

Chairman Chief State's Attorney Kevin Kane



c/o Judiciary Committee, Room 2500
Legislative Office Building
Hartford, CT 06106

Task Force to Examine the Methods to Reduce Costs to Extradite

Final Report

*Pursuant to Public Act 15-211, Section 2
January 15, 2016*

Report

The Task Force to Examine Methods to Reduce Costs to Extradite was created by Section 2 of Public Act 15-211, "An Act Concerning Revisions to the Criminal Justice Statutes and Concerning the Psychiatric Security Review Board, Domestic Violence, Condominium Associations and Depositions of Persons Living Out-Of-State. A copy of that section is attached as Appendix A.

The statutory charge of the Task Force was straightforward: to examine (1) methods for reducing the costs incurred to extradite an individual to the state with respect to criminal proceedings against such individual; and (2) the feasibility of permitting a court to vacate an order forfeiting a bail bond when a professional bondsman, surety bail bond agent or insurer pays the costs of extraditing the principal on the forfeited bail bond.

The Task Force was chaired by Chief State's Attorney Kevin Kane and he was joined by seven other members. One position remained vacant. A list of the members of the Task Force is attached as Appendix B. Administrative support for the Task Force was provided by the staff of the General Assembly's Judiciary Committee and documents related to the work of the group were posted on the Judiciary Committee's website. Several of the meetings were recorded and broadcast on the Connecticut Network (CT-N).

The Task Force held four meetings over a period of six months and was narrowly focused on the issues presented by the Connecticut General Assembly's statutory charge. A copy of the minutes for each of the meetings is attached as Appendix C. The Task Force received a presentation from the Chief Inspector of the Division of Criminal Justice on the extradition process and costs. Currently, the expense of extradition is paid by the Division of Criminal Justice and costs can vary widely depending where the individual is taken into custody. A presentation was given by the Supervisory Deputy United States Marshal from the Hartford office of the United States Marshal Service on federal extraditions and the services offered from the United States Marshal Service in returning prisoners to Connecticut. The Task Force also received information from the Connecticut State Police's Extradition Unit concerning Governor's warrants and the number of individual that waive extradition for which there is no need to obtain a Governor's warrant. The State's Attorney for the Danbury Judicial District presented on the process that a prosecutor undertakes in seeking extradition and the information that factors into that decision. The State's Attorney also offered a proposal on behalf of the Division of Criminal Justice that would reduce the costs of extraditions to the State. That proposal and several other proposals from Task Force members were discussed at the meetings. At the conclusion of the final meeting, the Task Force unanimously adopted a recommendation.

Recommendation

The Task Force unanimously recommends the creation of a new independent account funded by the bail bonds industry and administered by the Insurance Commissioner for the purpose of providing funding to the Division of Criminal Justice efforts to extradite fugitives who have absconded on bail bonds to jurisdictions outside the State of Connecticut for prosecution of crimes occurring within Connecticut.

PROPOSED ACT CONCERNING THE COSTS OF EXTRADITING FUGITIVES *(Effective October 1, 2016)*

Section 1.

All Surety Bail Bond Agents as defined in 38a-660 and all Professional Bondsmen as defined in 29-144 shall pay an annual fee of two hundred dollars into the Division of Criminal Justice Bail Bonds Extradition Account. Said account shall be established for the purpose of funding the Division of Criminal Justice's efforts to return fugitives who have failed to appear on Surety or Professional Bail Bonds to this State for prosecution as outlined in this Act.

Section 2.

The Division of Criminal Justice, in consultation with the bail bonds industry, shall adopt a costs schedule for the purposes outlined in Section 1 of this Act.

Section 3.

The costs associated with the extradition of fugitives as outlined in this Act shall be funded by the Division of Criminal Justice Bail Bonds Extradition Account.

Section 4.

