VIRGINIA STATE CRIME COMMISSION

Virginia Pre-Trial Data Project: Statewide Preliminary Findings

2019 ANNUAL REPORT

VIRGINIA PRE-TRIAL DATA PROJECT: PRELIMINARY STATEWIDE FINDINGS

EXECUTIVE SUMMARY

The Virginia Pre-Trial Data Project is an unprecedented, collaborative effort between numerous state and local agencies representing all three branches of government to examine matters related to the pre-trial process. The pre-trial period encompasses the various stages of a criminal case from the time a defendant is charged with an offense until the final disposition (trial and/or sentencing) of the matter. The Project was developed as a result of the Crime Commission's study of the pre-trial process in order to determine how effective various pre-trial release mechanisms are at ensuring public safety and appearance at court proceedings.[1]

As part of this Project, a cohort of 22,993 adult defendants charged with a criminal offense during a one-month period (October 2017) was identified and tracked during the pre-trial period until final case disposition or December 31, 2018, whichever came first. Two specific outcomes were tracked in order to evaluate the effectiveness of pre-trial release mechanisms:

- Public safety: measured by whether the defendant was *arrested* for a new in-state offense punishable by incarceration during the pre-trial period;[2] and,
- Court appearance: measured by whether the defendant was *charged* with failure to appear during the pre-trial period.[3]

A preliminary descriptive analysis was conducted of the 9,504 defendants in the cohort who were released on bond (personal recognizance, unsecured, and secured) during the pre-trial period. This preliminary analysis included whether the defendant was placed on pretrial services agency (PSA) supervision as a condition of bond and whether the criminal charges from the October 2017 contact event were heard in a locality served by a PSA during the October 2017 timeframe.

Two research questions were developed in order to assess the effectiveness of various pre-trial release mechanisms. Based upon the preliminary descriptive

findings from the Project dataset, the answers to the two research questions are as follows:

Research Question #1: Did public safety and court appearance rates vary between defendants released on bond whose cases were heard in localities served by pretrial services agencies versus localities not served by pretrial services agencies?

- *Public Safety Answer*: The percentage of defendants released on bond who were arrested for a new in-state offense punishable by incarceration during the pre-trial period did not vary between localities served by pretrial services agencies and localities not served by these agencies.
- *Court Appearance Answer*: The percentage of defendants released on bond who were charged with FTA during the pre-trial period was slightly lower for defendants whose cases were heard in localities not served by pretrial services agencies than for defendants whose cases were heard in localities served by pretrial services agencies.

Research Question #2: For defendants released on bond whose cases were heard in localities served by pretrial services agencies, did public safety and court appearance rates vary between defendants receiving pretrial services agency supervision and defendants not receiving pretrial service agency supervision?

- *Public Safety Answer*: The percentage of defendants arrested for a new in-state offense punishable by incarceration during the pre-trial period was nearly identical among defendants released on "PR/unsecured bond with PSA supervision," defendants released on "secured bond only," and defendants released on "secured bond with PSA supervision." The percentage of defendants released on "PR/unsecured bond only" who were arrested for a new in-state offense punishable by incarceration during the pre-trial period was lower than the other three categories, which was not surprising given that these defendants typically had lower risk levels for new criminal activity.
- *Court Appearance Answer*: While defendants released on "secured bond with PSA supervision" had a higher risk of FTA, a lower percentage of these defendants were charged with FTA during the pre-trial period as

compared to defendants released on "PR/unsecured bond only," defendants released on "PR/unsecured bond with PSA supervision," or defendants released on "secured bond only." Further research will need to be conducted to determine why defendants released on "secured bond with PSA supervision" had a lower rate of FTA than any of the other group of defendants.

While aggregate findings are an excellent method for examining overall trends, this method does not fully account for variations across localities. Therefore, these statewide findings cannot be generalized to the individual locality level because they do not necessarily reflect the demographics, risk levels, or outcomes of specific localities. Considerable additional research is necessary in order to place these locality-specific findings in context.

Ultimately, when this Project is complete, the dataset will provide a baseline of pre-trial process measures across the Commonwealth and can serve as a source to inform policy decisions throughout the pre-trial process.

VIRGINIA PRE-TRIAL DATA PROJECT METHODOLOGY[4]

The Virginia Pre-Trial Data Project consisted of two phases: (i) developing a cohort of criminal defendants and (ii) tracking various outcomes within that cohort.

Crime Commission staff obtained data for the Project from the following seven agencies:

- Alexandria Circuit Court;[5]
- Fairfax County Circuit Court;[6]
- Compensation Board;[7]
- Office of the Executive Secretary of the Supreme Court of Virginia;[8]
- Virginia Department of Corrections;[9]
- Virginia Department of Criminal Justice Services;[10] and,
- Virginia State Police.[11]

The Virginia Criminal Sentencing Commission (VCSC) was the central repository for the data provided by these agencies and spent a tremendous amount of time preparing and merging the data into one dataset for analysis. Crime Commission staff worked closely with VCSC staff to finalize the variables included in the dataset.

As a result of these efforts, a cohort was developed which included 22,993 adult defendants charged with a criminal offense during a one-month period (October 2017).[12] It was determined with the highest degree of confidence that the October 2017 cohort was not unique in terms of the number and types of defendants charged, and is therefore generalizable to and representative of any other month.[13] The cohort was tracked until final case disposition or December 31, 2018, whichever came first. The dataset contains over 800 variables for each of the 22,993 defendants, such as demographics, pending charges, state or local probation status, nature of the October 2017 charge(s), bond type, bond conditions, release status, prior criminal history, risk level,[14] and aggregate locality characteristics. The merged dataset allows for comparisons to be made between similarly situated defendants based upon type of pre-trial release mechanism, criminal offense, and locality.

Staff met with all agencies that provided data, as well as numerous practitioners and stakeholders, to discuss the methodology, variables, and limitations of the dataset for the Project.[15] Appendix B outlines the descriptions, measurements, sources, and limitations of variables related to the preliminary analysis in this report. It is imperative to be aware of how each variable was captured in order to understand the extent to which the preliminary statewide findings contained in this report can be generalized, as well as any limitations that impact how these findings should be interpreted.

Preliminary Analysis of 9,504 Defendants Released on Bond

The October 2017 cohort includes 22,993 defendants released on summons, released on bond, and detained for the entire pre-trial period. However, the preliminary analysis focused solely on defendants who were released on bond because only those defendants were in a position to receive PSA supervision.[16]

Overall, 13,577 defendants in the October 2017 cohort were released on bond. However, some of these defendants were excluded from the preliminary analysis because their October 2017 contact event was the result of a pre-existing court obligation.[17] Thus, after accounting for these exclusions, only 9,504 defendants released on bond were included in the preliminary analysis.

In order to answer the research questions, two outcomes were tracked:

- Public safety: measured by whether the defendant was *arrested* for a new in-state offense punishable by incarceration during the pre-trial period;[18] and,
- Court appearance: measured by whether the defendant was *charged* with failure to appear during the pre-trial period.[19]

The 9,504 defendants were categorized by the type of bond on which they were released: personal recognizance (PR) bond,[20] unsecured bond,[21] or secured bond.[22] The analysis for each of these bond types also included whether the defendant received PSA supervision during the pre-trial period as a condition of bond and whether the charges were heard in a locality served by a PSA during the October 2017 timeframe.

