

# Update: Ten Percent Bond

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

7/25/2022

# Background

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## **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

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Judicial Branch looks to describe Ten-Percent bond utilization and impact over the 30 months 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

Data in this presentation is through June 30, 2022

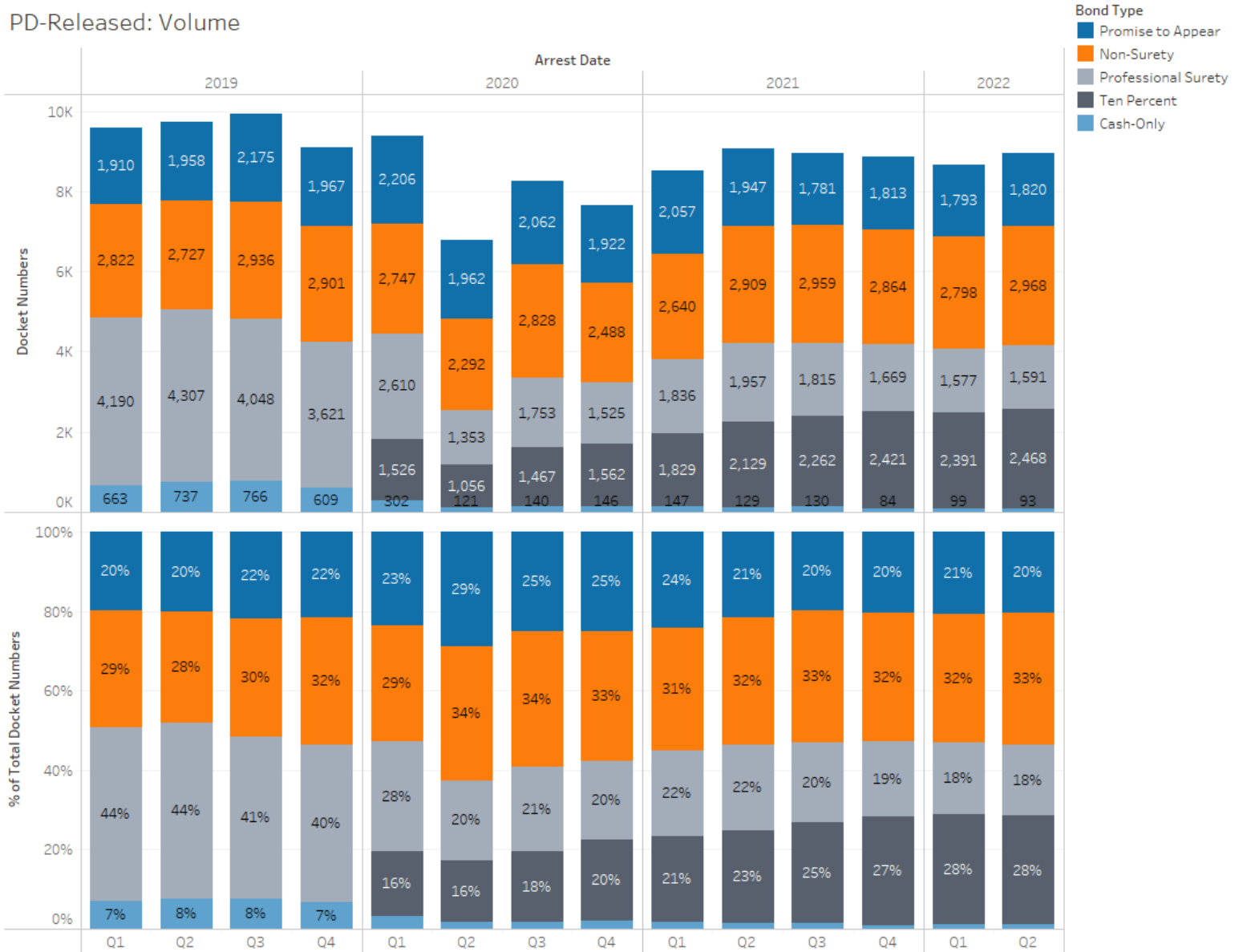
# PD-Released: Volume

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.

Use of ten-percent bond has steadily increased as a percentage of all PD-released defendants, even through the COVID-19 pandemic. In the most recent quarters, more than one in every four releases utilized a ten-percent option.