The Division of Criminal Justice Bail Bonds Extradition Account shall be a separate, non-lapsing account within the Insurance Fund established under section 38a-52a. The account shall contain any moneys required by law to be deposited in the account. Each Surety Bail Bond Agent as defined in 38a-660 and each Professional Bondsmen as defined in 29-144 that is licensed in this State on October 1, shall annually, on or before November thirtieth, pay to the Insurance Commissioner a fee of two hundred dollars for deposit into the Division of Criminal Justice Bail Bonds Extradition Account within the Insurance Fund. The fees received by the Insurance Commissioner shall be dedicated to covering the costs of extraditions outlined in Sections 1 and 3 of this Act. Any Surety Bail Bond Agent or Professional Bondsmen that fails to pay the fee by the due date shall be fined ten dollars a day for each day from the date such fee was due. All fines collected under this section shall be deposited in the Account. The Insurance Commissioner may suspend the license of any Surety Bail Bonds Agent that fails to pay the fee established by this Act and shall notify the Commissioner of Emergency Services and Public Protection of any Professional Bondsmen that fails to pay such fee. The Commissioner of Emergency Services and Public Protection shall provide a list annually of all licensed Professional Bondsmen to the Insurance Commissioner for the purposes of the Act and may suspend the license of any Professional Bondsmen that fails to pay the fee established by this Act.

The Division of Criminal Justice shall have access to the funds in this Account in a manner specified by the Division of Criminal Justice, which will be used to offset its actual extradition expenditures as outlined in this Act.

Section 5.

Each State's Attorney or his / her designee shall place geographic limits of extradition upon all warrants of arrest prior to said warrants submission to the appropriate law enforcement agency.

Each Municipal police department, the Department of Emergency Services and Public Protection and any other Department with authority to effectuate an arrest shall, within two weeks of receiving a felony warrant for the arrest of an individual, enter said warrant, including the jurisdictional limits of extradition as ordered by the proper State's Attorney or his /her designee, into the National Crime Information Center (N.C.I.C.) database.

Section 6.

When a person is convicted of an offense for which he was extradited using funds from the Division of Criminal Justice Bail Bonds Extradition Account, the court may, in addition to imposing any sentence authorized by law, order the offender to reimburse said account for any funds that it expended in extraditing him for the offense.

In any case in which an individual is convicted of Failure to Appear, the Division of Criminal Justice may seek, and the court may order, an assessment of an amount up to fifty dollars. Such assessments shall be collected in a manner that fines are collected in criminal cases and shall be deposited in the Division of Criminal Justice Bail Bonds Extradition Account.

Appendix A



Substitute Senate Bill No. 1105

Public Act No. 15-211

***AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES, AND CONCERNING THE
PSYCHIATRIC SECURITY REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM ASSOCIATIONS AND
DEPOSITIONS OF PERSONS LIVING OUT-OF-STATE.***

Sec. 2. (*Effective from passage*) (a) There is established a task force to examine (1) methods for reducing the costs incurred to extradite an individual to the state with respect to criminal proceedings against such individual; and (2) the feasibility of permitting a court to vacate an order forfeiting a bail bond when a professional bondsman, surety bail bond agent or insurer pays the costs of extraditing the principal on the forfeited bail bond.

(b) The task force shall consist of the following members:

- (1) One appointed by the speaker of the House of Representatives, who shall be a surety bail bond agent or a professional bondsman in this state;
- (2) One appointed by the president pro tempore of the Senate, who shall be a representative of an insurer, as defined in section 38a-660 of the general statutes;
- (3) One appointed by the majority leader of the House of Representatives;
- (4) One appointed by the majority leader of the Senate;
- (5) One appointed by the minority leader of the House of Representatives;
- (6) One appointed by the minority leader of the Senate;
- (7) The Commissioner of Emergency Services and Public Protection, or the commissioner's designee;
- (8) A representative of the United States Marshals Service, who shall be appointed by the United States Marshal for the District of Connecticut; and
- (9) The Chief State's Attorney.

(c) Any member of the task force appointed under subdivision (3), (4), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The Chief State's Attorney shall serve as chairperson of the task force. Such chairperson shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall serve as administrative staff of the task force.

(g) Not later than January 15, 2016, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 15, 2016, whichever is later.

Appendix B

Task Force to Examine Methods to Reduce Costs to Extradite

MEMBERS:

Chief State's Attorney Kevin Kane
Chairperson

Ryan Barry, Esq.

