conducted with the cooperation of the United States and the government of another country. To deal with bail and its interrelated matters law provided an act of bail reform in 1966 that gradually amended and became the Bail Reform Act of 1984. This rule permits judges to indulge a higher level of prudence in adjusting the monetary terms with the accused under the appropriate conditions. (Bail Reform Act, 1984)

Like all other factors, the bail reform initiatives also feature some adverse effects. It is believed that the bail system of America is encountering a complicated situation because the initiative of bail secured through money or any other asset triggers unconstructive outcomes. According to the experts, such bonds are leading society toward pointless discrimination and incarcerations; moreover, such a system can exacerbate racially based inequalities as well as chaos for the poor populace. Most pretrial defendants are not financially stable, and paying the preset bail to the court is difficult. In turn, they have to let go of their shelters, custody of the child and sometimes jobs that can impact their criminal cases in a far worse way. (Bronx Defenders, 2015)

At the same time, the bail system is an ineffective device for generating positive outcomes from pretrial cases. Money and similar assets are inadequate to ensure the defendant’s presence at proceedings and related trials; moreover, it’s poorly devised mechanism depicts no efficacy in protecting the safety measures of the community. The underlying purpose of creating the Bail Reform

Law was to diminish the number of incarcerated people. Through an individualized initiative of taking bail, it was intended to pursue the mechanism for a sure appearance of the defendant to the court trials. The current bail act provides necessary tools to involve justice stakeholders in acknowledging the purpose. However, the primary problem is not the act, content, or intent; the big issue is the absence of practicality. The subject law provides nine forms of bail, including non-financial bail, and judges are authorized to consider different types of bail before adjourning any decisions. According to the statute, in all cases of individualized bail; judges are instructed to reflect on all the aspects and financial resources of the accused before determining the amount of bail. Nevertheless, unluckily absence of comprehension of the extended provisions of the bail act; attorneys and court judges do not practice all the available measures. To implement the essence of the bail reform statute, it is imperative to augment the range of understanding and knowledge in providing tools for bail.

Several law firms and organizations offer facilitation to create a path to evade the risks and adversaries involved. Through proper guidance, attorneys can structure the decision-making mechanisms to deal with the pretrial bail cases with preserved integrity. Synchronization of decisions and bail reform laws are indispensable to ensure the efficacy of legal procedures and public safety. A profound understanding of legal implications is significant for the United States' fair, transparent and efficient bail system. Moreover, a carefully devised strategy can help jurisdictions mitigate the negative impact of monetarily based bail to a great extent. Such frameworks sustain solid management and control over reforming tactics to eradicate or decrease money-based bail. Further, such substantially developed structures, in turn, will allow jurisdiction to focus on the risks involved in different approaches of bail because through integrated strategies it will become practical to elucidate the interconnected details and other legal considerations of pretrial risk assessment, preventive detention, and supervision. Legal parties could avoid the uniform implications and approach through such a stratagem. They will seek to help other stakeholders understand the subject area's underlying questions and complexities.

Work Cited

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