



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Supporting Senate Bill 1367, An Act Prohibiting a Bail Bondsman or Agent from Apprehending a Principal on a Bond on the Premises, Grounds, or Campus of Any Health Care Facility, School, Institution of Higher Education, or House of Worship

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of Senate Bill 1367, An Act Prohibiting a Bail Bondsman or Agent from Apprehending a Principal on a Bond on the Premises, Grounds, or Campus of Any Health Care Facility, School, Institution of Higher Education, or House of Worship.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harm to justice-impacted people. We cannot jail our way into real public safety. Increasing incarceration in the United States for more than two decades did not reduce violent crime.¹ Real public safety requires investing in programs and services that make us safe, not violent systems like incarceration, including pre-trial detention. Across the country, after an arrest, a person's ability to leave jail and return home to fight their case almost entirely depends on that person's access to money. People must pay cash bail to secure their freedom in a system that perpetuates wealth-based incarceration. Pretrial incarceration due to unaffordable bail is the primary driver of convictions, and is responsible for the exponential growth in mass incarceration. We are in support of

¹ Oliver Roeder, *What Caused the Crime Decline?*, BRENNAN CTR. JUST. (2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2566965.

reforming our flawed bail system and emphasize the necessity of including safeguards focused on enhancing equity and fairness.

People who are incarcerated because they cannot afford bail are most often Black people and people of color, as well as people with low incomes. As trials drag out, people can be left incarcerated in jail for months or even years, just because they cannot access the large amount of capital necessary to secure their freedom. This occurs all while wealthy people accused of the same crimes can buy their freedom and return home. Money bail is set at levels far too high for most people or their families to afford. Defendants are put in an impossible situation: they must decide whether to remain locked up in jail for months or years before being convicted, pay a nonrefundable fee to a for-profit bail bond company, or plead guilty and surrender their right to defend themselves at trial. For lower-income families, paying the bail bonds fees can be a significant hardship. Even if their loved one is found innocent, they will never get their hard-earned money back, even if the arrest was erroneous or charges were never filed.

Our Constitution promises equal treatment before the law, but emerging data shows that people who are stuck in Connecticut jails because they cannot pay bail are disproportionately Black people and people of color, and that courts set higher bail amounts for Black people and people of color than for white peers charged with the same crime.² Some states are beginning to challenge our predatory cash bail system. Illinois became the first state to completely abolish cash bail and invest in alternatives to incarceration. New Jersey instituted bail reforms that center the individual in deciding whether a person can return home, rather than a system based on wealth.

² See, e.g., Kelan Lyons, *Why Connecticut Hasn't Followed Other States in Ending Cash Bail System*, CT MIRROR (Au. 7, 2022), <https://www.ctinsider.com/news/article/Why-Connecticut-hasn-t-followed-other-states-in-17357394.php>.

Cash bail is a major contributor to mass incarceration, and is one of the most profoundly unfair and harmful parts of our criminal legal system. Cash bail allows a person's wealth to determine whether they will return home or remain incarcerated while waiting for their day in court. This unfair and unjust system punishes those without money even before they have had a chance to defend themselves in court, disproportionately impacting lower-income people and people of color. In fact, the Center for American Progress found that "pretrial detention can actually increase a person's likelihood of re-arrest upon release, perpetuating an endless cycle of arrest and incarceration."³

The ACLU-CT looks forward to continuing the conversation about how to change our bail system and to discuss other important elements that will be critical to the effort to reform Connecticut's cash bail system. Senate Bill 1367 would prevent people from being apprehended for a bail bond on the at any health care facility, school, institution of higher education, or house of worship. These are sensitive places of health, learning, and religion that should be a place of refuge for all. The presence of bail bondsmen or their agents will instill fear and distrust, particularly among immigrant families, and discourage people from accessing their education and health care or from worshipping in community. Senate Bill 1367 is a positive step forward in protecting Connecticut families from the harms of our bail system. As such, the ACLU-CT supports this bill, and encourages this Committee to do the same.

³ Lea Hunter, *What You Need to Know About Ending Cash Bail*, CTR. AM. PROGRESS (Mar. 16, 2020), <https://www.americanprogress.org/article/ending-cash-bail/>.