Bruce S. Biel

Andrew Bloom

LTC Warren Hyatt
Connecticut State Police
Department of Emergency Services
and Public Protection

Kevin Lawlor
Ansonia/Milford State's Attorney
Division of Criminal Justice

Hon. Eliot D. Prescott
Judge, Appellate Court

Andrew Tingley
Supervisory Deputy U.S. Marshal
United States Marshals Service

STAFF:

Brian Austin, Jr.
Executive Assistant State's Attorney
Division of Criminal Justice

Deborah Blanchard,
Committee Administrator
Judiciary Committee

Appendix C

The Connecticut General Assembly

Task Force To Examine the Methods to Reduce Costs to Extradite

Chairman Chief State's Attorney Kevin Kane



c/o Judiciary Committee, Room 2500
Legislative Office Building
Hartford, CT 06106

MEETING MINUTES Wednesday, August 19, 2015 10:00 A.M. in Room 2B of the LOB

Attendance: Brian Austin, Jr., designee for Kevin Kane, Chief State's Attorney; Andrew Tingley, US Marshals Service; Lt. James Canon, Jr., designee for Lt. Col. Warren Hyatt, Dept. of Emergency Svcs. & Public Protection; Bruce Biel.

Absent: Five vacancies outstanding.

Convene Meeting: Meeting commenced at 10:11 a.m. Chairman Kevin Kane was not available to attend and designated Brian Austin, Jr., Executive Assistant State's Attorney to chair the meeting in his absence. It was important to Chief State's Attorney Kane to schedule the first meeting by the statutory deadline of August 30.

Introduction: Members introduced themselves and the entities they represent.

Discussion: Task force created pursuant to PA 15-211. Charge and overview of the legislation was discussed. Once remaining members have been appointed, the task force will conduct regular meetings featuring presentations as necessary. Existing members were encouraged to designate schedule preferences and notify Deb Blanchard of the Judiciary Committee who will be administering the task force.

Information: Relative to task force charge, members, agendas & minutes:

<https://www.cga.ct.gov/jud/taskforce.asp?TF=20150811> Task Force to Examine the Methods to Reduce Costs to Extradite

Or www.CGA.ct.gov/ Committees/Judiciary Committee/Task Forces/Task Force to Examine the Methods to Reduce Costs to Extradite.

Adjournment: There being no further business, meeting adjourned at 10:18 a.m.

The Connecticut General Assembly

Task Force To Examine the Methods to Reduce Costs to Extradite

Chairman Chief State's Attorney Kevin Kane



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MEETING MINUTES

Wednesday, November 4, 2015
2:00 P.M. in Room 2B of the LOB

Attendance: Kevin Kane, Ryan Barry, Andrew "Drew" Bloom, Lt. Col. Warren "Butch" Hyatt; Kevin Lawlor, Andrew "Drew" Tingley, Brian Austin. **Absent:** Bruce Biel, Two vacancies outstanding.

Minutes: Minutes from the August 19, 2015 meeting were reviewed and accepted. Motion made and seconded

Convene Meeting & Introduction: Meeting commenced at 2:07 p.m. Chairman Kevin Kane read the emergency procedures. Members introduced themselves and the entities they represent. Chairman Kane stated the charge of the task force

Presentation: Chief Inspector James Hankard, Office of the Chief State's Attorney, Division of Criminal Justice gave a presentation on state extraditions:

- One of the 13 State Attorneys or Deputy State Attorneys will extradite for an active arrest warrant:
 1. If person is in out of state custody & voluntarily waives extradition; or
 2. If person in custody won't waive extradition, with the assistance of State Police, Secretary of State & the Governor's office, then a Governor's warrant would be issued; or
 3. Enter into an Interstate Agreement on Detainers referred to as an "IAD" which is an agreement with other state & CT whereby while serving time in other state with charges pending in CT, bring back to CT, sentenced in CT, return back to outside state to complete sentence, then finally return to CT to serve time in CT once out of state sentence is completed.
- Traveling involves 2 armed law enforcement officers having completed the federal law enforcement flying armed training on behalf of the federal Air Marshall Service which is administered by the Chief Inspector's Office
- The only exception to the 2 armed officer requirement is flights lasting less than 4 hours on low-risk prisoner usually on a probation violation. One unarmed & one armed officer will travel.
- Written request for extradition goes to Chief Inspector's Office. The responsibility of office involvement covers the entire time beginning from the trooper leaving CT until return. The costs borne by the Division of Criminal Justice are hotel, flight and car rental. Meager cost to jurisdictions for meals tolls, and ancillary expense. etc.
- From June 2014 through July 2015, CT conducted 87 extraditions for an approximate cost of \$163,000 - a little over \$1800 per case. Not included in the estimate are the contiguous states where there is no expense as they don't contact office. Costs don't include hourly pay or overtime pay for the officers the state /town are not reimbursed.
- The considerations to extradite are based on the totality of the case from beginning to end considering the total financial cost, impact on the victim, availability of witnesses, availability of officers, ultimate

