

## **1. Abstract of the Program – Bail Review Project- Chesterfield County, Virginia**

The purpose of Pretrial Services is to provide defendant background information and recommendations that will assist Judicial Officers in determining or reconsidering terms and conditions of bail and to provide supervised release on bail in lieu of a secured bond. Judicial Officers face difficult decisions when determining whether to release an accused on bail or to commit to jail, in reconsideration of bail, and in setting appropriate terms of bail. A pretrial investigation report is intended to assist judicial officers with this process, especially at initial appearance and at subsequent bail appeal hearings.

Pretrial supervision services are primarily targeted for a person for whom bail has been set but is detained in jail due to the defendant's inability to meet a secure bond. Pretrial services are intended to replace the use of secure bond as a term of bail. The program allows the release from custody to supervision by a pretrial services agency with or without an unsecured bond. The intent is to increase the use of non-secure bond as a term of release on bail and increase court appearance rate.

The **bail review project** takes these services beyond first appearance. Pretrial Services, through **the bail review project**, identifies defendants that have already had an investigation conducted at first appearance and are appropriate candidates for release pending trial, but are still in jail for the sole reason of being unable to meet the financial conditions of release.

## **2. The Problem / Need for the Program**

According to the Virginia Department of Criminal Justice Services, over 40 % of the inmates held in jail in Virginia are pending trial. Often a defendant awaiting trial remains behind bars because they cannot afford to post bond. Many times the wait in jail for trial can exceed the sentence if they are found guilty. Although a large number of these defendants have had the benefit of a pretrial investigation, financial conditions are made a part of their bail condition. Pretrial Services began as a means of providing release to the financially indigent and to address the inherent inequity for the indigent in a system that relies heavily on monetary bail. Defendants that are otherwise eligible for release pending trial remain detained due to the inability to post monetary bail.

## **3. Description of the Program**

The **bail review project** conducts a review of all defendants detained after arraignment between 7 and 10 days following the initial investigation. Any defendant that has been in custody for over 10 days following arraignment will be re-evaluated to determine if there is a change in circumstances. Such changes could include verification of residence, NACo - Bond Review Revised.doc employment, disposition of pending charges, or being held longer than the maximum sentence for the offense for which they are being held in

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custody. Should a favorable change in circumstances be found, the reviewing officer would contact the defense council and provide the results of the updated investigation. Defense council may then use the initial risk assessment and the updated report to schedule a bond hearing.

### **4. Use of Technology**

The **bail review project** uses several data sources in tracking defendant and case status. Each of these systems provided necessary information to track and gather information to identify and follow up on defendants awaiting trial.

Pretrial and Community Corrections (PTCC) is the case management software utilized by Pretrial and Community Corrections programs in Virginia, provided by the Virginia Department of Criminal Justice Services. The software aids in the preparation of the Virginia Pretrial Risk Assessment Instrument (VPRAI), investigation reports, tracks recommendations, and case management of defendants released to pretrial supervision.

The Local Inmate Data System (LIDs) is used to track which defendants have been released on bond and those still in custody. It also allows Pretrial Services to track the location of defendants moved to different facilities or are being held on additional charges in other jurisdictions.

The Virginia Supreme Court Case Management System (CAIS) is used to monitor court dates, bond status and the counsel of record.

The Virginia Criminal Information Network (VCIN) is used to query and update criminal history, driving history, out-standing warrants, protective orders, and gang membership.

### **5. The Cost of the Program**

There are no capital costs incurred in implementing the **bail review project**. There is no additional operating cost as the **bail review project** is an additional duty assigned to the Pretrial Services unit.

### **6. The Results / Success of the Program**

Since May 2008 a total of 18 defendants have been identified whose circumstances had changed or they had served the maximum sentence for the charge for which they were being held. Of the 18 defendants identified, 6 defendants were released pending trial and all 6 appeared for trial. In the age of jail over crowding and reduced budgets, saved jail beds contribute to a more cost efficient criminal justice system. In jurisdictions with a high reliance on monetary bail, there are increased costs when defendants are held in jail that could otherwise be safely released pending trial. The **bail review project** has aided

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in the release of defendants pending trial who were held only for the inability to meet financial conditions and for those defendants who had served more time than the maximum sentence for the charge for which they are being held.

### **7. Worthiness of an Award**

The Bail Review Project is worthy of an award because it takes an existing pretrial program investigation function and goes beyond what is required for mere program compliance. Chesterfield is the first Pretrial Agency in Virginia to perform this service on a regular basis. Chesterfield Pretrial Services serves the General District Court, Circuit Court and the Juvenile & Domestic Relations Court for adult offenders in both Chesterfield County and the City of Colonial Heights. All defendants investigated by Chesterfield Pretrial Services since implementation have been reviewed as a part of this project. None of the individuals released as a part of this project has failed to appear for trial.

This ongoing **bail review project** resulted in jail bed days being saved reducing jail costs to the locality and released needed beds for more serious offenders. It has allowed appropriate defendants to remain in the community where they can assist with their defense and be employed while awaiting trial. Several individuals had already served a longer sentence than they could have received for the offense for which they were charged.