



# AMERICAN BAIL COALITION

Justice for All

November 3, 2016

Written Testimony of Jeffrey J. Clayton, Executive Director, American Bail Coalition  
Before the Connecticut Sentencing Commission, Hartford, CT

Thank you for allowing me to appear before you today to discuss bail reform in Connecticut. My name is Jeff Clayton, and I am the Executive Director of the American Bail Coalition, a national trade association of surety insurance companies and affiliated licensed bail agents.

I'd like to start by thanking Chairman John Santa for allowing us to present to the Advisory Group a couple of months ago.<sup>1</sup> I sincerely appreciated that opportunity, and it is my sincere hope that the information we provided was helpful the group and the Commission as you continue your work.

As the Advisory Group looked at the issues regarding Connecticut's bail system, one of the data points I recommended was to look at the overall rate of pretrial incarceration as a percentage of those arrested who will remain in jail until disposition. The reason for that was to then be able to compare what would happen if Connecticut were to move to the "no-money system," and adopt either the Washington, D.C. or federal systems. I was very pleased, although not surprised, to find out that Connecticut's rate of pretrial incarceration is *half* of that of Washington, D.C. at 7.46% of those arrested. In D.C., that number has historically been between 15-20%, and in the federal system the number is 64% incarcerated. This instructs that to change Connecticut's bail system to the risk-based/preventative detention "no money" system could likely increase pretrial incarceration substantially in Connecticut.

Second, I urge you to take a serious look at the proposal from the Bail Agents of Connecticut in regards to creating and regulating non-profit bail funds to assist some defendants on the lower level that are both indigent and releasable depending on eligibility criteria to be established. In particular, we would like to see the state allow bail agents to be service providers in any such regulatory scheme. Since the State of New York passed the Charitable Bail Act of 2012, conversations about non-profit bail funds have become more and more common as folks look for innovative solutions to some of the issues in the bail system. We have seen funds started in several states, most recently in Connecticut by the group at Yale University. I strongly believe that elevating the eligible, indigent defendant by allowing that defendant to have access to bail, as the Bail Agents' proposal would provide, rather than trying to supervise or put GPS monitors on those defendants is a far preferable approach to better level the playing field. There is a great opportunity here to make more people better off, without making anyone worse off.

As I travel the country, state officials often ask me to point to a state I would say has a good bail system and should be copied. Connecticut is typically my first suggestion to such officials. If I were to tick off the various issues we see nationally that are problematic in regards to bail, Connecticut's bail system in almost nearly every facet has already reformed the system to what I would consider best practices.

Thank you for the opportunity to speak today, and I look forward to working with you as you move to bring about positive change in Connecticut's criminal justice system.

Sincerely,

Jeffrey J. Clayton, Executive Director

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<sup>1</sup> The presentation slides and supporting materials can be accessed here:  
<https://www.dropbox.com/sh/77erwe2iutpsxos/AABTYwDjJFSwN9HIJrfiljaja?dl=0>