

Ten Percent Bond in 2020

COMPILED BY THE CT JUDICIAL BRANCH'S COURT SUPPORT SERVICES
DIVISION

1/20/2021

Background

Judicial Branch Police CR-2019-219

“Effective January 1, 2020, a revision to Practice Book § 38-8 automatically allows for a ten percent cash option to be available for any bond set for \$20,000 or less. This provision applies to bonds set at court and at police departments.”

Practice Book Sec. 38-8. Ten Percent Cash Bail

“Unless otherwise ordered by the judicial authority, 10 percent cash bail shall be automatically available for surety bonds not exceeding

\$20,000. For surety bond amounts exceeding \$20,000, 10 percent cash bail may be granted pursuant to an order of the judicial authority. This 10 percent option applies to bonds set by court as well as bonds set at the police department.”

Methodology

Judicial Branch looks to describe Ten-Percent bond utilization and impact over the one year since implementation, using data gathered at three decision points:

- For defendants released at police departments prior to bail interviews
- For defendants released after a non-court bail interview
- For defendants at arraignment

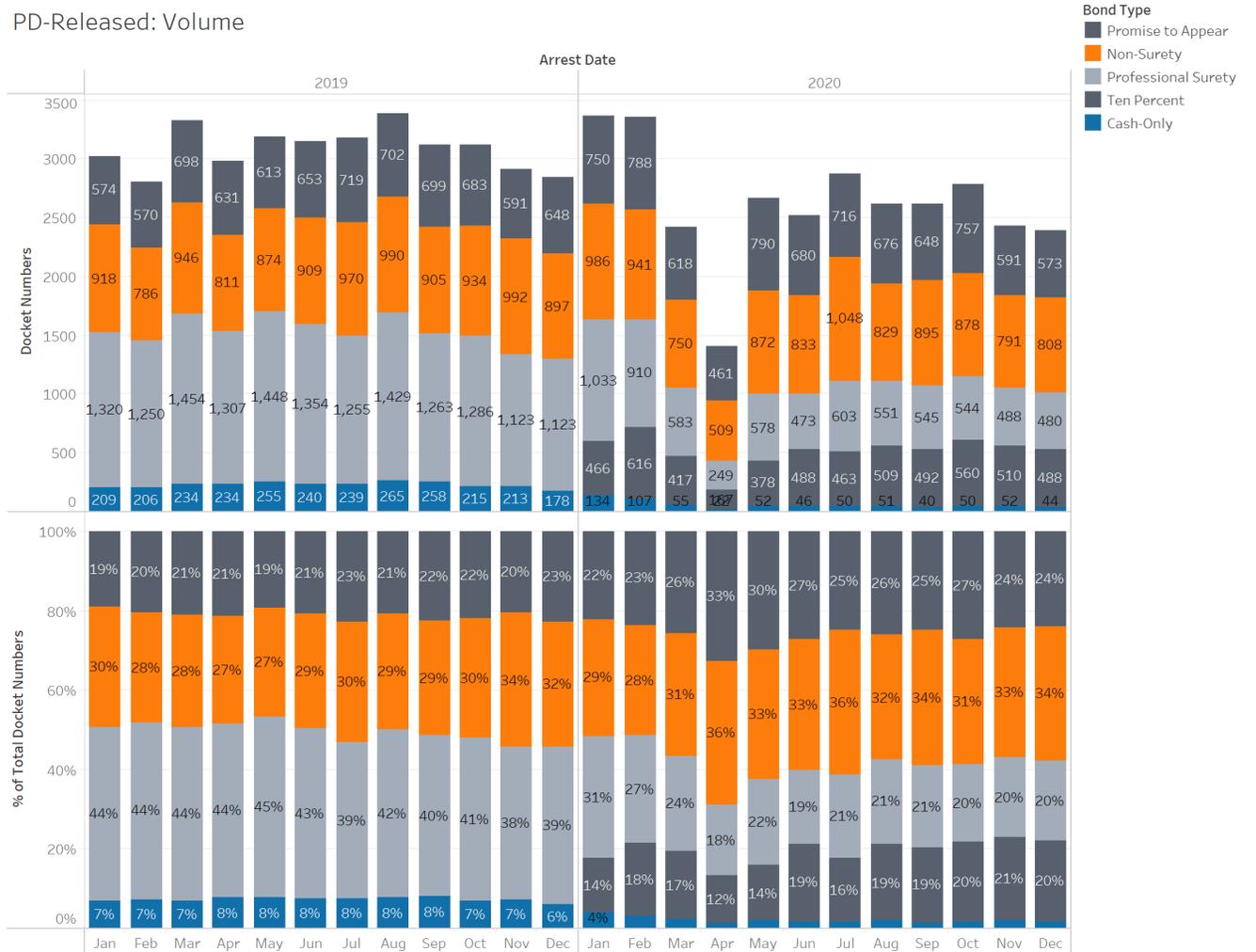
PD-Released: Volume

Once booked at a police station, an initial bond type is set by the arresting agency. Defendants can be released or post bond prior to interview by Bail Services.

There were 5,554 ten-percent bonds posted prior to interview/arraignment during 2020. These releases were 18% of all releases during the time period.

