

# BE INFORMED ABOUT PRETRIAL REFORM

## SUPPORT HB2121/SB1687—PRETRIAL DETENTION DATA COLLECTION

### THE PROBLEM

Our current system of cash bail isn't working.

Virginia detains far too many people pretrial, and it does so largely based on how wealthy they are. More than 28,000 people are held in Virginia jails each night, and 46% of them haven't been convicted of any crime and are presumed innocent. **Many are detained simply because they're too poor** to afford the cash bail amount set.

**Between 1978 and 2013, Virginia's pretrial detention population tripled.** Our pretrial incarceration rate exceeds the national average.

**Alternatives exist to this wealth-based system;** alternatives that are evidence-based, non-discriminatory, and more effective at protecting both the community and the rights of the accused.

Something needs to change; the only question is what. **Answering that question requires a deliberate process, based on full information**—the type of information sought in HB2121/SB1687.

### PRETRIAL DETENTION HAS SERIOUS CONSEQUENCES

**Harms communities:**  
lack of mental health &  
medical treatment

**Harms public safety:** Pretrial  
detention raises the likelihood of  
being involved in new crimes

**Harms families:** Lack of  
child care and loss of  
income

**25% more  
likely to plead  
guilty**

**2x longer prison  
sentences**

**3x longer jail  
sentences**

**Lost housing  
due to missed  
rent**

**Lost jobs  
and  
wages**

**3x greater  
likelihood of being  
sentenced to prison**

**4x greater  
likelihood of being  
sentenced to jail**

**Unable to  
assist in own  
defense**

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### **WHAT'S THE PURPOSE OF HB2121/SB1687?**

Data is needed to better understand the depth, breadth, and impact of Virginia's current pretrial practices. This will allow us to decide whether to implement reforms, and if so, which ones. Collecting data on who is being held pretrial and who is being released will not only help inform decisions, but allow us to measure the impact of those decisions.

### **ADVANTAGES OF THE BILL**

- Provides detailed information about who is being held pretrial and for how long; who is being released and on what conditions; and pretrial outcomes.
- Information will permit informed decisions concerning possible bail reforms and improve pretrial decision making by magistrates, judges and prosecutors.
- Supplements a study by the Virginia Crime Commission on the efficacy of pretrial programs. Without knowing who is being held or released, the VCC study only provides a snapshot of the status quo, and a partial one at that.
- Currently, data regarding pretrial detention and release is not centralized or easily accessible. This has made assessment of the pretrial system exceedingly complex and challenging. This bill seeks to aggregate data currently held by a variety of agencies so that it may be more easily accessed and analyzed.
- Complete information ensures an evidence-based & effective policymaking process, which will help eliminate race, wealth, & gender as factors in pretrial outcomes.

### **ORGANIZATIONS SUPPORTING HB2121/SB1687**



**JUSTICE  
FORWARD  
VIRGINIA**



**Justice Forward Virginia PAC  
Virginia Association of Criminal Defense Lawyers  
National Association of Criminal Defense Lawyers**