Research Question #1: Localities with and without Pretrial Services Agencies (PSAs)

- Did public safety and court appearance rates vary between defendants released on bond whose cases were heard in localities served by pretrial services agencies versus localities not served by pretrial services agencies?

Nearly 90% (8,449 of 9,504) of defendants released on bond had their cases heard in localities served by PSAs. Although caution must be taken when comparing defendants released on bond whose cases were heard in localities served or not served by PSAs, it is informative to examine how defendants released on bond in these two types of localities compared in terms of overall demographics, risk levels, and outcomes.

Overall, there were no significant differences in terms of public safety or court appearance rates between defendants released on bond whose cases were heard

in localities served by PSAs and localities that were not served by PSAs. Defendants whose cases were heard in either type of locality had similar demographics,[23] risk levels,[24] and outcomes based on the variables examined at a statewide level.

Table 1 shows that there was a smaller percentage of defendants released on bond who were charged with FTA during the pre-trial period for cases heard in localities not served by PSAs; however, additional research is needed to determine why this difference exists.

Table 1: Outcomes of Defendants Released on Bond - Whether Case Was Heard in Locality Served by PSA

	CASE HEARD IN LOCALITY SERVED BY PSA	CASE HEARD IN LOCALITY NOT SERVED BY PSA
Number of Defendants (N= 9,491)[25]	8,449	1,042
OUTCOMES		
% Charged with Failure to Appear (FTA)	14.5%	11.8%
% Arrested for New In-State Offense Punishable by Incarceration	24.0%	25.5%
ARRESTED FOR NEW IN-STATE OFFENSES[26]		
% Arrested for New In-State Jailable Misdemeanor/Ordinance Violation	21.3%	22.0%
% Arrested for New In-State Felony Offense	9.5%	9.7%
% Arrested for New In-State VIOLENT Felony Offense per § 17.1-805	2.7%	3.3%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

Research Question #2: Outcomes of Defendants Released on Bond Whose Cases Were Heard in Localities Served by Pretrial Services Agencies

- For defendants released on bond whose cases were heard in localities served by pretrial services agencies, did public safety and court appearance rates vary between defendants receiving pretrial services agency supervision and defendants not receiving pretrial service agency supervision?

As noted in Table 2 below, the percentage of defendants released on bond who were arrested for a new in-state offense punishable by incarceration during the pre-trial period was nearly identical among defendants released on

"PR/unsecured bond with PSA supervision," defendants released on "secured bond only," and defendants released on "secured bond with PSA supervision." Defendants released on "PR/unsecured bond only" had a lower percentage of new arrests for in-state offenses punishable by incarceration, which seems to confirm their lower risk for new criminal activity.[27]

A significant finding was that defendants released on "secured bond with PSA supervision" had the highest court appearance rates. As noted in Table 2, despite having a higher risk of FTA,[28] this group had the lowest percentage of defendants who were charged with FTA during the pre-trial period as compared to the other categories of defendants. However, additional research is needed to determine any moderating factors that must be accounted for to explain the reduction in FTAs for this higher risk group of defendants. Findings from this research may identify additional means to reduce FTAs across the other categories of defendants.

Table 2: Outcomes of Defendants Released on Bond - Specific Bond Type/Condition (Cases Heard in PSA Localities Only)

OUTCOMES OF DEFENDANTS RELEASED ON BOND	PR/ UNSECURED BOND ONLY	PR/ UNSECURED BOND WITH PSA SUPERVISION	SECURED BOND ONLY	SECURED BOND WITH PSA SUPERVISION
Number of Defendants (N=8,449)	4,178	625	2,633	1,013
OUTCOMES				
% Charged with Failure to Appear (FTA)	13.2%	15.5%	17.3%	12.3%
% Arrested for New In-State Offense Punishable by Incarceration	19.9%	28.0%	28.0%	28.2%
ARRESTED FOR NEW IN-STATE OFFENSES[29]				
% Arrested for New In-State Jailable Misdemeanor/Ordinance Violation	17.9%	24.3%	24.6%	24.8%
% Arrested for New In-State Felony Offense	6.6%	11.8%	12.0%	14.1%
% Arrested for New In-State VIOLENT Felony per § 17.1-805	1.9%	3.5%	3.3%	3.8%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

SUMMARY OF STATEWIDE FINDINGS

In summary, the preliminary statewide analysis revealed the following findings:

Overall:

- Most defendants released on bond (with or without PSA supervision) were not arrested for new in-state offenses punishable by incarceration or charged with failure to appear during the pre-trial period.[30] Additionally, only a small percentage of defendants were arrested for felonies, with even fewer being arrested for violent felonies.[31]
- Defendants released on bond who were male, between the ages of 18-35, or Black were overrepresented as compared to their overall general population across all categories.[32]

Localities Served or Not Served by PSAs:

- Overall, there were no significant differences in terms of demographics,[33] risk levels,[34] or outcomes[35] between defendants released on bond whose cases were heard in localities served by PSAs and localities that were not.

Localities Served by PSAs:

- Approximately 20% (1,638 of 8,449) of defendants released on bond received PSA supervision.
- 90% (3,267 of 3,646) of defendants released on secured bond (with or without PSA supervision) utilized the services of a bail bondsman.
- The percentage of defendants released on bond who were arrested for new in-state offenses punishable by incarceration was nearly identical among defendants released on "PR/unsecured bond with PSA supervision," defendants released on "secured bond only," and defendants released on "secured bond with PSA supervision."[36]
- Defendants released on "PR/unsecured bond only" had the lowest percentage of arrests for new in-state offenses punishable by

incarceration.[37] This group was also generally classified as having a lower risk of such outcomes.[38]

- Defendants released on "secured bond with PSA supervision" had the lowest percentage charged with FTA as compared to the other groups of defendants,[39] despite having a higher risk of FTA than these other groups of defendants. [40]

LIMITATIONS OF PRELIMINARY STATEWIDE FINDINGS

The findings in this report are based upon a preliminary descriptive statewide analysis of the dataset. While aggregate findings are an excellent method for examining overall trends, this approach does not fully account for variations across localities. Therefore, these statewide findings should not be generalized to the individual locality level as they do not necessarily reflect the demographics, risk levels, and outcomes of specific localities. Statewide findings can look quite different, if not opposite, when compared to an individual locality. Therefore, additional research is needed to place these locality-specific findings in context. Additionally, factors not considered or able to be included in the dataset are certain to have an impact on the outcomes. Analyzing these variances are paramount to obtaining a complete understanding of the pre-trial process in Virginia.

Virginia is a very diverse state with a population of over 8.5 million[41] across 133 localities.[42] Variances across localities in terms of demographics, judicial officers, court practices, pretrial services agencies, bail bondsmen, other stakeholders, and services available during the pre-trial period are vital considerations.

