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GOVERNOR

SECOND CHANCE 2.0 FACT SHEET

Changing Our Criminal Justice System

The world is changing – and so too should our criminal justice system. For too long, our society invested in permanent punishment instead of permanent reform, building modern jails instead of modern schools.

On top of last year's landmark Second Chance Society reforms, this year, Governor Malloy is proposing Second Chance 2.0, with first-in-the-nation legislation to further tackle the cycle of crime and poverty and ensure that Connecticut's already extraordinarily low crime rates continue to drop.

These changes are rooted in a belief that our corrections system should be about just that – corrections. Our jails should not be crime schools, particularly for our youngest, most impressionable offenders. We know that the longer we keep young people out of the adult criminal justice system, the less likely they are to ever become incarcerated again.

These changes come as:

- **Crime Rates** are currently near their **lowest point in half a century**.
- **Violent criminals** are serving **longer sentences** in prison than in the past.
- **Prison Population** continues to decline to 15,553.
- **Recidivism Rates** are dropping and continue to decline as **ex-offenders are living more productive lives**.
- **Young adult incarceration rates have dropped 54% since 2009**.
- **There are 75% fewer** inmates under the age of 18 since 2009.

First-In-The-Nation Efforts

We know that the longer young people spend in the criminal justice system, the more likely they are to commit crimes. Research also continues to show that young adult brains are not fully developed until age 25. When young people make bad decisions, the trajectory of their lives can change permanently. As such, in order to give young, low-risk offenders a Second Chance, the Governor is proposing to:

- Raise the age of the juvenile justice system's jurisdiction through age 18 on July 1, 2017, through age 19 on July 1, 2018, and through age 20 on July 1, 2019.

- Allow low-risk offenders aged 18, 19, and 20 to be tried as young adults within the juvenile justice system rather than the adult system.
- Ensure that violent offenders, no matter their age, would be tried in adult court.

Corrections is not one-size-fits-all. This effort acknowledges that the approach for an 18-year-old, low-risk offender should be guided by a commonsense strategy that is different than that for a career criminal.

A single mistake as a young adult should not permanently hamper prospects for a productive life.

Preventing Lifetime Punishment

Connecticut currently has “Youthful Offender” statutes that apply to 16 and 17-year-old youths who have been charged with lesser crimes, do not have felony convictions, or who have not been adjudged serious or repeat offenders. The Governor’s proposal would expand the definition of the existing category of “Youthful Offender” within the statutes to include 18 through 20 year olds, effective October 1, 2016.

By expanding those statutes to apply to a slightly wider, low-risk group, the Governor would:

- Have Youthful Offender status apply to 18 through 20-year-olds from the moment of arrest

This would prevent a young, low-risk offender from having their name widely distributed at the moment of arrest and face lifelong stigma as a result.

Youthful Offender status will not apply to the most serious, violent crimes, including those charged with a Class A felony and other crimes currently spelled out under statute. Motor vehicle crimes will remain in adult court.

- Provide young adults the opportunity to eventually have their court files permanently sealed as long as the offender completes the sentence and does not reoffend four years after conviction as a Youthful Offender.

If a young adult makes a mistake, he or she should not be paying for that mistake for a lifetime. As such, this would provide the opportunity to ensure that an adult does not struggle to find a job, attend college, or obtaining housing for something he or she did during young adult years.

- Limit incarceration for young adults to a period of no more than four years for low-risk offenses

This would aim to treat young adults differently from adult offenders to ensure that this population receives a second chance to succeed.

A Smarter Approach to Bail Bonds

We know that too many adults are languishing in jail, pre-trial, because they cannot come up with even a few hundred dollars in bail. Every day spent in jail awaiting a court date for these low-risk, misdemeanor offenders means another day that their connections to their communities, families, jobs, and responsibilities are weakened. Every day they spend in jail, their ability to succeed outside of the criminal justice system is weakened.

As of Jan. 1, 2016, there were 557 individuals in jail, pre-trial, on bonds of less than \$20,000. There were an additional 581 individuals in jail on bonds ranging from \$20,000 to \$50,000.

Nationally, African Americans are jailed at almost four times the rate of white Americans and despite the fact that they make up only 13 percent of the U.S. population, they account for 36 percent of the jail population. Often, this is because of the inability to put up even a few hundred dollars for bail.

Compared to low-risk defendants held for no more than 24 hours, those held for 8-14 days were 56% more likely to be rearrested before trial and 51% more likely to recidivate after sentence completion.

In short, those held for longer periods of time are showing higher re-arrest rates.

Further, compared to low-risk defendants released prior to trial, those detained before trial were 4x more likely to receive a sentence of imprisonment and 3x more likely to be given a longer prison sentence.

As a result, Governor Malloy's proposal:

- Prohibits a judge from setting money bail for anyone charged only with a misdemeanor, except where the judge determines that the accused poses an immediate threat to the health or wellbeing of another person, or the accused is charged with failure to appear.

This aims to ensure that the state is not housing low-risk offenders after arrest simply because they cannot find the money for bail. It also helps ensure that Connecticut does not needlessly lock up alleged offenders to the point at which the system is feeding a cycle and encouraging re-arrest and recidivism.

Further, if an individual is locked up because he or she cannot afford a bail bond, then that individual could lose employment or otherwise – further exacerbating a cycle of crime and poverty.

Governor Malloy's proposal also:

- Provides every defendant the opportunity to make a cash deposit of 10% of the bail set by a judge in order to be released while awaiting trial. This option currently exists in the rules of court, but isn't in statute and isn't often used.
- Ensures that if a bond with surety is set as a condition for release by the court, the accused would have the option of either making a 10% cash deposit to be held by the court OR of accessing the services of a bail bondsman.
- Ensures a judge would have the opportunity to deny the accused the option of a 10% cash deposit should they feel the defendant poses a significant threat to another individual or to public safety.
- Allows the accused's 10% cash deposit to be deposited into an interest bearing account. Upon disposition of his or her case and successful appearance at each court date, the accused would have the deposit returned, and any interest that accrued on that deposit would be deposited into the Interest on Lawyer's Trust Account (IOLTA) to assist in the delivery of legal services to the poor.
- Mandates that should the accused fail to appear for any court date, his or her cash deposit would be forfeited, and the total amount of that deposit, in addition to any interest accrued, would be transferred to IOLTA.

Currently, the network of bail bondsmen profit off the current system by collecting a 7% charge of total bail without returning funds to the accused – funds that can be used to feed families, pay bills, or ensure a proper defense.