Source: CMIS/CRMVS

PD-Released: Volume

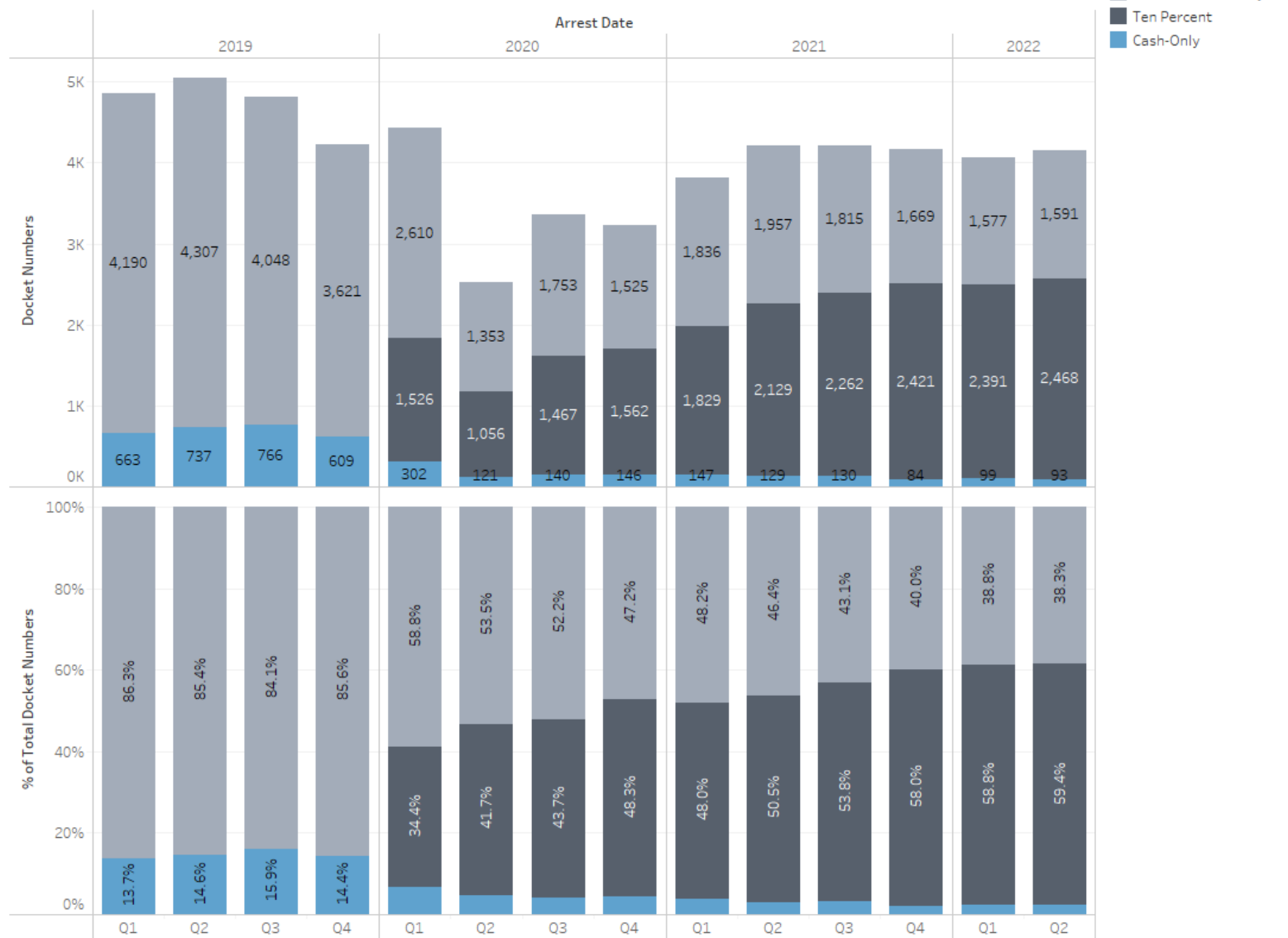


# PD-Released: Volume (Financial Bonds Only)

Among financial bonds posted at police departments, almost 60% are posted using the ten-percent option.