The following figures highlight some key variances across localities in Virginia during the study timeframe:

- Populations ranged from 2,200 to 1.1 million;[43]
- Population density ranged from 5.6 per square mile to 9,300 per square mile;[44]
- Total sworn law enforcement officers ranged from 7 officers to 1,500 officers;[45]

- Total number of adult arrests ranged from 13 to 22,300 per year;[46]
- Median household income ranged from $26,900 to $129,800;[47] and,
- Percentage below poverty level (all individuals) ranged from 2.9% to 37.5%.[48]

Further, pretrial services agencies are very diverse in terms of the number of localities served, funding, total number of investigations and supervision placements, average daily caseload, and overall success rates.[49] Similarly, bail bondsmen also vary by type,[50] licensing requirements,[51] caseload, jurisdictions served, structure of organization/business,[52] and overall success rates.

Finally, while many of the concerns relating to sampling are eliminated because the cohort represents a specific population, limitations still exist relating to matters such as the aggregate nature of the dataset,[53] definitions,[54] restriction to in-state arrests only,[55] timeframe,[56] data sources,[57] and exclusion categories.[58]

Ultimately, when this Project is complete, the dataset will provide a baseline of pre-trial process measures across the Commonwealth and can serve as a source to inform policy decisions throughout the pre-trial process.

ACKNOWLEDGEMENTS

The Virginia State Crime Commission extends its appreciation to the following agencies and organizations for their assistance and cooperation on this project:

Alexandria Circuit Court Clerk's Office

Commonwealth's Attorneys' Services Council

Compensation Board

Fairfax County Circuit Court Clerk's Office

Indigent Defense Commission

Office of the Executive Secretary of the Supreme Court of Virginia

Virginia Association of Commonwealth's Attorneys

Virginia Bail Association

Virginia Community Criminal Justice Association

Virginia Department of Corrections

Virginia Department of Criminal Justice Services

Virginia Sheriffs' Association

Virginia State Police

The Crime Commission wishes to thank all bail bondsmen, city and county administrators; Clerks of Court; Commonwealth's Attorneys; court-appointed counsel; judges; local and regional jail administrators; magistrates; pretrial services agency directors, managers, and officers; Public Defenders; and, Sheriffs who assisted in providing feedback on this Project.

Finally, the Crime Commission wishes to thank the Virginia Criminal Sentencing Commission staff for their utmost professionalism and dedication in developing the dataset for the Virginia Pre-Trial Data Project.

APPENDIX A

PUBLIC SAFETY ASSESSMENT: RISK ASSESSMENT TOOL

PUBLIC SAFETY ASSESSMENT: RISK FACTORS AND FORMULA

The pretrial phase of the criminal justice process should aim to protect public safety and assure defendants' appearance in court, while honoring individuals' constitutional rights, including the presumption of innocence and the right to bail that is not excessive. Yet research shows that low-risk, nonviolent defendants who can't afford to pay often spend extended time behind bars, while high-risk individuals are frequently released from jail. This system causes significant harm to too many individuals and is a threat to our communities.

A growing number of jurisdictions are now reforming their pretrial systems to change the way they make pretrial release and detention decisions. These communities are shifting away from decision making based primarily on a defendant's charge to decision making that prioritizes the individual's level of risk—both the risk that he will commit a new crime and the risk that he will fail to return to court if released before trial. This risk-based approach can help to ensure that the relatively small number of defendants who need to be in jail remain locked up—and the significant majority of individuals who can be safely released are returned to the community to await trial.

PUBLIC SAFETY ASSESSMENT: AN EVIDENCE-BASED TOOL TO EVALUATE RISK

In partnership with leading criminal justice researchers, the Laura and John Arnold Foundation (LJAF) developed the Public Safety Assessment™ (PSA) to help judges gauge the risk that a defendant poses. This pretrial risk assessment tool uses evidence-based, neutral information to predict the likelihood that an individual will commit a new crime if released before trial, and to predict the likelihood that he will fail to return for a future court hearing. In addition, it flags those defendants who present an elevated risk of committing a violent crime.

DEVELOPMENT

LJAF created the PSA using the largest, most diverse set of pretrial records ever assembled—1.5 million cases from approximately 300 jurisdictions across the United States. Researchers analyzed the data and identified the nine factors that best predict whether a defendant will commit new criminal activity (NCA), commit new violent criminal activity (NVCA), or fail to appear (FTA) in court if released before trial.

RISK FACTORS

The table below outlines the nine factors and illustrates which factors are related to each of the pretrial outcomes—that is, which factors are used to predict NCA, NVCA, and FTA.

RELATIONSHIP BETWEEN RISK FACTORS AND PRETRIAL OUTCOMES

Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		X	
2. Current violent offense			X
Current violent offense & 20 years old or younger			X
3. Pending charge at the time of the offense	X	X	X
4. Prior misdemeanor conviction		X	
5. Prior felony conviction		X	
Prior conviction (misdemeanor or felony)	X		X
6. Prior violent conviction		X	X
7. Prior failure to appear in the past two years	X	X	
8. Prior failure to appear older than two years	X		
9. Prior sentence to incarceration		X	

Note: Boxes where an "X" occurs indicate that the presence of a risk factor increases the likelihood of that outcome for a given defendant.

The PSA relies solely on the above nine variables. It does not rely on factors such as race, ethnicity, or geography.

FACTOR WEIGHTING

Each of these factors is weighted—or, assigned points—according to the strength of the relationship between the factor and the specific pretrial outcome. The PSA calculates a raw score for each of the outcomes. Scores for NCA and FTA are converted to separate scales of one to six, with higher scores indicating a greater level of risk. The raw score for NVCA is used to determine whether the defendant should be flagged as posing an elevated risk of violence.

HOW RISK SCORES ARE CONVERTED TO THE SIX-POINT SCALES AND NVCA FLAG

Risk Factor	Weights
Failure to Appear (maximum total weight = 7 points)	
Pending charge at the time of the offense	No = 0; Yes = 1
Prior conviction	No = 0; Yes = 1
Prior failure to appear pretrial in past 2 years	0 = 0; 1 = 2; 2 or more = 4
Prior failure to appear pretrial older than 2 years	No = 0; Yes = 1
New Criminal Activity (maximum total weight = 13 points)	
Age at current arrest	23 or older = 0; 22 or younger = 2
Pending charge at the time of the offense	No = 0; Yes = 3
Prior misdemeanor conviction	No = 0; Yes = 1
Prior felony conviction	No = 0; Yes = 1
Prior violent conviction	0 = 0; 1 or 2 = 1; 3 or more = 2
Prior failure to appear pretrial in past 2 years	0 = 0; 1 = 1; 2 or more = 2
Prior sentence to incarceration	No = 0; Yes = 2
New Violent Criminal Activity (maximum total weight = 7 points)	
Current violent offense	No = 0; Yes = 2
Current violent offense & 20 years old or younger	No = 0; Yes = 1
Pending charge at the time of the offense	No = 0; Yes = 1
Prior conviction	No = 0; Yes = 1
Prior violent conviction	0 = 0; 1 or 2 = 1; 3 or more = 2

FTA Raw Score	FTA 6 Point Scale	NCA Raw Score	NCA 6 Point Scale	NVCA Raw Score	NVCA Flag
0	1	0	1	0	No
1	2	1	2	1	No
2	3	2	2	2	No
3	4	3	3	3	No
4	4	4	3	4	Yes
5	5	5	4	5	Yes
6	5	6	4	6	Yes
7	6	7	5	7	Yes
		8	5		
		9-13	6		

JUDICIAL DISCRETION

The PSA is a decision-making tool for judges. It is not intended to, nor does it functionally, replace judicial discretion. Judges continue to be the stewards of our judicial system and the ultimate arbiters of the conditions that should apply to each defendant.