penalty associated with the crime and the strength of the case. Takes a bit of time to determine if it is in the best interest of the state to extradite.

- Review includes not just the charges associated with a singular extradition but many cases pending.
- In order to apply for an extradition, the individual would have to face a charge requiring 1 year or more of incarceration. An A misdemeanor/minor charge could be included in the totality of the pending cases.
- 2 different groups of potential extraditions:
 1. Police would apply for a warrant that has not been issued because the accused is out of state; or
 2. Individual is arrested and made bond but failed to appear then a FTA warrant would be issued.
- Among the 87 extraditions reviewed, 25 were FTA's but there may have been a much more important underlying reason to extradite.
- The Chief Inspector's Office will code the level of the initial arrest warrant as determined by police department/state attorney. They factor in initial concerns for the likelihood of extradition.

State Attorney Kevin Lawlor explained the criteria the State's Attorney's Office considers to extradite:

- Amount of incarceration appropriate for individual
- Ability to prove the case; evidentiary issues
- Other variables as far as significant restitution and effect on victim
- Factor in cost as an important consideration in the overall cost benefit ratio

Discussion: Drew Bloom inquired if there had been any consideration for having the surety bail agent/bail bondsman cover the cost of extradition? Especially in cases where the criteria to extradite wasn't as strong however the bond company offered to cover the cost. If the State didn't want to extradite, the bail bondsman could request to be removed from the bond. Many other states offer this option. The current process gives the false impression you can commit a crime in CT, flee the state and be free from extradition. If we are able to come up with a plan, would extradition be considered more often? The task force will review this option as well as other proposals going forward.

Presentation: Andrew Tingley from the United States Marshal Service gave a presentation on federal extraditions.

- US Marshal Service looks at extraditions differently from the state.
- "Warrant of Removal". For example in a federal to federal arrest warrant charge originating in CT and person absconds to CA, the feds return the individual to CT. This is not an extradition this is a warrant of removal. No decision making to be made, the person would be brought back to the original charging district. The only question is "in custody" or "out of custody". If in custody, marshals return individual to charging district. If person is in custody, they have 10 days to get the person back to state using "JPats".
- JPats is the Justice Prisoner Alien Transportation System which is commonly known as "CONAIR". Planes are centrally located in Oklahoma and make daily trips around the country collecting inmates.
- "Extradition" is what the marshals consider overseas/international extradition that includes persons who abscond from CT. For example, if individual absconds from CT and is found in Jamaica, the person would be assigned to the Fugitive Task Force of the US Marshal Service. The Fugitive Task Force consists of state inspectors, law enforcement, state police. One of those entities reach out to the marshal service. The cases are easy for the state as the federal government pays entire bill with the exception of interpretation services.
- Depending on the country, considerable amount of work on state inspectors or state prosecutors part. State must lay out case and sign a "Prosecutor's Agreement to Extradite" before the feds will act. No

financial cost to state. Concerned for murder, crimes of violence, sex crimes-if marshal service opens a case and federal task force apprehends them, they want to ensure prosecutor agrees to extradite. Marshals need to make sure if a case is opened, the vetting process has been completely followed.

