

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

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Campaign and Advocacy

close

Search

close

close

by [James Ridgeway and Jean Casella](#) | October 16, 2010

Since we are focused on Colorado's criminal justice system, it's worth noting that in November, state residents will vote on a ballot measure called Proposition 102. According to an [editorial in the *Denver Post*](#), the proposition is worded in such a way that voters might be led to believe they are supporting increased public safety by voting in favor of it. Instead, it would just further the system of unequal justice between rich and poor defendants, by keeping the poor behind bars before they have been proven guilty of any crime. The editorial, which strongly opposes the ballot measure, continues:

In Colorado, if someone is arrested for a crime, one of the first things that frequently happens is a judge orders a defendant to be assessed by pretrial services. These government professionals interview the defendant, look at his or her criminal and personal history, and make recommendations about how and whether the defendant could be safely supervised while awaiting trial.

Often, a judge will look at the recommendations and order pretrial supervision and what is called a personal recognizance bond. That is essentially a promise to appear, and it is usually given to defendants with a stable residence and a job. No money is involved.

This system is good for the community because the defendant is supervised by professionals, is able to continue working, and the public isn't paying to keep these lower-risk defendants in already overcrowded jails. Also, defendants don't have to ante up bond, which is good for people who may not have the means to post a cash, property or surety bond. The goal is to keep communities safe and ensure defendants show up for their court dates.

Now, back to Proposition 102. It is sponsored by bail bondsmen and would effectively force more defendants into using their services.

The initiative would prevent nearly all defendants from being supervised via the aforementioned pretrial services program unless they posted a bond. Instead, most of them would end up remaining in costly jail cells.

A coalition of Colorado prosecutors, defense lawyers, law enforcement and other judicial system professionals oppose Proposition 102.

These folks have various interests in opposing it. For instance, the sheriffs who have to keep an eye on their corrections budgets predict the change would flood their jail cells with people who could safely be in the community while awaiting the disposition of their cases.

Public defenders and defense lawyers see it as a way to force their clients, many of whom are of little financial means, to pay bail bondsmen a fee to have the bondsmen post their bail. If defendants can't raise the cash to pay a bondsman, they'll go to jail, potentially lose their jobs and leave their families without support, causing a host of other problems.

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets [@solitarywatch](#).

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P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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