



Testimony Before the Connecticut Sentencing Commission
November 2, 2016
Regarding
Pretrial release and detention and pretrial diversion programs

Good afternoon, members of the Sentencing Commission. My name is Lauren Krisai, and I currently serve as the director of criminal justice reform at the nonprofit Reason Foundation. This year, Reason Foundation co-published a policy brief with Connecticut's Yankee Institute titled, "Reforming the Constitution State's Pre-Trial System."

I'm pleased that the Sentencing Commission is studying the state's pre-trial system, and am happy to offer testimony today.

In an ideal cash bond system, bonds set for defendants correlate with the risk of flight and threat to public safety associated with the charged individual. However, in Connecticut, it's routine for pre-trial defendants to remain incarcerated if they are unable to post bond—regardless of the risk they pose to public safety or their likelihood of appearing in court.

The inverse is also true: Connecticut's cash bail system allows individuals who may pose a threat to public safety to be released pre-trial simply if they can afford to post bond.

Though more recent statistics are likely available, our policy brief cites statistics from September 2015. During that time, pre-trial defendants accounted for roughly 21% of Connecticut's Department of Corrections (DOC) population (3,400 individuals). Of those who were being held on bail, 690, or 19%, had a bond that was set at less than \$20,000, meaning they could not afford to pay a bail bondsman a \$2,000 or less. Individuals held in DOC facilities who were unable to pay this bond amount were charged with a variety of offenses ranging from sixth degree larceny and misdemeanor prostitution to felony assault in the first degree and sexual assault in the second degree.

The practice of incarcerating pre-trial defendants who are unable to post bail is expensive for taxpayers. With the cost of incarcerating an individual in a DOC facility averaging \$120 per day, taxpayers in Connecticut are footing an estimated \$148.9 million per year to incarcerate the pre-trial population alone.

Furthermore, as the system currently operates, poor defendants who can afford to neither post a low bond nor languish in jail awaiting trial are incentivized to plead guilty to charges they face. The resulting criminal conviction, especially a felony criminal conviction, poses a number of barriers for re-entering society.

A more effective alternative exists that prioritizes public safety, conserves taxpayer dollars, and is fairer to individuals caught up in the state's criminal justice system. I recommend Connecticut eliminate its cash bond system and replace it with a system that utilizes an objective, pre-trial risk assessment tool to assign individuals into low-, moderate-, and high-risk categories with varying forms of pre-trial supervision for those deemed medium- to high-risk. Low-risk offenders who are deemed likely to return for their court dates and who pose a low-risk to public safety could be released on their own recognizance. Adding such an assessment tool would provide data to inform a practice Connecticut already uses.

As an alternative to issuing a financial bond, the state can manage defendants placed into the moderate-risk category with tools such as supervision, electronic monitoring, or other interventions. And of course, the relatively small group of individuals who are determined to present a high risk to public safety should remain in detention until trial, after due process.

According to estimates by the federal court system, it costs roughly \$7/day to supervise an individual pre-trial, compared to the \$120/day it currently costs Connecticut taxpayers to incarcerate a pre-trial defendant.

Replacing cash bail with a system that uses data-driven risk assessments would be much more cost-effective for Connecticut taxpayers, and would better protect public safety than the system as it currently exists. It would also ensure that poor, low-level defendants are no longer disproportionately affected by Connecticut's cash bond system.

Thank you so much for your consideration of this testimony, as well as for your hard work on this issue.