Source: CMIS/CRMVS

PD-Released: Volume (Financial)



# Utilization by Demographic Group

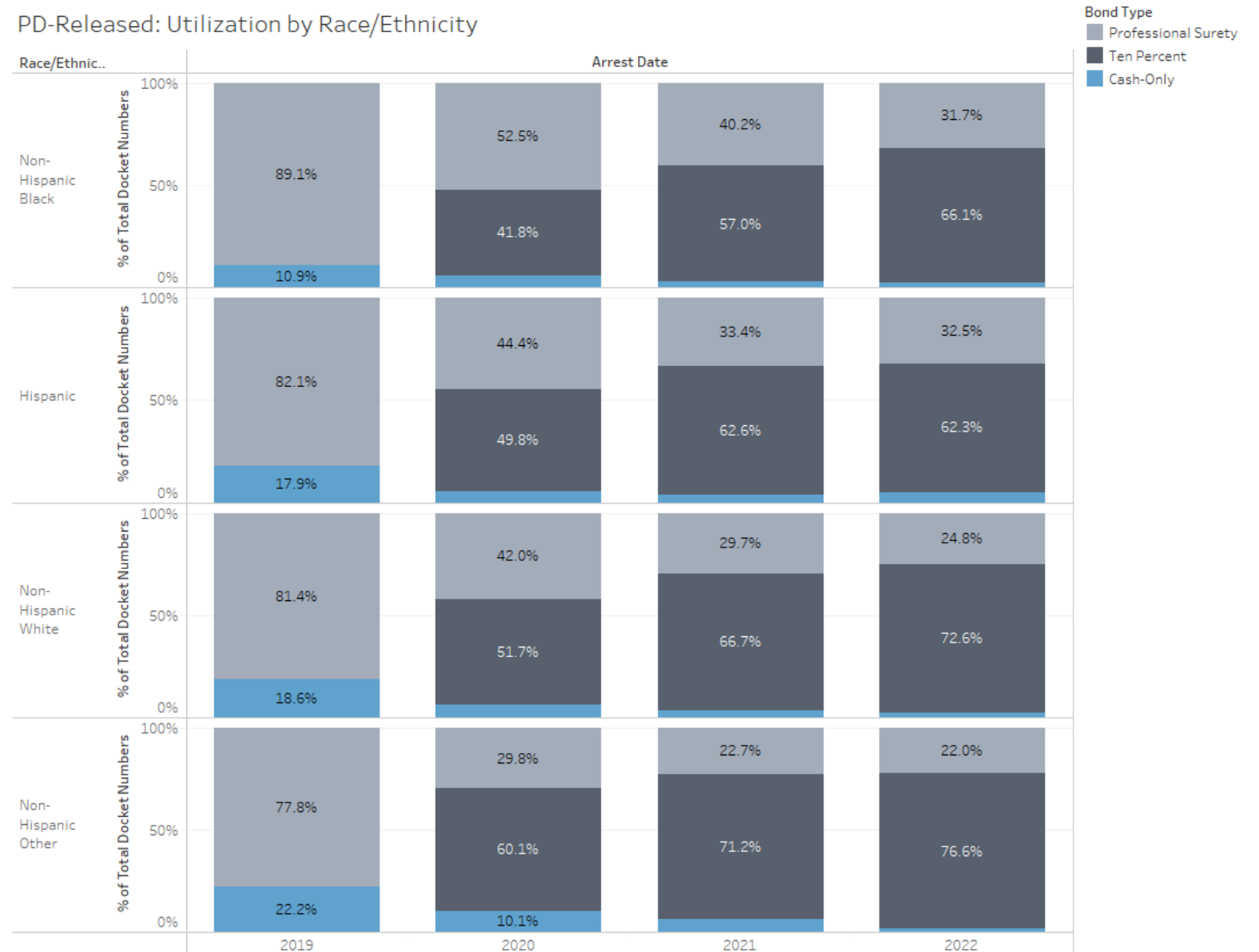
Use of ten-percent bond has increased across all racial/ethnic groups since implementation.

Among financial bonds posted at police departments during the first six months of 2022, the proportion of each demographic group that utilized the ten percent option are as follows:

- Hispanic: 62.3%
- Non-Hispanic Black: 66.1%
- Non-Hispanic Other: 76.6%
- Non-Hispanic White: 72.6%

Source: CMIS/CRMVS

PD-Released: Utilization by Race/Ethnicity



# PD-Released: Bond Amounts

Ten-percent bond is predominantly utilized for lower-cost bonds. During 2021, more than 80% of bonds \$1,000 and under were posted using the option. Larger bonds tend to be posted using professional surety; almost 80% of bonds between \$15k and \$20k are posted using surety.