Source: CMIS/CRMVS

PD-Released: Volume

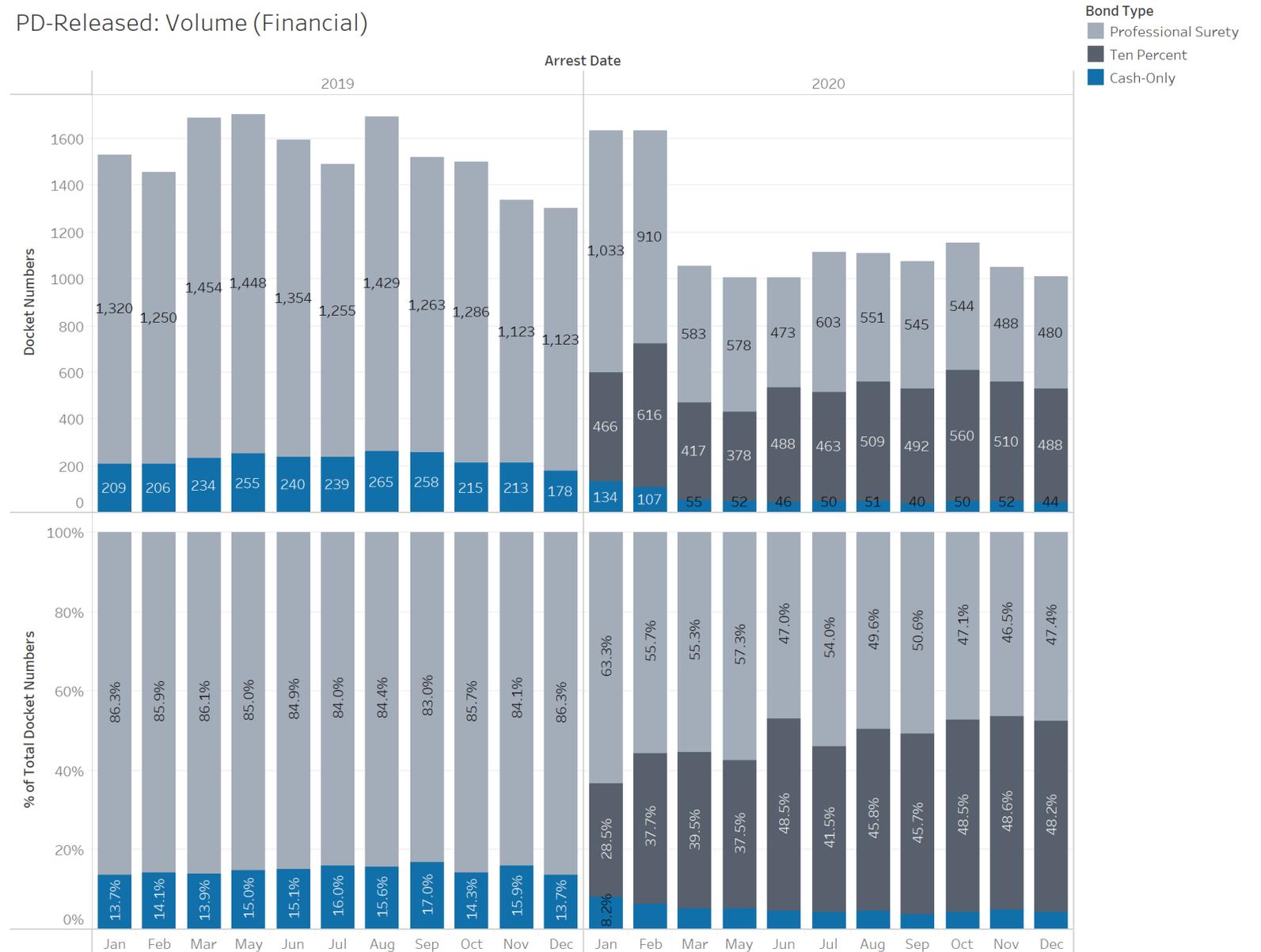


PD-Released: Volume (Financial Bonds Only)

Among financial bonds posted at police departments in 2020, **41.9%** have been posted as ten-percent.

Source: CMIS/CRMVS

PD-Released: Volume (Financial)