NONPROFIT IMPLEMENTATION AND OWNERSHIP

LJAF provides the PSA at no cost to jurisdictions that adopt it and funds technical support to help localities integrate the tool into their operations. The PSA cannot be implemented by a jurisdiction, incorporated into software, or otherwise used or reproduced without LJAF's express, prior written consent.

APPENDIX B

VARIABLES USED IN PRELIMINARY STATEWIDE ANALYSIS

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Bond Type, Bond Conditions, and Release Status			
Variable Description	**Measurement**	**Source**	**Notes/Limitations**
Whether Defendant's Case was Heard in Locality Served by a Pretrial Services Agency (PSA)	0= No pretrial services agency serving locality in October 2017 1= Pretrial services agency serving locality in October 2017	DCJS *Community-Based Probation and Pretrial Services Map of Localities Served*	Note: Culpeper County did not implement a pretrial services agency until January 2018.
Bond Type at Release	1= not released 2= secured bond 3= unsecured bond 4= personal recognizance bond 5= bond set but coded as unable/unwilling/change accused conditions and no release information found 6= released on summons 7= release confirmed in LIDS but bond type cannot be determined 9= insufficient/missing information	Primary source: OES eMagistrate System (eMag) Secondary source(s): Most bond types were identified within eMag; however, if not found in eMag, Virginia Criminal Sentencing Commission staff next attempted to identify the bond type within the Compensation Board LIDS database, followed by the Court Case Management Systems (CMS), and finally by calling individual clerks' offices to determine the bond type at release.	For the category of 1= not released: this includes those who were held without bond, as well as those for whom bond was set but the defendant was not released (i.e., secured bond, detainer). Note: This dataset only captures bond type at initial contact and at release (if released). The dataset does not capture modifications to bond type or bond conditions in between initial contact and release (if released).
Pretrial Release Mechanism: Bond Type and Whether Defendant Received Pretrial Services Agency (PSA) Supervision	0= not released 1= personal recognizance or unsecured bond without pretrial services agency supervision 2= summons without pretrial services agency supervision 3= secured bond without pretrial services agency supervision 4= personal recognizance or unsecured bond with pretrial services agency supervision 5= summons with pretrial services agency supervision 6= secured bond with pretrial services agency supervision 9= cannot determine bond type (insufficient information, bond type at release unclear).	Internal Virginia Criminal Sentencing Commission staff calculation based on combining two variables: "Master_BailTypeat Release" and "PTCC_FinalStatus"	

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Variable Description	Measurement	Source	Notes/Limitations
Secured Bond: Manner of Release	0= no bond info/info unclear 1= Bail bondsman only 2= Cash only 3= Other only (family/friend used real or personal property to prove solvency) 4= Bail bondsman and cash 5= Bail bondsman and other 6= Cash and other 7= Bail bondsman, cash, and other 8= not released 9= released on unsecured bond 10= released on PR bond 99= not applicable	OES eMagistrate System (eMag)	
Whether Defendant Received Pretrial Services Agency Supervision	0= never received supervision 1= received supervision (clear) 2= received supervision (clear placement to supervision but possibly related to another October 2017 contact event that occurred before placement to supervision) 3= received supervision (while continuing supervision related to a previous placement) 4= referred to a PSA but did not receive supervision 5= started or referred to supervision only after new FTA/offense 9= cannot determine (e.g., conflict of information among data sources) 99= pretrial services supervision with summons	DCJS Pretrial and Community Corrections Case Management System (PTCC)	Only those who clearly received supervision (categories 1, 2, and 3) were counted as receiving pretrial services agency supervision. Category 99 to be examined further.

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Defendant Demographics and Status			
Variable Description	**Measurement**	**Source**	**Notes/Limitations**
Defendant Sex	F= Female M= Male U= Unknown O= Other	Primary source: Court Case Management Systems (CMS) Secondary source(s): Virginia State Police (VSP) Computerized Criminal History (CCH) database	
Defendant Age Groups	1= 15-17 years of age 2= 18-25 years of age 3= 26-35 years of age 4= 36-45 years of age 5= 46-55 years of age 6= 56-65 years of age 7= Over 65 years of age 9= unknown/missing	Primary source: OES eMagistrate System (eMag) Secondary source(s): Court Case Management Systems (CMS)	Determined by age at time of October 2017 contact event
Defendant Race	A= Asian or Pacific Islander B= Black I= American Indian or Alaskan Native U= Unknown W= White	Primary source: Court Case Management Systems (CMS) Secondary source(s): Virginia State Police (VSP) Computerized Criminal History (CCH) database	Note: VSP uses the codes standardized by the National Crime Information Center (NCIC) Code Manual. While the Court Case Management Systems have the capacity to capture the Hispanic ethnicity, NCIC categorizes the Hispanic ethnicity within the White racial category. As such, defendants of Hispanic ethnicity are included within the White racial category.
Type of Charges in Oct 2017 Contact Event	1= Only felony charges (including felony probation violation if accompanying other felony) 2= One or more felony charges and non-felonies 3= Only misdemeanor or special class charges (including probation violation) 4= Only probation violation, failure to appear, or contempt of court charges (felony or misdemeanor) 5= Only infractions (non-jailable offenses) 6= combination of non-felony charges (including probation violation, failure to appear, and contempt of court if accompanying other charges) 9= unknown	Primary source: OES eMagistrate System (eMag) Secondary source(s): Court Case Management Systems (CMS)	The "At Least One Felony Charge" category included in Appendix C, Table 2 and Appendix D, Table 2 was created by combining categories 1 and 2 of this variable.

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Variable Description	Measurement	Source	Notes/Limitations
On active DOC Supervision (State Probation) at Time of Oct 2017 Contact Event	0= no 1= yes 8= individual was not found in DOC database 9= unclear, but not in DOC	Virginia Department of Corrections' Correctional Information System (CORIS)	Note: This dataset does not capture whether a defendant was subject to the terms of a suspended sentence if they were not on active probation at the time of the October 2017 contact event.
On active DCJS Supervision (Local Community Corrections or Pretrial Services Agency Supervision) at Time of Oct 2017 Contact Event	0= no 1= yes 8= individual was not found in PTCC database 9= unclear, October 2017 current status is pending	DCJS Pretrial and Community Corrections Case Management System (PTCC)	Note: This dataset does not capture whether a defendant was subject to the terms of a suspended sentence if they were not on active probation at the time of the October 2017 contact event.
Attorney Type at Case Closure	0= None/no information 1= Appointed by the court 2= Public defender 3= Both court appointed and public defender 4= Retained 5= Waived 6= Court designation not to impose jail time 9= unknown, all dispositions for October 2017 contact event found in non-CMS sources 99= unknown, charge disposition record not found or individual was excluded due to lack of criminal history records.	Court Case Management Systems (CMS)	Circuit Court: Attorney Type (required at conclusion of case) General District Court: ATTY TYPE (required) Juvenile and Domestic Relations District Court: Attorney Type (required if final disposition is entered; required if attorney name is entered) Note: This dataset only captures attorney type at case closure. It does not capture any change to attorney type during the case. This variable was used to create the "Whether Defendant was Indigent" variable.
Whether Defendant was Indigent	0= not indigent 1= indigent based upon attorney type at case closure (at least one charge in the October 2017 contact event indicated indigent status) 9= unknown, all dispositions for October 2017 contact event found in non-CMS sources 99= unknown, charge disposition record not found or individual was excluded due to lack of criminal history records.	Internal calculation based upon "MASTER_Attorney Type Assigned at Case Closure" variable	Calculated based upon whether the attorney type at case closure was a public defender or court-appointed attorney for at least one charge in the October 2017 contact event.