PD-Released: Bond Amount (3)

Bond Amount (Group)	Bond Type	2019	2020	2021	2022
1-500	Professional Surety	100%	18%	8%	6%
	Ten Percent		82%	92%	94%
501-1000	Professional Surety	100%	34%	16%	7%
	Ten Percent		66%	84%	93%
1001 to 5000	Professional Surety	100%	52%	33%	25%
	Ten Percent		48%	67%	75%
5001 to 10000	Professional Surety	100%	80%	67%	59%
	Ten Percent		20%	33%	41%
10001 to 15000	Professional Surety	100%	86%	74%	72%
	Ten Percent		14%	26%	28%
15001 to 20000	Professional Surety	100%	86%	79%	78%
	Ten Percent		14%	21%	22%
Over 20000	Professional Surety	100%	99%	99%	99%
	Ten Percent		1%	1%	1%

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 700 cash-only bond-outs at police departments during 2020, a 75% reduction compared to 2019.

### PD-Released: Bond Amount (vs Cash)

Bond Type	Bond Amount (Group)	Arrest Date							
		Docket Numbers				% of Docket Numbers			
		2019	2020	2021	2022	2019	2020	2021	2022
Ten Percent	1-500		1,937	2,121	1,270		35%	25%	24%
	501-1000		1,081	1,775	1,052		19%	21%	20%
	1001 to 5000		2,131	3,801	2,300		38%	44%	44%
	5001 to 10000		348	696	491		6%	8%	9%
	10001 to 15000		44	116	64		1%	1%	1%
	15001 to 20000		48	103	66		1%	1%	1%
	Total			5,589	8,612	5,243		100%	100%
Cash-Only	1-500	2,087	551	364	125	76%	79%	77%	64%
	501-1000	338	62	42	34	12%	9%	9%	17%
	1001 to 5000	293	77	55	31	11%	11%	12%	16%
	5001 to 10000	35	9	6	6	1%	1%	1%	3%
	10001 to 15000	4	1	3		0%	0%	1%	
	15001 to 20000	2		2		0%		0%	
	Total	2,759	700	472	196	100%	100%	100%	100%