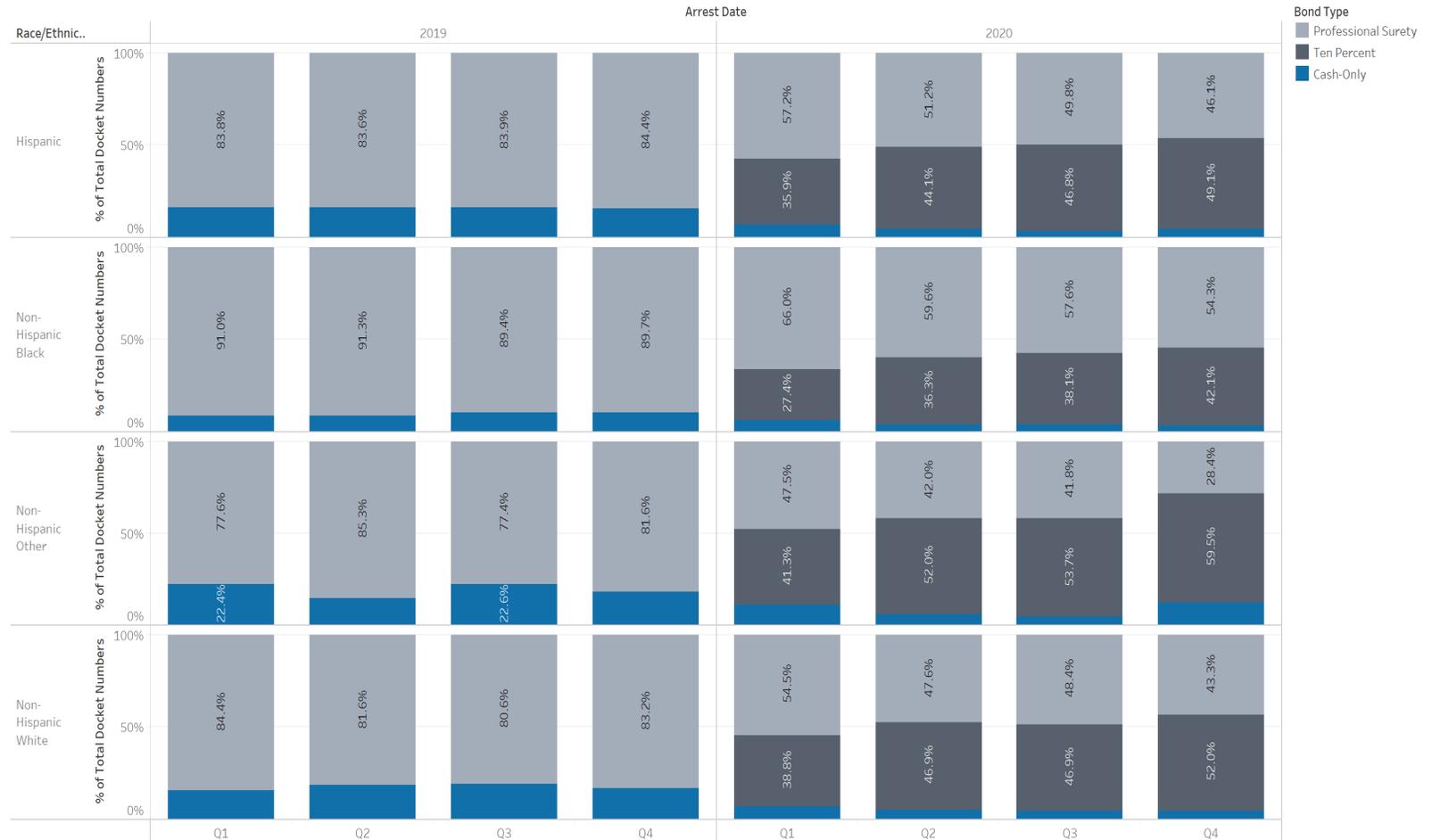
Utilization by Demographic Group

Among financial bonds posted at police departments in 2020, the proportion of each demographic group that utilized the ten percent option are as follows:

