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Testimony in Opposition to changes to Practice Book Section 38-8

Justice McDonald and distinguished members of the Rules Committee of the Superior Court, thank you for the opportunity to submit testimony in opposition to the proposed amendment to Practice Book Section 38-8: Ten Percent Cash Bail.

Our state is experiencing disturbing levels of criminal activity. Repeat offenders who are intimately familiar with our judicial system are leveraging that knowledge to take advantage of our communities and citizens, unafraid of any consequences. Aided and abetted by legislative proposals that reduce criminal penalties and provide multiple opportunities for repeat offenders to abandon their criminal activities, this dangerous population of reoffenders is targeting our homes and our families knowing that if they are caught, there is little the state will do to punish their criminal behavior. The victims are not only robbed of their property but their peace of mind, their feeling of security in their home and in more extreme cases, their lives.

Bail has three public purposes. First, it is used to guarantee that an individual charged with a crime appears before the court. Second, it is a way to protect the public or a specific individual from a potentially dangerous or violent offender. Finally, it is used to protect the court's operations from undue interference. The second and third purposes are often overlooked by proponents of bail reform who too often appear to be more concerned with reducing incarceration rates than protecting public safety.

Decreasing the cash bail threshold to seven percent on surety bonds not exceeding fifty thousand dollars further restricts the ability of a court to make an independent determination as to what constitutes a reasonable bail amount necessary to protect public safety, the integrity of the judicial system, and to ensure that the defendants actually appear before the court. I fear this policy will result in more repeat offenders being allowed to continue their criminal activity.

Currently, the legislature is considering a variety of proposals which include a number of different changes to the bail system. The change that this amendment makes is premature and fails to take into account the considerations currently being debated during this legislative session. I strongly encourage the Judicial Branch to suspend its consideration of this amendment in order to allow the legislative process to play out and declare an affirmative public policy on this issue.