



Virginia Community Criminal Justice Association

Bail Reform in Virginia 2019

VCCJA supports bail reform in Virginia that ensures a fair, uniform and transparent pretrial process. VCCJA promotes policies and legislation enabling all jurisdictions throughout the Commonwealth to utilize an evidence-based approach for all bail decisions, so that pretrial detention is based solely on a defendant's risk of failure to appear in court and risk to public safety and not on their financial resources.

KEY COMPONENTS FOR EFFECTIVE BAIL REFORM

- › A defendant's release into the community pending trial should focus on risk-based decision making
- › **Law enforcement officers should issue a summons for misdemeanors committed in their presence and for other authorized offenses rather than making a custodial arrest**
- › A meaningful review of bail should occur at arraignment or as soon as possible for defendants detained in jail
- › **Judicial officers should set bail balancing individual risk factors with the least restrictive conditions**
- › Every locality should have access to pretrial services, using legal and evidence-based practices and a validated risk assessment
- › **Defendants with special needs or status, such as mental illness, should be identified early in the pretrial stage**

ENSURE UNIFORMITY IN BAIL REFORM

- › **Improve State Statutes and Court Practices**
 - ✓ Discontinue pretrial detention for certain low-level offenses
 - ✓ Adhere to §19.2-74 of the Virginia Code which allows law enforcement officers to use "cite and release" practices for low-level misdemeanors instead of making a custodial arrest
 - ✓ Implement statewide use of actuarial risk assessments at every stage of the criminal justice process
 - ✓ Discontinue use of money bail for all offenses

PUBLIC OPINION

"8 in 10 Americans Believe Police Should Cite Rather Than Arrest People Accused of Nonviolent Crimes"

"93 % supported pretrial release with an order to appear in court for nonviolent charges"

"2 in 3 Americans Say Crimes Driven by Addiction or Mental Illness Should Be Met with Treatment, Not Jail"

{Pewtrusts.org/publicsafety, Nov. 2018}

"In our society, Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."

-Chief Justice Rehnquist.
(*United States vs. Salerno*)