



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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**Testimony of the Honorable Robert J. Devlin, Jr.
Judiciary Committee Public Hearing
March 13, 2015**

Raised Bill 1031, An Act Concerning Bail Amounts Set by Judges

Good afternoon, Senator Coleman, Representative Tong, Senator Kissel and Representative Rebimbas, I am Judge Robert Devlin, and I am pleased to submit written testimony on behalf of the Judicial Branch, opposing **Raised Bill 1031, An Act Concerning Bail Amounts Set by Judges**.

This bill would limit a judge's discretion in the setting of bail by requiring a finding of good cause before a judge could set a bond that is greater than \$5,000 in cases where a person is charged with a misdemeanor only.

Let me start by saying that all defendants have a constitutional right to a reasonable amount of bail, and our statutes protect that right by requiring that the court set bail in an amount "no greater ... than necessary." We have confidence that our judges are adhering to this requirement, and while defendants have a right to appeal the amount of their bail as excessive, it virtually never happens.

The factors that must be considered in setting bond, as enumerated in the current statutes, go well beyond the offense charged. They include a number of other factors such as previous convictions, past record of appearances in court when on bail, the number of charges pending against the arrested person, the arrested person's history of violence, and the likelihood that the person will commit another crime while released.

In conjunction with these statutory requirements, the Judicial Branch's Court Support Services Division has established an assessment tool to help determine the least restrictive condition or conditions of release necessary to ensure the defendant's appearance in court and yet still protect the public. This assessment tool has been validated through a study conducted by Central Connecticut State University's Department of Criminology, and its point scale places weight on offense characteristics and criminal history, which the study found to be the strongest predictors for a defendant appearing in court. Our bail commissioners use this tool every day in crafting the bail recommendations they make to judges handling arraignments.

I can tell you, as a judge hearing criminal cases on a daily basis that I found the tool to be very effective in assisting me in setting less restrictive bonds that nevertheless ensure that the defendants will appear in court. I can also tell you that if there was a recommendation to impose a monetary bond of more than \$5,000 related to a misdemeanor charge, the tool would provide validated reasons for doing so. Some of the specific factors that might indicate that a higher amount is required include: prior failures to appear by the defendant; a domestic violence case with previous history of domestic violence; the defendant is on probation for another offense; there was a weapon involved; the offense involved physical injury to the victim; the defendant has numerous pending cases; a serious threat was involved and there are outstanding warrants against the defendant. Stated differently, a good cause standard is already built into the bail determinations made by our judges, particularly where a monetary bond is set for a misdemeanor offense.

To make these types of determinations, it is vitally important that judges retain the ability to consider the individual circumstances of every case before them. To do otherwise is to severely restrict the Court's ability to set a bond that achieves both objectives - ensuring that the defendant appears in court and at the same time protecting the public.

Thank you for the opportunity to provide this testimony.