- Hispanic: 43.3%
- Non-Hispanic Black: 35.3%
- Non-Hispanic Other: 51.3%
- Non-Hispanic White: 45.4%

Source: CMIS/CRMVS

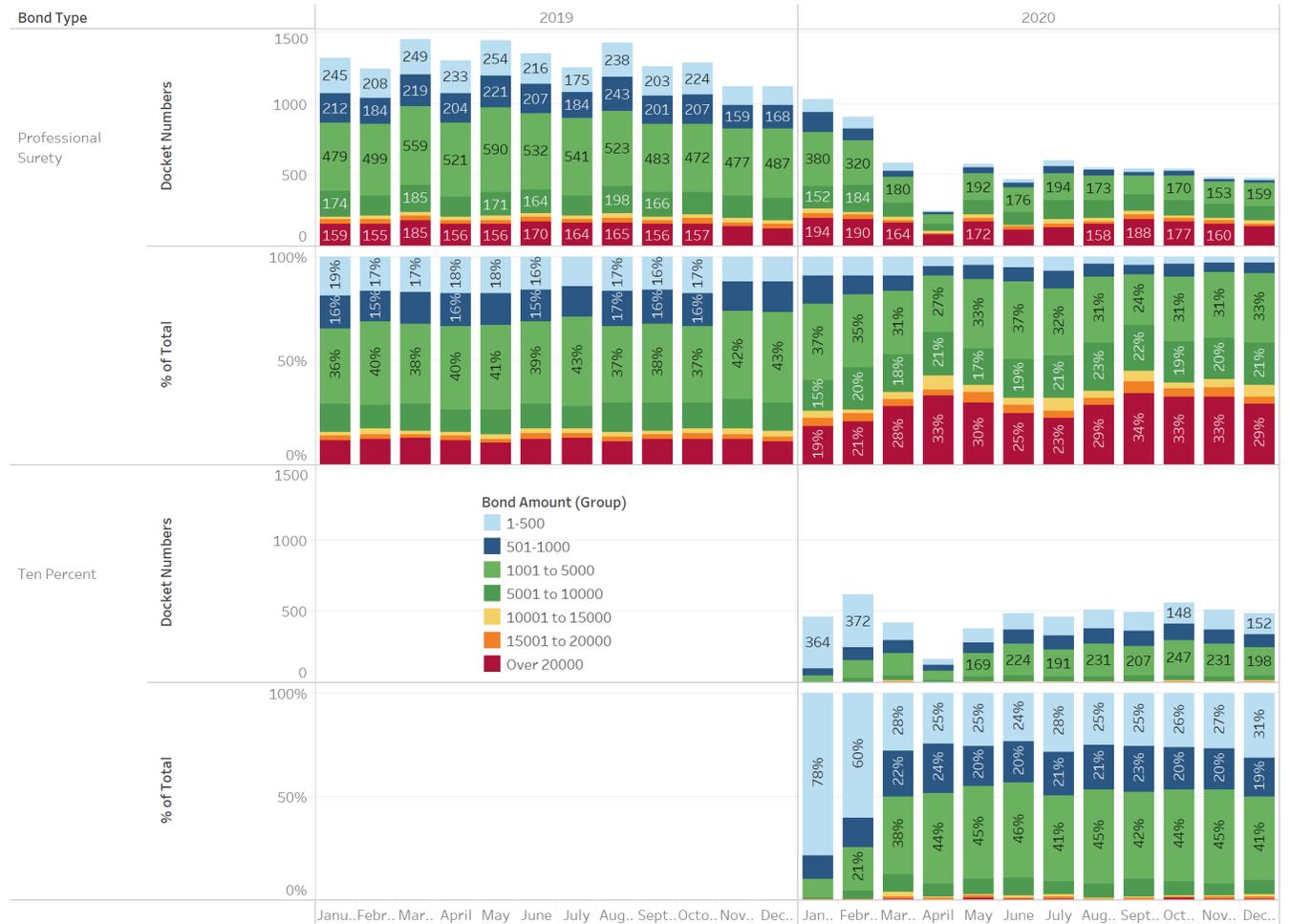
PD-Released: Utilization by Race/Ethnicity



