



S. 27- An act relating to the reducing the imposition of cash bail
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The Vermont Network recognizes the inequities and challenges that are inherent in the cash bail system. Cash bail creates and perpetuates inequities and disparities in the criminal legal system by creating circumstances where an individual's freedom is dictated by their ability to access funds. We believe cash bail is unequivocally an inequitable and unjust system. We understand the need for bail reform broadly and the disproportionate impacts of our criminal legal system on BIPOC individuals and communities, as well as individuals who experience poverty.

The purpose of cash bail is to mitigate the risk of flight. Cash bail is not intended to be, nor should it be, how we achieve victim safety. It is a tool of accountability that is used when needed to get individuals to come back to court. In practice, however, as an accountability tool cash bail also serves some positive functions related to victim and community safety.

Victim Safety

The most dangerous time for domestic violence survivors is when they take the first steps to leave an abusive relationship. Sometimes this is precipitated by law enforcement involvement and criminal charges. We need to provide protections and resources to victims.

As a state, we currently do not have any systematic, empirical ways for the criminal legal system to assess dangerousness or risk of harm – especially in domestic violence cases. While it is true that individuals can be held without bail in serious felony cases, we also know that the charged offense does not always correlate with the dangerousness of a particular situation. It is possible for an individual charged with misdemeanor domestic violence to pose a grave lethality risk to their partner.

Cash bail does help to promote victim safety in some situations. When an individual who causes harm is held pending bail, this time can provide a critical window of safety for a survivor - the time it takes to for an individual to assemble bail funds and have them processed by the court provides survivors with critical time needed to plan for and create safety.

Conditions of Release

We have heard the arguments that well-tailored conditions of release can also help account for victim and public safety. That can be helpful; however, these conditions can vary widely, based on the judge and the information presented during the arraignment. In addition, many offenders do not adhere to the conditions, thereby posing sometimes life-threatening risks to victims. It is



extremely difficult to assess adherence to violations of conditions of release in our state where we have no system of pretrial monitoring or support services. It is also incredibly difficult to get a violation of conditions prosecuted, even when it is directly related to victim safety.

The imposition of conditions and the need to take violations of conditions seriously is incredibly important. There are many cases where a victim chooses to not follow through with the civil relief from abuse process because they rely on pending criminal charges with conditions of release that are in place. There are also many Judges who deny final orders because there are conditions in place. Bail is sometimes the only thing that gets an individual back to court which is the only way the court can assess and address safety concerns or conditions violations. Without bail, there is no other available accountability tool to ensure that conditions are followed and that individuals are held accountable for violating their conditions, making the ordering of conditions nothing more than a false sense of safety.

Elimination of Bail for Misdemeanor Offenses

We cannot support the removal of cash bail for violent misdemeanor charges at this time. Many violent domestic violence or serious stalking cases are charged as misdemeanors, but these individuals pose a serious safety risk to their victims and communities. While we acknowledge that bail is an imperfect and inequitable tool, it is the only accountability tool we have available at this time. As such, we cannot support the removal of the only accountability tool we currently have without first having something else in place that accounts for community safety and ensures that individuals return to court and engage in the process.

Stakeholders Work Group

We are grateful to be included in the list of stakeholders in this working group and welcome the chance to explore these complex issues further. We do hope that the Work Group will consider what additional policy recommendations might be required to better assess immediate dangerousness and risk within the criminal legal process, and how to hold individuals accountable to their conditions of release.

Requirement of Racial Data on Pretrial Detainees

The Vermont Network supports this section of the bill. This data is essential in order to have a full picture of how pretrial risk determinations are currently being made.

Notification System for Upcoming Court Hearings

We are supportive of increased notification for all parties involved in legal proceedings. We fully support making the process of navigating the legal system as accessible and easy to understand as possible for all parties involved.

Thank you for the opportunity to testify.