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Support Pre-Trial Justice

The ACLU of Virginia strongly supports restoring the presumption of innocence to our criminal justice system. We must end the practice of holding people in jail who have not been convicted of a crime and are not a demonstrable risk to public safety. Scrutiny of pretrial practices in Virginia is long overdue; though little public information exists about statewide pretrial outcomes, what we already know is deeply troubling. We believe that pretrial justice starts with transparency.

- Our current system presumes innocent people should be detained rather than released pending a trial. Yet, forty-six percent of people in Virginia jails aren't there because they were convicted of any crime. The state's own data reveals that between 2012-17, the average daily population of Virginians held in jail pre-trial increased by 10 percent.
- Pre-trial detention should not be used unless an individual is a proven threat to themselves or the community.
- During pre-trial detention, people can lose their jobs, homes and families. Poor people and people of color disproportionately are held in jail pending trial, and are more likely to be unable to fulfill financial conditions imposed on their release.
- Wealth or poverty should not be a factor in determining justice or in deciding whether an innocent person should be released pending trial. Defendants often face an impossible choice: Sit in jail as their case moves through the system, pay a non-refundable fee to a for-profit bail bonds company, or plead guilty and give up the right to trial.
- Hundreds of thousands of people are held in Virginia's jails, yet little is known about how many have been subject to pre-trial detention due to inability to pay.
- To make good policy choices about reforming our pre-trial detention practices, we need good data on who is being held pre-trial, why they are being held, what conditions have been imposed on their release, and whether and what pre-trial services are available.