PD-Released: Bond Amounts

The ten percent bonds posted at police departments were originally low bonds (under \$1,000). Beginning in March of 2020, utilization of ten percent for bonds between \$1k and \$5k became more common.

PD-Released: Bond Amount



Source: CMIS/CRMVS

PD-Released: Ten Percent vs Cash

The implementation of ten percent bond has also had a reductive effect on the use of cash-only bond.

There were 673 cash-only bond-outs at police departments during 2020, a 73% reduction compared to 2019.

PD-Released: Bond Amount (vs Cash)

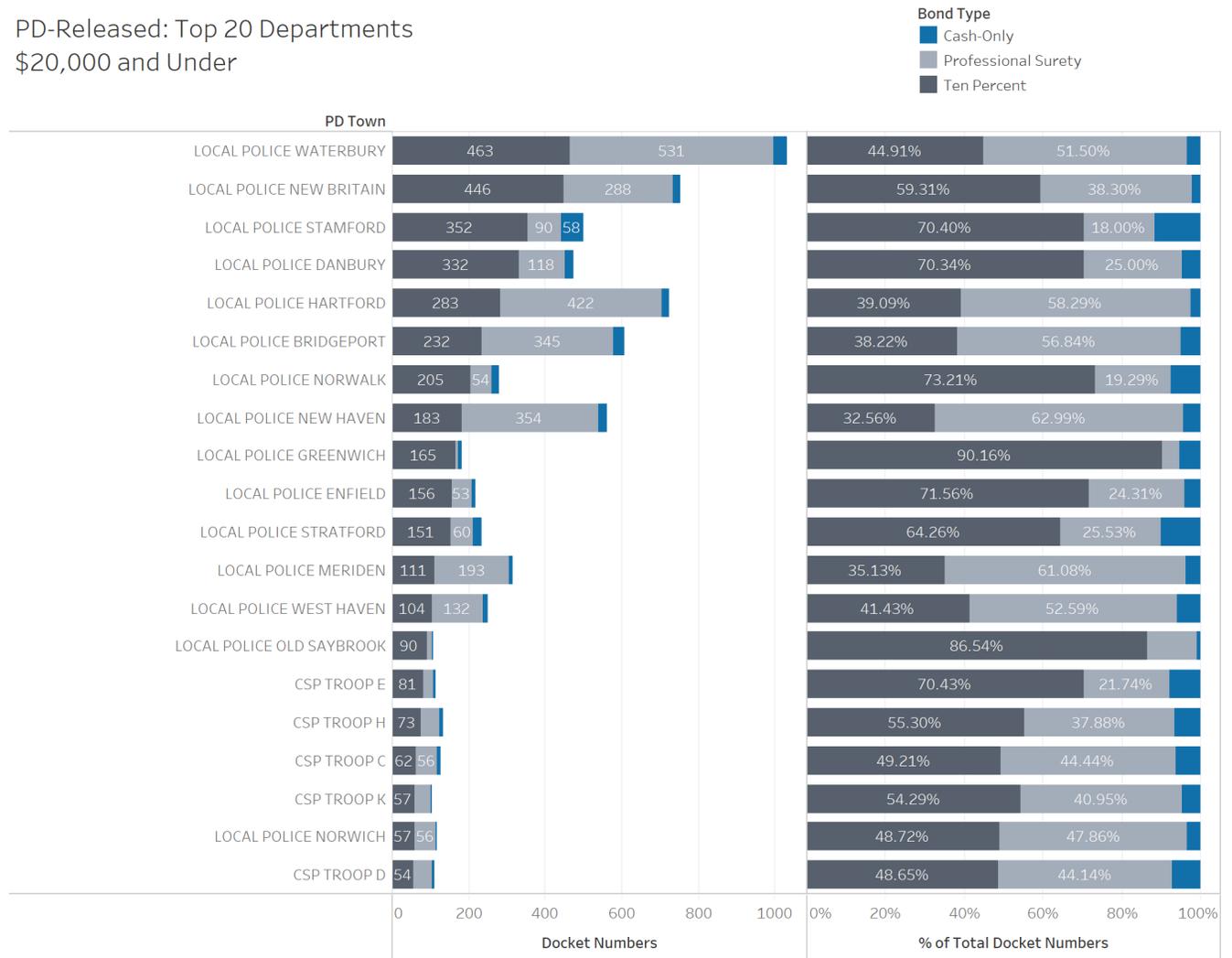
Bond Type	Bond Amount (Group)	Arrest Date			
		Docket Numbers		% of Docket Numbers	
		2019	2020	2019	2020
Ten Percent	1-500		1,889		35%
	501-1000		1,028		19%
	1001 to 5000		2,029		38%
	5001 to 10000		336		6%
	10001 to 15000		42		1%
	15001 to 20000		43		1%
	Total			5,367	
Cash-Only	1-500	1,897	534	76%	79%
	501-1000	302	58	12%	9%
	1001 to 5000	262	71	10%	11%
	5001 to 10000	33	9	1%	1%
	10001 to 15000	4	1	0%	0%
	15001 to 20000	2		0%	
	Total	2,500	673	100%	100%

PD-Released: Top 20 Departments

Defendants are utilizing ten percent bond at different rates across the state. Waterbury and New Britain PD have the highest number of ten percent posting at PD; Greenwich, Norwalk, and Old Saybrook have some of the highest utilization percentages.

The largest cities tend to experience ten percent bond utilization at lower rates than suburban departments.