Source: CMIS/CRMVS



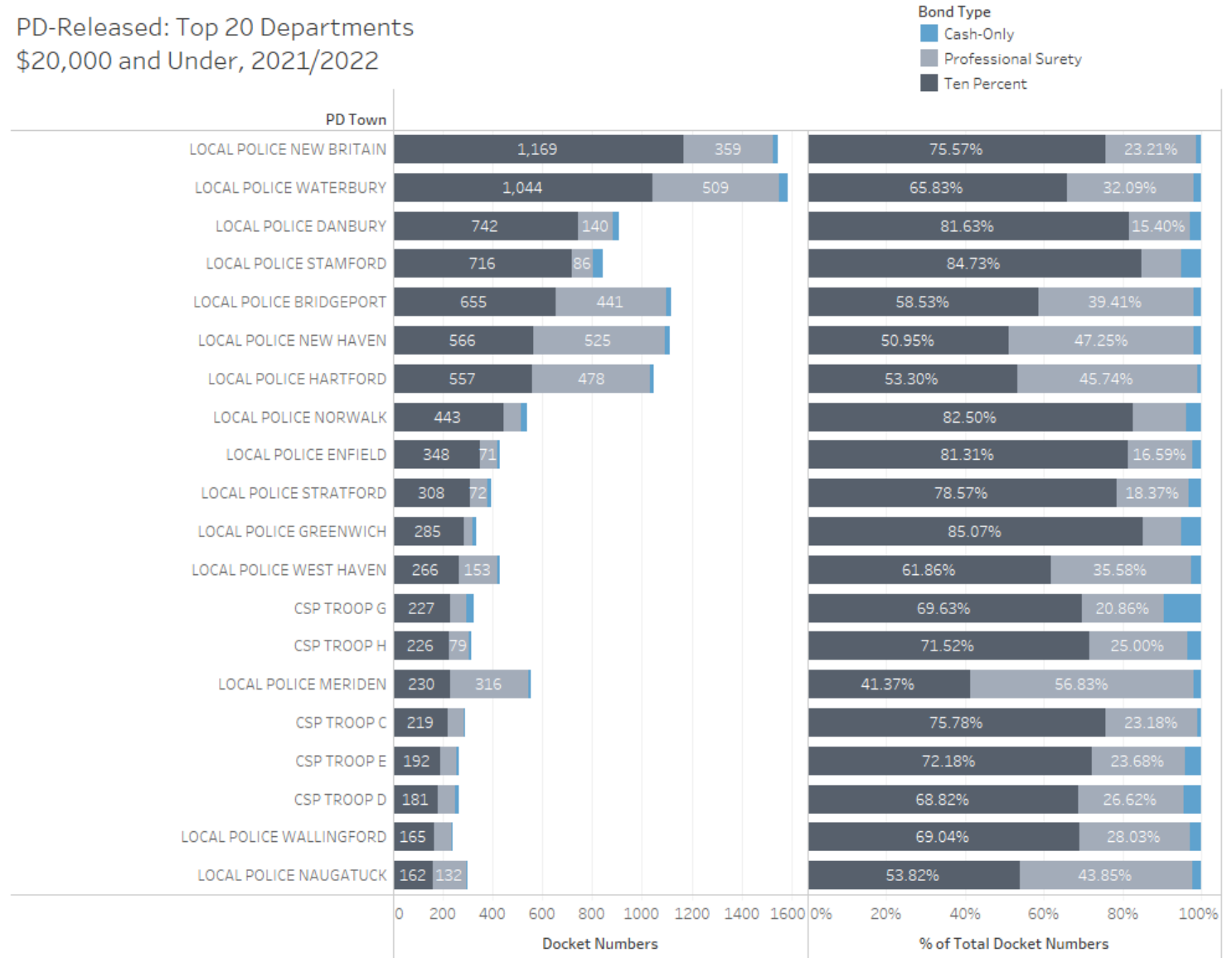
# PD-Released: Top 20 Departments

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 Stamford have some of the highest utilization percentages.

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

Source: CMIS/CRMVS

PD-Released: Top 20 Departments  
\$20,000 and Under, 2021/2022



## PD-Released: FTA and New Arrest

It is too early to accurately describe criminal justice outcomes among defendants who posted bond since 2020. Many 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.