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Select Risk Factors			
Variable Description	**Measurement**	**Source**	**Notes/Limitations**
Public Safety Assessment-Failure to Appear (FTA) Risk Levels	Risk Level 1 (0 points) Risk Level 2 (1 point) Risk Level 3 (2 points) Risk Level 4 (3-4 points) Risk Level 5 (5-6 points) Risk Level 6 (7 points)	Internal Virginia Criminal Sentencing Commission staff calculation based upon Public Safety Assessment Scoring Manual	*See* Appendix A; Risk Level 1 is the lowest level of risk classification for FTA and Level 6 is the highest level of risk classification.
Public Safety Assessment-New Criminal Activity (NCA) Risk Levels	Risk Level 1 (0 points) Risk Level 2 (1-2 points) Risk Level 3 (3-4 points) Risk Level 4 (5-6 points) Risk Level 5 (7-8 points) Risk Level 6 (9-13 points)	Internal Virginia Criminal Sentencing Commission staff calculation based upon Public Safety Assessment Scoring Manual	*See* Appendix A; Risk Level 1 is the lowest level of risk classification for NCA and Level 6 is the highest level of risk classification.
Pending Charge at Time of Arrest for Oct 2017 Contact Event	0= no 1= yes	Virginia Pretrial Risk Assessment Instrument (VPRAI) Instruction Manual	*See* dcase. Virginia Pretrial Risk Assessment Instrument (VPRAI) Instruction Manual, pp. 9-10 at: https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/virginia-pretrial-risk-assessment-instrument-vprai_0.pdf Per the VPRAI Manual definition: A defendant is counted as having a pending charge if there was one or more charges for jailable offenses pending in a criminal or traffic (not civil) court at the time of arrest. A pending charge(s) is defined as when there is an open criminal case that carries the possibility of a period of incarceration, and the pending charge has an offense date that is before the offense date of the current charge. (A charge with a disposition of "deferred" is NOT counted as a pending charge under this definition.)
Number of Prior Felony Convictions	Total number	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	
Number of Prior Felony Convictions in Past 2 Years	Total number	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Variable Description	Measurement	Source	Notes/Limitations
Number of Prior FTA Charges (including Contempt of Court for FTA)	Total number	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Charged pursuant to Virginia Code §§ 19.2-128, 18.2-456, 16.1-69.24, 29.1-210, 46.2-936, 46.2-938, or 19.2-152.4:1. A conservative approach was used for measuring this outcome. Only charges that were clearly designated as a FTA by the Code Section, Virginia Crime Code (VCC), and/or charge description were counted.
Number of Prior FTA Convictions (including Contempt of Court for FTA)	Total number	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Charged pursuant to Virginia Code §§ 19.2-128, 18.2-456, 16.1-69.24, 29.1-210, 46.2-936, 46.2-938, or 19.2-152.4:1. A conservative approach was used for measuring this outcome. Only charges that were clearly designated as a FTA by the Code Section, Virginia Crime Code (VCC), and/or charge description were counted.
Number of Prior FTA Convictions in Last 2 Years (including Contempt of Court for FTA)	Total number	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Charged pursuant to Virginia Code §§ 19.2-128, 18.2-456, 16.1-69.24, 29.1-210, 46.2-936, 46.2-938, or 19.2-152.4:1. A conservative approach was used for measuring this outcome. Only charges that were clearly designated as a FTA by the Code Section, Virginia Crime Code (VCC), and/or charge description were counted.

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Outcomes			
Variable Description	**Measurement**	**Source**	**Notes/Limitations**
Defendant Charged with Failure to Appear during the Pre-Trial Period (including Contempt of Court for FTA)	0=no 1= yes	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Defendant charged pursuant to Virginia Code §§19.2-128, 18.2-456, 16.1-69.24, 29.1-210, 46.2-936, 46.2-938, or 19.2-152.4:1 prior to the final disposition of case. There are several limitations to this variable which have caused difficulty in determining a statewide court appearance or FTA rate. FTA is addressed in various manners across the Commonwealth due to the numerous Virginia Code provisions for FTA and local practices. Some Virginia Code sections clearly indicate that a charge is for FTA, while other Code sections are more ambiguous. A conservative approach was used for measuring this outcome. Only charges that were clearly designated as a FTA by the Code Section, Virginia Crime Code (VCC), and/or charge description were measured as "yes" (1). A methodology was not able to be developed to determine if all FTA charges were linked specifically to the October 2017 contact event. Staff was able to determine that approximately 80% of defendants charged with FTA during the pre-trial period did not have a pending charge at the time of the October 2017 contact event. Approximately 20% of defendants charged with FTA during the pre-trial period did have a pending charge at the time of their October 2017 contact event; however, it was unclear if the new FTA charge was related to the pending charge or to the October 2017 contact event. It was also determined that, at most, 6% of FTA charges during the pre-trial period may have been in relation to a civil matter (i.e., child support). Finally, if the defendant was arrested for a new offense during the pre-trial period and was subsequently charged with FTA during the pre-trial period, the methodology was not able to clearly determine whether the FTA charge was related to the October 2017 contact event or to the new offense. These are all important limitations to consider when interpreting findings; however, the measures are based upon the best available statewide information at this time and are consistent across the entire cohort.
Defendant Arrested for New In-State Offense Punishable by Incarceration during the Pre-Trial Period (Excludes FTAs and Probation Violations)	0=no 1= yes	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Defendant arrested for at least one new in-state offense punishable by incarceration prior to disposition or December 31, 2018. The new in-state offense must have been committed during the pre-trial period.
Defendant Arrested for New In-State Felony Offense during the Pre-Trial Period (Excludes FTAs and Probation Violations)	0=no 1= yes	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Defendant arrested for at least one new in-state felony offense prior to disposition or December 31, 2018. The new in-state offense must have been committed during the pre-trial period.