PD-Released: Top 20 Departments
\$20,000 and Under



Source: CMIS/CRMVS

PD-Released: FTA and New Arrest

It is too early to accurately describe criminal justice outcomes among defendants who posted bond during 2020. The majority of cases are still pending in court, and a uniform exposure period is not yet available. This information will need to be re-assessed at a later date.

Preliminary looks at failure to appear and new criminal arrest do not show any increase in occurrence compared to other bond types.

PD-Released: New Criminal Arrest

Bond Type	Docket Numbers		New Arrest During Pendency	
	2019	2020	2019	2020
Promise to Appear	7,781	8,048	16.95%	15.77%
Non-Surety	10,932	10,140	16.09%	17.17%
Ten Percent	33	5,554	9.09%	10.21%
Professional Surety	15,612	7,037	17.80%	15.96%
Cash-Only	2,746	703	6.74%	8.68%

PD-Released: Failure to Appear

Bond Type	Docket Numbers		FTA Rate During Pendency	
	2019	2020	2019	2020
Promise to Appear	7,781	8,048	13.06%	4.00%
Non-Surety	10,932	10,140	11.95%	4.40%
Ten Percent		5,554		3.44%
Professional Surety	15,612	7,037	13.36%	4.33%
Cash-Only	2,746	703	8.85%	4.41%

Non-Court Bail Services Releases

Once interviewed off-hours by a Bail Commissioner, defendants have a narrow window during which they can arrange for bond and achieve a release prior to arraignment in court at the next business day. The number of defendants who bond out in this window is relatively small.

