



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

November 5, 2015

Justice David Borden, Chair
Connecticut Sentencing Commission
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Andrew J. Clark, Acting Executive Director
Connecticut Sentencing Commission
Institute for Municipal & Regional Policy (IMRP)
Central Connecticut State University (CCSU)
Downtown Campus, Room 212
New Britain, CT 06050

RE: Study of Bail Reform and Diversionary Programs

Dear Justice Borden and Mr. Clark:

I am writing today to ask the Sentencing Commission to examine two important issues relating to my Second Chance Society initiatives:

- 1) Connecticut's current bail bond system and the possibility for its reform, and
- 2) Connecticut's numerous diversionary programs, their efficacy and cost-effectiveness.

In Connecticut today, there are approximately six-hundred people in jail whose bond is less than \$20,000, and another six-hundred people whose bond is less than \$50,000. People who are not able to post the amount of bail required to get out of jail on such low bond – typically just a few hundred dollars – are people who most likely have no job and no support network. A large proportion of these people are non-violent, low-level offenders who would be able to get out of jail if they had a credit card, or a friend or family member who could loan them the small amount of money required to do so. Many are homeless, drug addicted, mentally ill and unemployed. They are also often veterans.

These people are not incarcerated because they are dangerous or a flight risk, but merely because they are poor; there are others just like them who have committed similar crimes under similar circumstances who are walking free because of the simple fact that they have the financial means to do so.

Many jurisdictions have begun to reconsider whether existing bail systems are fair and just, and it is time that we do the same in Connecticut. In 2014, for example, New Jersey changed its laws to permit courts, beginning January 1, 2017, to deny pretrial release of certain persons in criminal cases, and to permit monetary bail only when no other conditions of release will reasonably assure the eligible defendant's appearance in court.

I would like to request that the Sentencing Commission examine the bail systems in other jurisdictions, such as New Jersey, Massachusetts, Kentucky, and Oregon, as well as any recent reforms that have been made to those systems. Please include in your examination an analysis of potential ways Connecticut can focus pretrial incarceration efforts on individuals who are dangerous and/or a flight risk, as well as ways to reduce "bail inflation" in Connecticut, and report back to me with your recommendations.

The second issue I would like the Sentencing Commission to consider is the state of Connecticut's existing jail diversionary programs. Connecticut has a wide array of diversionary programs that provide services to individuals to keep them out of jail and to get them back on their feet. Individuals may be eligible to participate in a variety of diversionary programs related to substance use disorder, alcohol rehabilitation, and a history of sexual or domestic violence, among others. These programs are currently operated by both state-funded entities and non-profit organizations through contracts with the state.

I would like to know more about how these programs are meeting the needs of the state and its citizens. In particular, I have heard concerns from prosecutors, judges, defense attorneys and victims that the variety of diversionary programs available in Connecticut is confusing. I have heard that use of these programs has become automatic, resulting in offenders being shifted from one program to another without a case-by-case analysis of their situation, and may postpone the time by which an individual defendant's needs are addressed in a comprehensive way. I am concerned that the existing diversity of programs results in the opposite of the desired effect, and that the overly complicated administration of these programs may be wasteful of judicial resources.

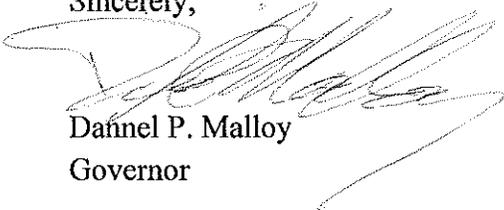
To address these concerns, I would like to solicit your expertise in helping to assess the scope of the diversionary programs that are currently in existence, and to determine how effective those programs are. Please review existing diversionary programs and analyze their cost and funding mechanisms, as well as how effective and efficient they are at both treating the populations they

seek to help and at preventing recidivism. In addition, please study best practices in diversionary programs generally, and examine whether having one generic diversionary program, with one application process, and one length of time, would benefit the participants of the program, as well as reduce the fiscal and administrative burden on the state.

Please let my office know by January 15, 2016 how soon you will be able to provide recommendations on these topics.

Thank you for your help on these important initiatives. My hope is that through our joint efforts, we can find a way to give more incarcerated individuals a "second chance" to succeed.

Sincerely,


Dannel P. Malloy
Governor