



Legislative Testimony
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Written Testimony Opposing House Bill 5824, An Act Reforming the Bail System, and House Joint Resolution 261, Resolution Proposing an Amendment to the State Constitution to Revise Requirements Relating to the Offering of Bail or Pretrial Release to Persons Accused of a Crime

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

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to House Bill 5824, An Act Reforming the Bail System, and House Joint Resolution 261, Resolution Proposing an Amendment to the State Constitution to Revise Requirements Relating to the Offering of Bail or Pretrial Release to Persons Accused of a Crime.

The ACLU of Connecticut envisions a thriving, safe society for all people. We cannot jail our way into a lower gun violence rate or real public safety. Increasing incarceration in the United States for more than two decades did not reduce violent crime.¹ Rather than seek to increase mass incarceration, this Committee should consider alternate means to address violence. For example, locally guided investments in infrastructure like streetlights, parks, and public transit; economic opportunity like youth summer employment; and social connections like violence interruption programs are all associated with declines in homicide and violence.² Real

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

² Hanna Love, *Want to Reduce Violence? Invest In Place*, BROOKINGS INST. (Nov. 16, 2021), <https://www.brookings.edu/research/want-to-reduce-violence-invest-in-place/>; Paige Fernandez & Taylor Pendergrass *10 Things to Know About Combatting Violence in America*, ACLU (Sept. 7, 2021), <https://www.aclu.org/news/criminal-law-reform/10-things-to-know-about-combating-violence-in-america>.

public safety requires investing in programs and services that make us safe, not violent systems like incarceration and policing.

The ACLU-CT is an organization dedicated to ending mass incarceration, eliminating racial disparities in the criminal legal system, and reducing harms to justice-impacted people. We believe in a society where all people, including those who have been convicted of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal legal system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive, law-abiding residents. Because of systemic racism, Black and Latino men are disproportionately incarcerated, which means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living. Poor chances of employment or stable housing likely have a resulting outsized impact on Black and brown people.

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 people of color, and that courts set higher bail amounts for people of color than for white peers charged with the same crime.³ We already know that our current bail system disproportionately harms people of color. House Bill 5824 and House Joint Resolution 261 would make it more difficult for people to bail out of jail as they await trial, which does not address the root causes of violence. Under Article 1, Section 8(a) of the Connecticut Constitution, the right to be released from jail through reasonable bail is guaranteed for virtually all defendants, except for capital cases “where the proof is evident or the presumption is great.”⁴ House Joint Resolution 261 would impermissibly amend our constitution to permit courts to deny

³ 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>.

⁴ Conn. Const., art. 1 § 8(a).

pretrial release to a person under a number of circumstances. Instead, this Committee should support alternate methods to reduce violence that does not implicate the criminal legal system. As such, the ACLU-CT opposes House Bill 5824, and urges this Committee to do the same.