- In an open case when person is found, they are turned over to local police department which completes marshal service. CT would then have to work with that state to handle from there.
- Previously used COOP program. State inspectors would ask the US Marshals to transport via CONAIR. Plane would land and take person with a flat fee not to exceed \$2300. Although the service is still available, it's not used much since 911 as resources have been extremely limited. If there is a special request from the state, the marshals will always work with the state other than the \$2300 fee.
- Medical issues are a major consideration. If there are serious medical issues or if there is a medical problem and person ends up in hospital, marshal service won't use JPASS plane.
- Felony charges only, no pregnant females. Guarantee delivery date within 2 to 3 weeks. Get two inspectors to the plane which lands in Stuart AFB in New York. This is an option available to the state.
- "UFAP" Unlawful Flight to Avoid Prosecution needs AG to approve warrant. Seldom currently used as 99% didn't get prosecuted federally.
- Financial/white collar crimes aren't always recognized in foreign jurisdictions so the fugitive's host country won't participate in extradition.

Discussion: There are a relatively small number of extraditions each year but costs need to be reviewed. How many extraditions are refused by the state's attorney because it's not in the public interest for the state to bring the person back? Drew Bloom shared his written proposal to have the surety company/bail bonds company absorb some costs of extradition.

Next Steps: Submit any proposals/suggestions in writing to Deb Blanchard: Deborah.Blanchard@cga.ct.gov
The task force can review the proposals and then schedule a meeting early in December.

Adjournment: Motion made and seconded to adjourn meeting at 3:12 p.m.

The Connecticut General Assembly

Task Force To Examine the Methods to Reduce Costs to Extradite

Chairman Chief State's Attorney Kevin Kane



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MEETING MINUTES

Monday, December 21, 2015

10:00 A.M. in Room 2B of the LOB

Attendance: Kevin Kane, Ryan Barry, Bruce Biel, Andrew "Drew" Bloom, Lt. Col. Warren "Butch" Hyatt, Kevin Lawlor, Judge Eliot Prescott, Andrew "Drew" Tingley, Brian Austin.

Convene Meeting & Introduction: Meeting commenced at 10:11 a.m. Chairman Kevin Kane read the emergency procedures; members introduced themselves and the entities they represent. Chairman Kane restated the charge of the task force, recent proposals to amend the current statutes and review of last meetings presentations.

Minutes: Minutes from the November 21, 2015 meeting were reviewed. Chairman Kane noticed a discrepancy in Chief Inspector James Hankard's testimony on page two, third bullet, relating to types of extraditions. The minutes reflect "Police would apply for a warrant that has not been "issued". What was said/meant to be said was "Police would apply for a warrant that has not been "served". The decision was made to accept the minutes and make a note in the report.

Statistics: Lt. Colonel Wyatt shared the statistics from the Extradition Unit concerning Governor's Warrants. If an individual waives extradition, there is no need to obtain a Governor's warrant. Chairman Kane noted the relatively small amount of warrants: In 2014, 30 Governor's Warrants and 141 waivers. Through Sept. 3, 2015, 21 Governor's warrants and 107 waivers.

Presentation: Stephen J. Sedensky, III, State's Attorney, Judicial District of Danbury

- Comments related to matters when bond has been posted by bondsman and defendant has fled the state.
- Defendant doesn't show in court first time, a bail commissioner's letter is issued informing the offender about the missed court date and next assigned court date. If person fails to show on the next court date, a warrant is issued (rearrest) and entered into the PRAWN system.
- Warrant is marked with terms of the extradition such as a list of extraditable states. Clerk's office notifies police departments. Clerk's office can no longer put the "File 5" in the computer.
- When fugitive defendant is out of state, facts of the case are reviewed: Violence/no violence, victim/no victim, ability for the state to prove the case to determine if it is worth it to send an agent.
- Same day travel is approved when the only expense is mileage. Number of cases of theft from the Danbury Mall and person flees beyond CT.
- Even if a misdemeanor and the only cost is mileage, retrieval is authorized from NY. Don't want defendants to get the impression they can steal in the mall, cross the border and avoid prosecution.
- In cases such as stealing from the mall, the warrant would go with the local police department (Danbury PD), who travels to get the person. With misdemeanors, an arrest warrant is necessary. For felonies, can get a fugitive arrest (with probable cause) without a warrant.

