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R SHEET ON EXPANDED CITATION AUTHORITY IN CONNECTICUT

January 2022

BACKGROUND

Over the last decade, Connecticut has made significant strides in criminal justice reform, making the state a [national leader](#) in the area. Still, pre-trial detainment for minor offenses remains significant. In the second quarter of 2021, state jails admitted a monthly average of [nearly 800 pre-trial individuals](#), most of whom were charged with nonviolent offenses. The [largest proportion](#) of detainees were charged with parole violations, followed by violations of a protective order. Nationally, the story is the same, with [approximately 65 percent](#) of detainees not having been convicted of a crime, and [80 percent](#) of arrests made for low-level offenses.

Pre-trial detainment carries significant costs, both for the taxpayer and the detainee. The annual cost of housing an individual in a Connecticut Department of Corrections facility is approximately [\\$50,200](#), requiring a budget of nearly [\\$649 million](#) as of December 2019. But the social costs for detainees are even higher. When arrested and detained in jail, accused offenders may [lose their jobs](#), which causes cascading challenges, such as jeopardized housing due to potential difficulties paying rent or mortgages, as well as interpersonal difficulties around obtaining food or other essentials. These additional challenges contribute to higher recidivism rates. One [study](#) found that an individual housed in jail for two to three days has a 17 percent likelihood to reoffend. This only increases to a 51 percent likelihood if housed in jail for eight to 14 days. These costs are especially high for individuals charged with low-level, non-violent offenses who do not pose a significant risk to public safety.

CURRENT DEBATE

Connecticut leaders have recognized the costs of pre-trial detainment and have worked over the last decade to target it appropriately. In July 2017, with support from both sides of the aisle, landmark [bail reform legislation](#) went into effect, which ended cash bail for misdemeanors with limited exceptions. In addition, Connecticut allows police officers to issue discretionary [citations in lieu of arrest](#) for some low-level offenses, including misdemeanors and

SUMMARY

- Despite strong improvements in Connecticut's criminal justice system over the last decade, pre-trial detainment for low-level offenses remains a significant problem.
- Pre-trial detainment exacts heavy costs, including financial burdens on the taxpayer; resource allocation for police departments; and disruptions in detainee employment and family life.
- Standardizing citations in lieu of arrest for low-level offenses could reduce these negative impacts for accused offenders who do not pose a high risk to public safety.

offenses with a penalty less than a year of imprisonment or a \$1,000 fine.

In lieu of arrest, citations may take several forms: individuals may pay a monetary fine to avoid a court visit, as is the general procedure with traffic tickets, or they may receive delayed arraignment, in which the accused receives a notice to appear in court at a later date, usually within one or two weeks. While all 50 states allow citations to be issued at the discretion of the police officer for at least some offenses, at least [20 states](#)—including California, Maryland, New York, South Dakota and Tennessee—make citations the default, with some exceptions.

The benefits of citations in lieu of arrest are clear. In addition to avoiding the financial and social costs of detaining accused low-level offenders, police officers benefit, since they are freed from tedious booking processes. The International Association of Chiefs of Police [found](#) time savings of over one hour per incident in which officers issue citations (24.2 minutes) instead of arrests (85.8 minutes). Officers can use this extra time to focus on more serious offenses and incidents in their communities.

Many advocates and legislators in Connecticut have [looked to build](#) on the success of [bail reform from 2017](#), and making citations in lieu of arrest the legal presump-

tion for low-level offenses would accomplish these objectives. By reducing contact with the criminal justice system, expanding citation authority provides all the benefits of bail reform and then some, including a near-complete reduction of pre-trial criminal justice involvement for low-level accused offenders.

ACTION ITEMS

Current Connecticut law, which gives police officers discretion in when to issue citations, results in inconsistent adoption across jurisdictions and even between officers. For instance, New Haven offers strong and specific [guidelines](#) for officers on when and how to issue citations, but Bridgeport, the state’s largest city, does not appear to address citation authority in its public [department policies](#). Standardizing citation procedure across the state by requiring citations be issued in lieu of arrest for low-level offenses in most situations is the best way to level the playing field—and like bail reform, it can be done with an effective, bipartisan approach.

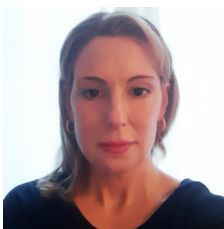
Every state that has passed mandatory citations has rightly enumerated exclusionary conditions, including an exclusion if an alleged offender has previously failed to appear in court or if the officer believes the individual is a danger to the self or others. To protect public safety, Connecticut should also adopt these exclusions in any state-wide expansion of citation authority. Should the state do so, Connecticut’s position as a national leader in criminal justice reform would be further solidified.

CONTACT US

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