

Don't cry for the criminals, cry for justice system

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Not all the time, but on occasion, bad guys get out on bail and do bad things.

Some judges in northern Idaho may just now be figuring this out. Their solution? Set bail so high that no one can get out.

If so, this is what you might call a pound of prevention for an ounce of cure. Defense attorney Tim Gresback, however, has a snappier name for it.

He calls it "The Duncan Effect."

Joseph Edward Duncan III, accused of killing a Coeur d'Alene family, got out of jail in Minnesota on \$15,000 bail after being accused of child molestation. Survivors of the Idaho victims are suing the Minnesota judge, saying the bail allowed Duncan to be free to strike again.

Gresback says Idaho judges are afraid they, too, might end up taking responsibility for springing dangerous suspects.

That may not be true, but you have to wonder when 70 percent of the suspects awaiting their day in court in Kootenai County are cooling their heels in the county slammer--mostly because they can't post bond.

The accused sometimes lose their jobs and personal relationships as a result.

Boo hoo, you say with a sneer? They should have that about that before landing in the thug jug?

Then forget the violin music. Forget, too, what the Eighth Amendment says about excessive bail. Keeping people locked up costs a lot of money. It also clogs the system.

Cops and courts start reconsidering who should and shouldn't go to jail. Accommodations behind bars become harder to come by for some of the truly deserving.

If suspects' sob stories don't tug on your heart strings, consider that lost jobs and damaged personal relationships make them more likely to commit crimes rather than be rehabilitated.

What happened with Duncan is understandably scary. Bail should reflect a number of factors, from the seriousness of the crime to the suspect's flight risk. The Minnesota judge made a dreadful miscalculation.

The remedy, however, is not to keep everyone in jail regardless of individual circumstances. That will create a lot more problems than it solves.

There are monsters out there. They feed on fear. So responding out of fear is never a good idea.