- Misdemeanors require an arrest warrant from CT and a fugitive warrant from NY state.
- If caught by NYPD and there is a warrant, NYPD can detain & the defendant can waive extradition.
- CT/New York prosecutor would request an initial 30 day continuance so CT would retrieve defendant.
- If extradition requires an overnight stay such as larceny in the 3rd degree, decision to be made if it is in the state's best interest to spend thousands of dollars on a crime when the loss may be just over \$2,000. The more serious the crime, the more likely to approve costs of extradition.
- §54-65c does not require the bondsman to produce the defendant whose appearance in court was implicitly guaranteed by the posting of the bond.
- To be released on the bond, the bondsman need only show the defendant is being held out of state and the state's attorney has declined extradition. There is no further incentive to the bondsman to make sure the defendant remained in the state or is brought back to the state for prosecution.
- Similar to proposal by member Drew Bloom, the Division of Criminal Justice proposes the bondsmen be responsible for the costs of extradition. The cost to the state will be eliminated or reduced and the exposure to the bondsman in having to pay the cost of extradition will encourage a more thorough evaluation of the risk of the bond and encourage greater monitoring of the defendant once out on bond.
- Currently if person is arrested and bailbondsmen posts bond and person doesn't appear, letter is sent out and ultimately a Failure to Appear warrant is issued the bond would be forfeited. The court will note the time and defendant has until 4:00 to show. If no-show by 4:00, there is a 6 month stay. If person returns within 6 months, the forfeiture is vacated. The bond is forfeited in terms of the collection
- After six months, collection is handled by Chief State's Attorney office.
- Proposal to require bondsman to pay costs of extradition up front rather than at end.
- Older PRAWN computer system had a box to check off with detailed limits of extradition. The clerk's office gives terms of the extradition to the police department. No automatic provision to get into PRAWN system. Typical arrest warrant will not go into NCIC. "File 5" lists terms of extradition.
- Challenge with current, more frequent practice of allowing defendant release with "promise to appear".

Discussion:

- Discussion included various scenarios for extraditing and costs involved in whether or not to extradite.
- Possible preset cost amount for each state or region is reasonable. From a business standpoint, it makes sense to determine a preset amount to be able to plan ahead. Currently the expense of extradition comes from the Division of Criminal Justice. Costs can vary widely depending how far the extradition occurs.
- If the bond is forfeited, the forfeiture goes into the General Fund, not the Division of Criminal Justice.
- Discussion included when to collect money if bondsmen absorb the cost.
- Schedule in which bonds are compromised depends on date on which they are outstanding. Most bonds are initially compromised 50%. Even when bonds are forfeited, bondsmen are never out the full amount.
- Even though the judge sets a bond amount, the bondsmen can set the amount the defendant pays for that bond. The amount charged the defendant impacts the likelihood of the defendant showing in court. The amount of held security incentivizes the defendant to show up or not.
- Example of a defendant incarcerated in NY for a year while having a CT court date in a month. It's very difficult for the bondsmen to produce the defendant for the court date. Bailbondsmen's hands are tied and motion requests to be released from the bond get continued over and over.
- Biggest complaint from bail bondsmen is having to pay the bond because they couldn't get the person back. Agents must continue to file motions and possibly hire an attorney.
- No current statistics available on the number of cases leading to final prosecution if the cost-shifting proposal is adopted. The monetary savings in Danbury would be approximately \$15,000-\$20,000.
- The number of extraditions will increase due to the change in cost responsibility. The state can now get more restitution for the victims.

- Based on many factors, judge, prosecutor and defense attorney collectively determine element of risk to put someone out on bail. Possibility of a business assessment in conjunction with all parties and accordingly all parties would share the exposure and cost of extradition.
- Members agreed it would be beneficial if limits of a warrant were in NCIC. The “check-box” feature is missing from the form. Draft recommendation could be included in the task force final report.

Presentation: Drew Bloom’s modification of earlier proposal.

- All FTA for felonies or class A misdemeanors be entered into NCIC.
- Bail Bond Company to pay fee of \$25 to court to enter absconder into NCIC thereby binding the company to pay costs of extradition.
- If costs of extradition exceed more than company is willing to pay, the option of paying the forfeiture.
- Any bail bondsman not paying forfeiture within thirty days would have license suspended.
- Fee would be set amount such as fixed amount mentioned in meeting based on the area. Minimum of \$500 and max of \$3,000. Any extradition outside of the U.S. would be mutually agreed upon.
- If paying costs of extradition, bailbondsmen request the defendant to not be out on promise to appear or non-surety bond. Persons should not be released to anything less than cash bond for the extradition costs. Similar to the procedure in Florida.
- Concerns arose over limiting/taking away the court’s discretion to set bond. Based on the discussion, the proposal was further modified to use “may” instead of “shall”, when setting terms of release.
- Cases of cash bonds would be similar to a “purge” in child support cases. Cash minus the costs of extradition or similar to current handling of restitution.
- Discussion included the limitations of the interstate compact allowing felony arrests, not misdemeanors.