APPENDIX B: Virginia Pre-Trial Data Project - Variables Used in Preliminary Statewide Analysis

Variable Description	Measurement	Source	Notes/Limitations
Defendant Arrested for New In-State Jailable Misdemeanor/Ordinance Violation during the Pre-Trial Period (Excludes FTAs and Probation Violations)	0=no 1= yes	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Defendant arrested for at least one new in-state jailable misdemeanor/ordinance violation offense prior to disposition or December 31, 2018. The new in-state offense must have been committed during the pre-trial period.
Defendant Arrested for New In-State Violent Felony Offense per § 17.1-805 during the Pre-Trial Period	0=no 1= yes	Primary source: Virginia State Police (VSP) Computerized Criminal History (CCH) database Secondary source(s): Court Case Management Systems (CMS)	Defendant arrested for at least one new in-state violent offense as defined by § 17.1-805 prior to disposition or December 31, 2018. The new in-state offense must have been committed during the pre-trial period.
Reason for Excluding Defendant from Preliminary Statewide Analysis	0= do not exclude 1= exclude, contact event includes only probation violation, failure to appear, or contempt of court charges 2= exclude, contact event does not include any offense punishable by incarceration 3= exclude, no record returned from request to VSP for criminal history (e.g., due to error or missing information relating to name, sex, race, or date of birth) 4= exclude, no disposition records found for charges in contact event 5= exclude, individual was never released during the pretrial period 6= exclude, individual was under the age of 18 at contact event 7= exclude, individual died during the pretrial period 8= exclude, individual was never indicted, charge was never filed, or CMS record is no longer available 9= exclude, other insufficient/conflicting information found (e.g., release/bond information unclear).	Internal staff determination	A defendant may have qualified for more than one exclusion category. If that was the case, the exclusion category with the lowest number prevailed.

APPENDIX C

RESEARCH QUESTION #1: PRELIMINARY STATEWIDE ANALYSIS HANDOUT

APPENDIX C: RESEARCH QUESTION #1

Did public safety and court appearance rates vary between defendants released on bond whose cases were heard in localities served by pretrial services agencies versus localities not served by pretrial services agencies?

Table 1: Outcomes of Defendants Released On Bond - Whether Case Was Heard in Locality Served by PSA

Outcomes	Case Heard in Locality Served by PSA	Case Heard in Locality NOT Served by PSA
Number of Defendants (N= 9,491)[1]	**8,449**	**1,042**
Outcomes		
% Charged with Failure to Appear (FTA)	14.5%	11.8%
% Arrested for New In-State Offense Punishable by Incarceration	24.0%	25.5%
Arrested for New In-State Offenses[2]		
% Arrested for New In-State Jailable Misdemeanor/Ordinance Violation	21.3%	22.0%
% Arrested for New In-State Felony Offense	9.5%	9.7%
% Arrested for New In-State VIOLENT Felony Offense per § 17.1-805	*2.7%*	*3.3%*

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

- Public Safety Answer: The percentage of defendants released on bond who were arrested for a new in-state offense punishable by incarceration during the pre-trial period did not vary between localities served by pretrial services agencies and localities not served by pretrial services agencies.
- Court Appearance Answer: The percentage of defendants released on bond who were charged with FTA during the pre-trial period was slightly lower for defendants whose cases were heard in localities not served by pretrial services agencies.
- Overall, there were no significant differences in terms of outcomes, demographics, or risk levels between defendants released on bond whose cases were heard in localities served by PSAs versus localities that were not.

[1] There were 13 defendants where the locality in which their case was heard was not able to be determined.

[2] The percentages for the new in-state offenses cannot be added together for purposes of determining the overall public safety outcome because defendants may have been arrested for both felony and misdemeanor offenses during the pre-trial period. The *overall percentage* of defendants arrested for a "new in-state offense punishable by incarceration" is smaller than the *sum of percentages* for defendants arrested for a "new in-state jailable misdemeanor/ordinance violation" and "new in-state felony offense." The larger percentages account for defendants who were arrested for both a felony and misdemeanor offense during the pre-trial period; whereas, the percentage of defendants arrested for "new in-state offense punishable by incarceration" accounts for whether the defendants were arrested for at least one new in-state offense. The percentage of defendants arrested for a "new in-state violent felony offense per § 17.1-805" is a subset of the overall percentage of defendants arrested for a "new in-state felony offense."

Table 2: Demographics of Defendants Released on Bond - Whether Case was Heard in Locality Served by PSA

Demographics	Case Heard in Locality Served by PSA	Case Heard in Locality NOT Served by PSA
Number of Defendants (N= 9,491)[3]	**8,449**	**1,042**
Sex[4]		
Male	70.3%	68.3%
Age[5]		
18-35 years old	62.0%	57.2%
Race[6]		
White	58.4%	66.2%
Black	39.5%	32.9%
Asian or Pacific Islander	1.6%	0.1%
American Indian or Alaskan Native	<0.1%	0.0%
Unknown	0.5%	0.8%
Types of Charges in October 2017 Contact Event		
At Least One Felony Charge	44.6%	42.3%
Jailable Misdemeanor/Ordinance Violation Only	55.2%	57.6%
Supervision Status at Time of October 2017 Contact Event		
On State Probation	7.8%	8.7%
On Local Community Corrections or PSA Supervision	4.9%	2.8%
Indigent[7]	55.5%	55.4%
Pending Charge(s) at Time of October 2017 Contact Event	13.6%	11.7%
Prior In-State Criminal History		
Prior Felony Conviction	23.8%	25.5%
Prior Felony Conviction in Past 2 Years	8.4%	7.4%
Prior FTA Charge	22.5%	21.5%
Prior FTA Conviction	12.3%	13.3%
Prior FTA Conviction in Past 2 Years	3.9%	4.2%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

[3] There were 13 defendants where the locality in which their case was heard was not able to be determined.
[4] Per U.S. Census Bureau 2017 population estimates, males comprised 49% of Virginia's population.
[5] Per U.S. Census Bureau 2017 population estimates, 18-35 year olds comprised approximately 25% of the U.S. population.
[6] Per U.S. Census Bureau 2017 population estimates, Blacks comprised 19.8% of Virginia's population.
[7] The indigent variable is a proxy measure calculated based upon whether the attorney type at case closure was a public defender or court-appointed attorney. This measure does not capture any changes to attorney type occurring before case closure.

Table 3: Public Safety Assessment Risk Levels -
Whether Case Was Heard in Locality Served by PSA

Risk Levels	Case Heard in Locality Served by PSA	Case Heard in Locality NOT Served by PSA
Number of Defendants (N=9,491)[8]	**8,449**	**1,042**
% Risk of Failure to Appear (FTA)		
FTA Risk Level 1 (lowest risk)	41.2%	39.3%
FTA Risk Level 2	29.3%	32.4%
FTA Risk Level 3	15.3%	16.0%
FTA Risk Level 4	10.3%	9.1%
FTA Risk Level 5	3.0%	2.5%
FTA Risk Level 6 (highest risk)	0.9%	0.6%
% Risk of New Criminal Activity (NCA)		
NCA Risk Level 1 (lowest risk)	29.9%	28.1%
NCA Risk Level 2	28.5%	31.3%
NCA Risk Level 3	18.1%	18.0%
NCA Risk Level 4	12.0%	14.5%
NCA Risk Level 5	7.5%	5.6%
NCA Risk Level 6 (highest risk)	4.0%	2.5%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff. For the Public Safety Assessment, Risk Level 1 is the lowest level of risk classification for FTA or NCA and Risk Level 6 is the highest level of risk classification.

[8] There were 13 defendants where the locality in which their case was heard was not able to be determined.

