

Scope of Study

Bail Services in Connecticut

Bail is the process whereby a person arrested for a criminal offense may use cash or a cash equivalent to secure his or her release from custody pending the disposition of the charges. Its purpose is to ensure a defendant will appear in court when ordered to do so. Under certain circumstances, once a defendant is convicted of a crime, bail may be continued pending sentencing or the outcome of the appeal process.

The Eighth Amendment to the U.S. Constitution requires bail not be excessive. State laws establish once a person is arrested for a bailable offense, a state or local police officer, judicial branch bail staff, or the court must release him or her upon their meeting any one of the following conditions found sufficient to reasonably assure the person's appearance in court:

- written promise to appear without special conditions;
- written promise to appear with special, nonfinancial release conditions;
- nonsurety (nonfinancial) bond;
- surety bond in no greater amount than necessary;
- cash deposit of 10 percent of the surety bond amount; or
- a real estate bond.

As part of bail, the court may impose special conditions such as electronic monitoring, reporting requirements, participation in a program or treatment, mental health or substance abuse evaluation, no contact with victim or co-defendant, and no further criminal activity by the defendant.

There are several public and private entities involved in the administration of the bail process including state and local police, criminal courts, judicial branch bail staff, Department of Correction, licensed bail bondsmen, and licensed bail enforcement agents ("bounty hunters").

Area of Focus

This study will examine the state's policies and practices surrounding the bail process.

Areas of Analysis

- The role and responsibilities of state and local police, criminal courts, judicial branch bail staff, Department of Correction, licensed bail bondsmen, and licensed bail enforcement agents
- Criteria used to determine the type and amount of bail for those eligible for release
- Policies and practices used for licensing bail bondsmen and bail enforcement agents
- Policies and practices related to enforcing bail conditions, collecting payment of

forfeited bonds, and returning defendants to custody who have violated the conditions of their release or failed to appear in court

- The number and type of defendants out on bail and those ineligible for or unable to make bail
- Comparison of bond amounts posted, paid, and forfeited and failure to appear rates