Proposal Offered: State’s Attorney Kevin Lawlor based on discussion at meeting:

- Establish fixed costs based on research for each region of the country
- Create Bailbond Fund similar to Client Security Fund (for attorneys) to cover costs of extradition with a percentage assigned to all parties.
- Require police departments to enter all warrants with jurisdictional parameters and felony warrants into NCIC.
- State attorneys to seek restitution to the fund and General Fund for the costs of extradition for all pending cases. Replenishment of funds through people who flee.

Next Steps:

- Members to submit any additional proposals prior to next meeting.
- Governor has asked the Sentencing Commission to study the issue of bail; our charge is very narrow.
- Consider hearing from local police departments regarding impact on their practices.
- Consider and vote on all proposals at next meeting.
- Next meeting scheduled for Tuesday, January 12 at 10:00 AM in Room 2B of the LOB.
- Draft report based on meetings held thus far.

Adjournment: Meeting Adjourned at 11:36 A.M.

The Connecticut General Assembly

Task Force To Examine the Methods to Reduce Costs to Extradite

Chairman Chief State's Attorney Kevin Kane



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MEETING MINUTES

Tuesday, January 12, 2016

10:00 A.M. in Room 2B of the LOB

Attendance: Kevin Kane, Ryan Barry, Bruce Biel, Andrew "Drew" Bloom, Lt. Col. Warren "Butch" Hyatt; Kevin Lawlor, Judge Eliot Prescott, Andrew "Drew" Tingley, Brian Austin.

Convene Meeting & Introduction: Meeting commenced at 10:05 a.m. Chairman Kevin Kane read the emergency procedures and members introduced themselves.

Minutes: Minutes from the December 21 meeting were reviewed. Motion for acceptance of the minutes was made by Judge Prescott and seconded by Lt. Col. Butch Hyatt and unanimously approved.

Proposal, State's Attorney Kevin Lawlor explained the proposal offered by the Division of Criminal Justice:

- Create a funding source to go into an account primarily used for the extradition of individuals.
- The fund would be run similar to the Client Security Fund.
- Law Enforcement would enter all FTA's into NCIC.
- State Attorneys to set parameters of extradition.

Proposal, Drew Bloom explained amendments to the proposal:

- Each bail bond agent/surety agent to pay \$200 into the fund instead of \$100 as originally proposed.
- The account will be adequately funded to not utilize other monies within the DCJ budget or the General Fund.
- Request to change the name to "Criminal Justice Bail Bonds Extradition Account" to precisely reflect the sole use of the fund.
- The fund would ONLY be used for individuals arrested on a felony, out on bail, failed to appear in court and after a warrant was issued.
- Fund would NOT apply to "Promise to Appear" NOT apply to cash bonds, ONLY applicable to bonds/surety.

Discussion:

- Concerns the account could be "raided". Legislation to create a mechanism to avoid this.
- Need to establish costs by region for extradition.
- Account to be fully funded to fund ordinary as well as not-as-frequent extraordinary extraditions.
- Education of bail bond/surety agents, the fee would be another cost of doing business making up for the inadequacies of the current system.
- If fee is not paid, the agent would be subject to license forfeiture.
- Department of Insurance to collect fees.

Final Steps:

- Motion made by Drew Bloom, seconded by Bruce Biel to approve the amended draft offered by Drew Bloom. Members unanimously approved the proposal subject to technical amendments discussed at the meeting.
- Technical amendments to be voted on on-line.
- Final Report to be submitted by the January 15, 2016 deadline.
- All proposals/final report available on the task force webpage:
- <https://www.cga.ct.gov/jud/taskforce.asp?TF=20150811> Task Force to Examine the Methods to Reduce Costs to Extradite
- Having fulfilled the requirements of the task force, meeting adjourned at 10:42 am.