APPENDIX D

RESEARCH QUESTION #2: PRELIMINARY STATEWIDE ANALYSIS HANDOUT

APPENDIX D: RESEARCH QUESTION #2

Did public safety and court appearance rates vary between defendants released on bond receiving pretrial services agency supervision and defendants not receiving pretrial services agency supervision? (Cases Heard in PSA Localities Only)

Table 1: Outcomes of Defendants Released on Bond - Specific Bond Type/Condition
Defendants Whose Cases were Heard in Localities Served by PSAs

Outcomes of Defendants Released on Bond	PR/ Unsecured Bond Only	PR/ Unsecured Bond with PSA Supervision	Secured Bond Only	Secured Bond with PSA Supervision
Number of Defendants (N=8,449)	**4,178**	**625**	**2,633**	**1,013**
Outcomes				
% Charged with Failure to Appear	13.2%	15.5%	17.3%	**12.3%**
% Arrested for New In-State Offense Punishable by Incarceration	19.9%	**28.0%**	**28.0%**	**28.2%**
Arrested for New In-State Offenses[1]				
% Arrested for New In-State Jailable Misdemeanor/Ordinance Violation	17.9%	24.3%	24.6%	24.8%
% Arrested for New In-State Felony Offense	6.6%	11.8%	12.0%	14.1%
% Arrested for New In-State VIOLENT Felony per § 17.1-805	*1.9%*	*3.5%*	*3.3%*	*3.8%*

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

- Public Safety Answer: The percentage of defendants released on bond who were arrested for a new in-state offense punishable by incarceration during the pre-trial period was nearly identical among defendants released on "PR/ unsecured bond with PSA supervision," defendants released on "secured bond only," and defendants released on "secured bond with PSA supervision." Defendants released on "PR/unsecured bond only" had a lower percentage of new in-state arrests for offenses punishable by incarceration during the pre-trial period, which was not surprising given that these defendants typically had lower risk levels for new criminal activity.

- Court Appearance Answer: While defendants released on "secured bond with PSA supervision" had a higher risk of FTA, a lower percentage of these defendants were charged with FTA during the pre-trial period as compared to defendants released on "PR/unsecured bond only," defendants released on "PR/unsecured bond with PSA supervision," or defendants released on "secured bond only."

[1] The percentages for the new in-state offenses cannot be added together for purposes of determining the overall public safety outcome because defendants may have been arrested for both felony and misdemeanor offenses during the pre-trial period. The *overall percentage* of defendants arrested for a "new in-state offense punishable by incarceration" is smaller than the *sum of percentages* for defendants arrested for a "new in-state jailable misdemeanor/ordinance violation" and "new in-state felony offense." The larger percentages account for defendants who were arrested for both a felony and misdemeanor offense during the pre-trial period; whereas, the percentage of defendants arrested for "new in-state offense punishable by incarceration" accounts for whether the defendants were arrested for at least one new in-state offense. The percentage of defendants arrested for a "new in-state violent felony offense per § 17.1-805" is a subset of the overall percentage of defendants arrested for a "new in-state felony offense."

Table 2: Demographics of Defendants Released on Bond in Localities Served by PSAs - Defendants Whose Cases were Heard in Localities Served by PSAs

Demographics	PR/ Unsecured Bond Only	PR/ Unsecured Bond with PSA Supervision	Secured Bond Only	Secured Bond with PSA Supervision
Number of Defendants (N= 8,449)	**4,178**	**625**	**2,633**	**1,013**
Sex[2]				
Male	66.1%	71.0%	73.9%	77.6%
Age[3]				
18-35 years old	61.5%	64.3%	61.9%	63.0%
Race[4]				
White	60.8%	56.5%	56.4%	54.6%
Black	36.3%	42.4%	42.1%	43.9%
Asian or Pacific Islander	2.1%	1.1%	1.1%	1.3%
American Indian or Alaskan Native	0.0%	0.0%	<0.1%	0.1%
Unknown	0.7%	0.0%	0.4%	0.1%
Types of Charges in October 2017 Contact Event				
At Least One Felony Charge	26.8%	56.7%	57.6%	76.7%
Jailable Misdemeanor/Ordinance Violation Only	73.2%	43.4%	41.9%	23.3%
Supervision Status at Time of October 2017 Contact Event				
On State Probation	4.2%	8.2%	12.2%	11.1%
On Local Community Corrections/Pretrial Supervision	4.0%	3.7%	7.1%	3.4%
Indigent[5]	48.0%	69.1%	60.7%	64.2%
Pending Charge(s) at Time of October 2017 Contact Event	9.3%	15.4%	17.3%	20.5%
Prior In-State Criminal History				
Prior Felony Conviction	14.2%	26.1%	33.9%	35.9%
Prior Felony Conviction in Past 2 Years	4.5%	9.4%	13.0%	12.0%
Prior FTA Charge	15.2%	24.8%	29.8%	31.9%
Prior FTA Conviction	8.0%	13.1%	16.9%	17.9%
Prior FTA Conviction in Past 2 Years	2.3%	3.4%	5.8%	5.9%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff.

[2] Per U.S. Census Bureau 2017 population estimates, males comprised 49% of Virginia's population.

[3] Per U.S. Census Bureau 2017 population estimates, 18-35 year olds comprised approximately 25% of the U.S. population.

[4] Per U.S. Census Bureau 2017 population estimates, Blacks comprised 19.8% of Virginia's population.

[5] The indigent variable is a proxy measure calculated based upon whether the attorney type at case closure was a public defender or court-appointed attorney. This measure does not capture any changes to attorney type occurring before case closure.

Table 3: Public Safety Assessment Risk Levels -
Defendants Released on Bond Whose Cases were Heard in Localities Served by PSAs

Risk Levels	PR or Unsecured Bond Only	PR or Unsecured Bond with PSA Supervision	Secured Bond Only	Secured Bond with PSA Supervision
Number of Defendants (N= 8,449)	**4,178**	**625**	**2,633**	**1,013**
% Risk of Failure to Appear (FTA)				
FTA Risk Level 1 (lowest risk)	53.6%	35.8%	29.4%	24.1%
FTA Risk Level 2	26.1%	33.1%	32.0%	33.7%
FTA Risk Level 3	11.3%	14.4%	19.4%	21.4%
FTA Risk Level 4	6.9%	13.6%	13.1%	15.4%
FTA Risk Level 5	1.7%	1.9%	4.8%	3.9%
FTA Risk Level 6 (highest risk)	0.5%	1.1%	1.3%	1.5%
% Risk of New Criminal Activity (NCA)				
NCA Risk Level 1 (lowest risk)	39.5%	23.2%	21.5%	16.5%
NCA Risk Level 2	30.9%	31.2%	25.3%	25.0%
NCA Risk Level 3	15.1%	18.9%	20.7%	23.2%
NCA Risk Level 4	7.6%	12.5%	16.7%	17.3%
NCA Risk Level 5	4.6%	9.8%	10.1%	11.2%
NCA Risk Level 6 (highest risk)	2.2%	4.5%	5.7%	6.9%

Source: Virginia Pre-Trial Data Project. Preliminary analysis completed by VSCC staff. For the Public Safety Assessment, Risk Level 1 is the lowest level of risk classification for FTA or NCA and Risk Level 6 is the highest level of risk classification.

