



WOMEN'S
CENTER

To: Members of the Insurance and Real Estate Committee

From: Katherine Verano-Berkel, Women's Center of SE CT

Date: February 8, 2011

Re: S.B. 28: ACC Surety Bail Bond Agents and Professional
Bondsmen

Good Afternoon Senator Crisco, Representative Megna and members of the Insurance and Real Estate Committee. My name is Kathie Berkel and I am here to speak in favor of Senate Bill 28, An Act Concerning Surety Bail Bond Agents and Professional Bondsmen.

I am employed as the Family Violence Victim Advocate Supervisor at the Women's Center of Southeastern Connecticut. I oversee advocates in the New London and Norwich courts as well as an advocate located in the Norwich Police Department. As family violence victim advocates, it is our responsibility to provide services to victims of family violence crimes. Over the past few years I have been listening to victim's concerns and fears when their abusers are being arrested and are then bonding out shortly after the arraignment hearing. These victims are bewildered as they claim that the abuser did not have resources to bond out. Many victims have told me that this has happened in the past and they will think twice about calling the police in the future because the courts cannot protect them when their abusers are bonding out with little or no money.

As an advocate it is our practice to safety plan with victims to prepare for any and all scenarios. Much to my dismay, I often receive frantic calls from victims informing me that the abuser bonded out. I cannot express the fear, frustration and hopelessness in the voices of the victims who repeat over and over that there is no way the abuser had the money to bond out. A few victims shared with me that their abuser would brag that they got out without paying anything and they would do it again.

In response to their claims, I made a special effort to follow a few cases over a period of

time to determine the cause of their concerns. I monitored the amount of bond set by local police departments when arresting an abuser with criminal records and the bond amounts seemed to be appropriate. I observed the court room arraignment in which the judge would set a bond to ensure that the abuser would return to court as well as considering the safety of victims involved. Once again, appropriate protocols seemed to be adhered to. I would assist the victim in registering with the Department of Corrections Victim Services Unit to be notified in the event that the abuser was to bond out. When I relayed the bond amount to victims, they felt confident that their abuser would be unable to come up with the funds to be released, giving them a sense of safety and security.

There are two particular cases that I would like address. One is the case of a defendant who had sixteen domestic violence arrests in three different courts with many of them ending in convictions, jail time, suspended sentences and probation. When I became involved, this abuser had two cases with two different victims. One of the victims had injuries that left scars on her face and her body. As I was unable to reach the victim at the time of the arraignment, a full no contact protective order was issued. I later found out, that she had been staying in a domestic violence shelter out of the area. Upon coming to court, the victim shared with the prosecutor that she was fearful of her abuser and showed the prosecutor her injuries. The prosecutor requested that a detective from the local police department come and take photos of the victim's injuries.

I was contacted to meet with this victim and to be with her for the photos. I met with her after to discuss the arrest, her wishes and her safety plan to leave court that day. A police escort was offered but the victim refused. The victim felt safe with the plan we had put in place. But when she left the court house, the abuser had her followed, picked up and brought to him. He threatened that should she pursue the domestic violence charges she would die as well as her child and whoever was assisting her. Her abuser had gone through her personal belongings and found my name. I did not learn of this incident until the victim made contact with the police some time later. She wanted to meet with the prosecutor and me. She had a failure to appear on a motor vehicle charge but she would not come back to court out of fear of being found by her abuser again. She contacted the police and was brought in through lock-up, feeling that this was the safest move. I met

with her in lock up and she expressed her fears for her life, her daughter's life as well as mine. She felt that the abuser would not hesitate to carry out his threats. Arrangements were made for her safety on that day as well as for any future court appearances. I then contacted the detective involved for advice on my safety.

The detective informed me that this defendant had a lengthy criminal history and record, and that I should be very concerned for my safety. Eventually the defendant was convicted of the domestic violence charges as well as the drug charges and sentenced to serve jail time followed by probation. The victim remained in hiding and I was in constant contact with her. The other victim of this abuser remained in the area and her safety plan was to not testify against him.

I continued to work with these victims for the next two years. We were notified of parole hearing dates and the relocation of the defendant as a protocol of the Department of Correction. We were all notified of the defendants pending release and I safety planned with each victim accordingly. Each victim expressed a different level of anxiety and fear. But I felt another form of anxiety for my own safety and that of my family. I started asking myself, "Would he come after me? What about my daughter?" I felt embarrassed to admit that I did not feel safe and I could not imagine what the victims of his assaults were feeling. All of my years of experience when I would reassure a victim that everything would be okay seemed to lose its effect. I did not feel safe and I was scared.

This defendant was only out of prison and on probation a short time before he was arrested once again on drug charges. The police set bond at close to \$100,000. When he was arraigned, the judge kept the same bond in place due to his lengthy criminal history. He once again utilized the services of the public defender's office as he had on numerous prior criminal arrests. Because the defendant was held on bond for a non domestic violence charge, I was not aware that he had bonded out. A few weeks later the defendant was arrested on a new domestic violence charge involving one of the prior victims. Once again, the police set a high bond and the judge kept it in place. When I learned that the defendant had once again bonded out, I went to the domestic violence prosecutor to find out how he was able to make bond. The prosecutor immediately

requested a bond hearing to be held within forty eight hours to address these issues. At this hearing, the prosecutor wanted to know how someone who was not working and qualified for a public defender could post bond or surety in the amount that the defendant would have to produce. It was learned during this bond hearing that the bail bond company had set up a payment arrangement with this defendant and was not required to make any down payment prior to his release. After hearing this, the judge then set bond at cash only and the defendant was incarcerated as he was unable to come up with any monies.

I know that accepting little or no money for bond is a practice is followed by bail bond agents working in other courts as well. I worked with a victim who was kidnapped by her abuser. The abuser had multiple charges throughout the state and was being held on an extremely high bond for kidnapping and attempted murder. The victim was in hiding pending the trial. The states attorney's office contacted me, asking me to notify the victim that the abuser had bonded out. We were all shocked by this news because the abuser had been incarcerated for some time and the bond was not reduced. It came to my attention that a bail bond company in another jurisdiction had accepted a letter supplied to them by the defendant stating that he would be the recipient of a sum of money from a law suit of some type. The bail bond company accepted this letter in good faith. Had they investigated it, they would have learned that the letter was issued from the office of an attorney that has been deceased for over a year. Once again, the defendant did not come up with any money and was released. Repeatedly, the victim and her mother expressed their concerns that this type of thing could happen. They indicated that in this case, having bond set at any dollar amount created a false sense of security for them because they were certain that he would be released.

I have had numerous conversations with victims who have questioned how their abusers bonded out without the resources. I feel that policies and laws need to be made and enforced to protect victims, not to be made easier for an abuser to be released. Please support Senate Bill 28. Thank you for your time.