Comparing the bond types among financial bonds released after interview but prior to arraignment, it is evident that defendants are using ten percent bonds at rates comparable to the PD-released group. Just under one in three of these defendants utilized a ten percent bond release in 2020.

Source: CMIS/CRMVS

Proportion of Bonds Posted, by Year, Type, and Amount



Financial Bond at Arraignment

While judges have always had the ability to grant ten percent bond at arraignment, the automatic option for bonds not exceeding \$20,000 should lead to increased utilization, especially at low bond levels.

COVID-19 and the criminal justice system's responses to it seem to have impacted ten percent bond utilization in 2020.

While fewer ten percent bonds were ordered for low bonds at arraignment, the same-day release rate for these bonds is twice that of surety bonds.

Source: CMIS

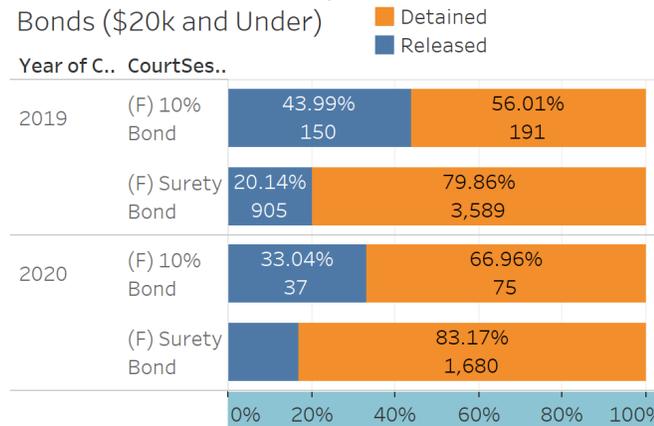
At Arraignment: All Bonds Ordered

CourtSessionBondOrd..	2019					2020				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
(F) 10% Bond	112	137	173	189	611	123	27	64	48	262
(F) Cash Bond	9	4	3	4	20	6	1	4	3	14
(F) Surety Bond	4,068	4,086	4,327	3,774	16,255	3,445	1,268	2,187	2,497	9,397
(NF) Conditions	1,982	2,039	2,281	1,878	8,180	1,635	878	1,288	1,215	5,016
(NF) Non-Surety Bond	17	15	27	38	97	34	4	21	24	83
Disposed	252	256	267	219	994	180	53	84	93	410
Grand Total	6,440	6,537	7,078	6,102	26,157	5,423	2,231	3,648	3,880	15,182

At Arraignment: Ten Percent Bonds Ordered (<= \$20k)

CourtSessionB..	2019					2020				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
(F) 10% Bond	53	67	110	111	341	54	6	31	21	112
(F) Cash Bond	8	3	1	4	16	4	1	3	1	9
(F) Surety Bond	1,089	1,094	1,274	1,037	4,494	887	193	457	483	2,020
Grand Total	1,150	1,164	1,385	1,152	4,851	945	200	491	505	2,141

At Arraignment: Release/Detention of Financial Bonds (\$20k and Under)



At Arraignment: Same-day Bond Posts (\$20k and under, regardless of bond type ordered)

Bond Posted	2019	2020
Surety	1,641	540
Ten Percent	150	298
Grand Total	1,790	835

In Conclusion

- Approximately 40% of all bonds posted at police departments utilize a ten percent option
- COVID-19 and its impact on the mix of criminal defendants has reduced utilization of ten percent bond at arraignment
- Utilization tends to be for lower bond amounts, generally \$5,000 or less
- More follow-up time is needed to effectively measure any impact on public safety via new arrest or FTA
- Questions?