Source: CMIS/CRMVS

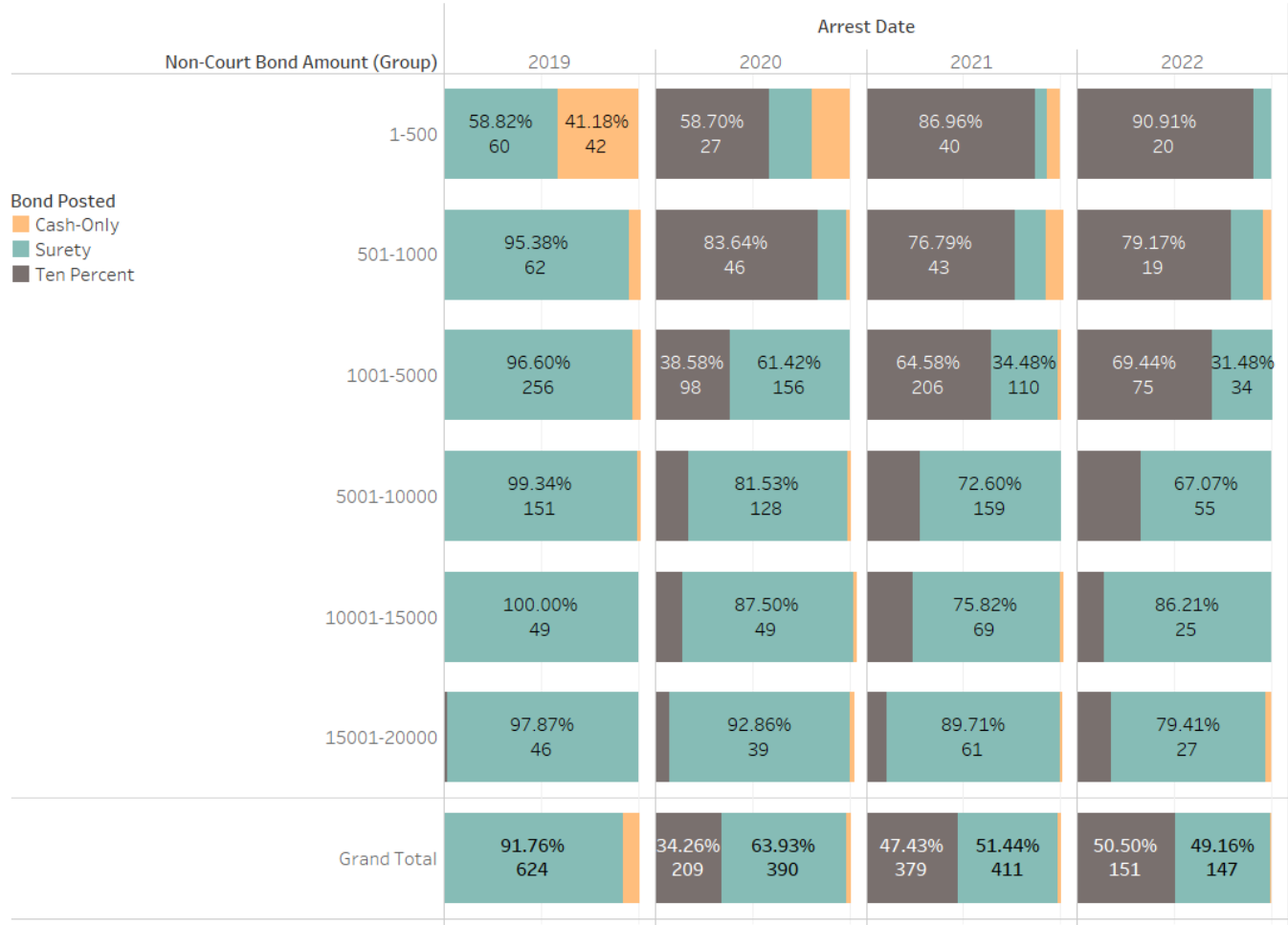
# Non-Court Bail Services Releases

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. Roughly one in three of these defendants utilized a ten percent bond release in 2020, rising to half of defendants in 2022 (through June).

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 and beyond.

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

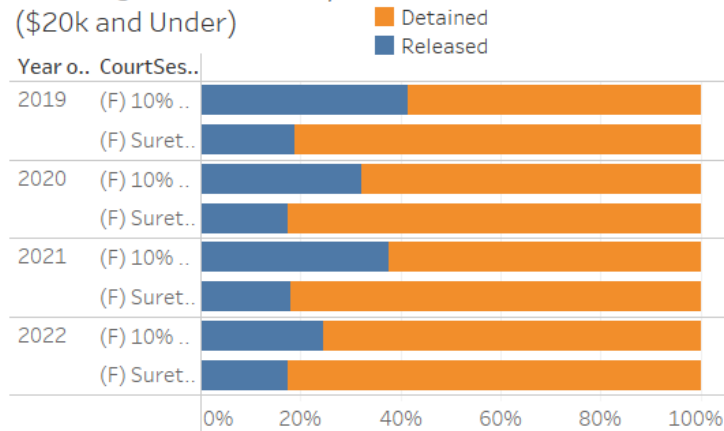
At Arraignment: All Bonds Ordered

CourtSessionBondOrd..	2019	2020	2021	2022
(F) 10% Bond	608	258	171	59
(F) Cash Bond	20	14	16	6
(F) Surety Bond	16,243	9,401	11,635	7,347
(NF) Conditions	8,187	5,018	5,272	3,201
(NF) Non-Surety Bond	99	82	54	21
Disposed	998	412	381	282
Grand Total	26,155	15,185	17,529	10,916

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

CourtSessionB..	2019	2020	2021	2022
(F) 10% Bond	517	205	138	45
(F) Cash Bond	17	11	13	4
(F) Surety Bond	8,002	4,103	4,693	3,085
Grand Total	8,536	4,319	4,844	3,134

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	2021	2022
Surety	3,040	1,501	1,534	598
Ten Percent	199	470	656	347
Grand Total	3,238	1,964	2,176	940

# In Conclusion

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- Approximately 60% of all financial bonds posted at police departments now 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?