NOTES

[1] Virginia State Crime Commission. (2017). *Annual report: Pretrial services agencies*, pp. 111-144. Available at https://rga.lis.virginia.gov/Published/2018/RD207/PDF. Virginia State Crime Commission. (2018). *Annual report: Virginia Pre-Trial Data Project and pre-trial process.* pp. 42-71. Available at https://rga.lis.virginia.gov/Published/2019/RD247/PDF.

[2] The new in-state offense must have been committed during the pre-trial period. Also, Virginia is a Criminal Justice Information Services (CJIS) Systems Agency signatory state and has agreed to adhere to the Federal Bureau of Investigation's (FBI) CJIS policies, which include a prohibition on disseminating out-of-state criminal histories for non-criminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project.

[3] Charges of failure to appear pursuant to Virginia Code §§ 19.2-128, 18.2-456, 16.1-69.24, 29.1-210, 46.2-936, 46.2-938, or 19.2-152.4:1 prior to the final disposition of case. A methodology was not able to be developed to determine if all FTA charges were linked specifically to the October 2017 contact event. Staff was able to determine that approximately 80% of defendants charged with FTA during the pre-trial period did not have a pending charge at the time of the October 2017 contact event. Approximately 20% of defendants charged with FTA during the pre-trial period did have a pending charge at the time of their October 2017 contact event; however, it was unclear if the new FTA charge was related to the pending charge or to the October 2017 contact event. It was also determined that, at most, 6% of FTA charges during the pre-trial period may have been in relation to a civil matter (i.e., child support). Finally, if the defendant was arrested for a new offense during the pre-trial period and was subsequently charged with FTA during the pre-trial period, the methodology was not able to clearly determine whether the FTA charge was related to the October 2017 contact event or to the new offense.

[4] A detailed, comprehensive overview of the methodology for this Project will be included in the final report.

[5] Data source: Alexandria Circuit Court Case Management System.

[6] Data source: Fairfax County Circuit Court Case Management System.

[7] Data source: Local Inmate Data System (LIDS).

[8] Data sources: eMagistrate and District/Circuit Court Case Management Systems (excludes Alexandria and Fairfax County Circuit Courts).

[9] Data source: Corrections Information System (CORIS).

[10] Data source: Pretrial and Community Corrections Case Management System (PTCC).

[11] Data source: Central Criminal Records Exchange (CCRE)/Computerized Criminal History (CCH) Database.

[12] Only the earliest contact event was captured and tracked for defendants having more than one contact event during the month of October 2017.

[13] The breakdown of the cohort was exceptionally similar to a pilot cohort representing July 2015, as well as a 6-month timeframe cohort representing November 2017 through April 2018. As such, it is assumed that findings from the October 2017 cohort can be generalized to any other given month.

[14] *See* Appendix A. Two standardized, existing pretrial risk assessment tools were used to measure risk across all defendants. The first risk assessment tool applied was a modified Virginia Pretrial Risk Assessment Instrument (VPRAI), which is the tool currently used by Virginia pretrial services agencies to assist judicial officers in determining an overall combined risk of public safety and FTA. The second risk assessment tool applied was the Public Safety Assessment. Although this tool has not been adopted in Virginia, staff was in a unique position to fully apply the tool to the cohort. The Public Safety Assessment also assists judicial officers in determining the risk of defendants. However, unlike the VPRAI, the Public Safety Assessment is able to provide distinct risk levels for new criminal activity (NCA) and FTA. Since the two outcomes focused upon in this report are public safety (new in-state arrests punishable by incarceration) and FTA, only the risk levels generated by the Public Safety Assessment are discussed for purposes of efficiency and clarity. The final report will discuss both the VPRAI and Public Safety Assessment risk levels.

[15] A detailed codebook outlining the definitions, measurements, data sources, and any limitations of all 800+ variables will be made available as part of the final report.

[16] Defendants released on summons are generally not placed on PSA supervision. Defendants detained for the entire pre-trial period, even if referred to PSA supervision by a judicial officer, would not have received such supervision.

[17] The large majority of exclusions included defendants whose October 2017 contact events were solely for probation violations, failure to appear, or contempt of court. Such charges are generally associated with a pre-existing court obligation rather than a new offense. The remainder of defendants excluded were for reasons such as: the contact event did not include any offenses punishable by incarceration (e.g., summons for infractions or non-jailable misdemeanors), no criminal record was found for the defendant, no disposition record was found for the October 2017 contact event, the defendant was under the age of 18, or there was insufficient or conflicting information found (i.e., release or bond information unclear).

[18] *Supra* note 2.

[19] *Supra* note 3.

[20] Personal recognizance (PR) bond: defendant makes a written promise to appear before the court and abide by any terms of release.

[21] Unsecured bond: defendant is released without having to post a set bond amount; however, if the defendants fails to appear before the court, the defendant may be liable for the monetary amount of the bond.

[22] Secured bond: defendant is released after the posting of a set bond amount. This can include a deposit of cash or a solvent surety (such as a bail bondsman, family member, or friend) who agrees to enter into the obligation for the bond amount.

[23] *See* Appendix C, Table 2.

[24] *See* Appendix C, Table 3.

[25] There were 13 defendants where the locality in which their case was heard was not able to be determined.

[26] The percentages for the new in-state offenses cannot be added together for purposes of determining the overall public safety outcome because defendants may have been arrested for both felony and misdemeanor offenses during the pre-trial period. The *overall percentage* of defendants arrested for a "new in-state offense punishable by incarceration" is smaller than the *sum of percentages* for defendants arrested for a "new in-state jailable misdemeanor/ordinance violation" and "new in-state felony offense." The larger percentages account for defendants who were arrested for both a felony and misdemeanor offense during the pre-trial period; whereas, the percentage of defendants arrested for "new in-state offense punishable by incarceration" accounts for whether the defendants were arrested for at least one new in-state offense. The percentage of defendants arrested for a "new in-state violent felony offense per § 17.1-805" is a subset of the overall percentage of defendants arrested for a "new in-state felony offense."

[27] *See* Appendix D, Table 3.

[28] *Id.*

[29] The percentages for the new in-state offenses cannot be added together for purposes of determining the overall public safety outcome because defendants may have been arrested for both felony and misdemeanor offenses during the pre-trial period. The *overall percentage* of defendants arrested for a "new in-state offense punishable by incarceration" is smaller than the *sum of percentages* for defendants arrested for a "new in-state jailable misdemeanor/ordinance violation" and "new in-state felony offense." The larger percentages account for defendants who were arrested for both a felony and misdemeanor offense during the pre-trial period; whereas, the percentage of defendants arrested for "new in-state offense punishable by incarceration" accounts for whether the defendants were arrested for at least one new in-state offense. The percentage of defendants arrested for a "new in-state violent felony offense per § 17.1-805" is a subset of the overall percentage of defendants arrested for a "new in-state felony offense."

[30] *See* Tables 1 and 2, pages 74 and 75 of this report.

[31] *Id.*

[32] *See* Appendix C, Table 2 and Appendix D, Table 2.

[33] *See* Appendix C, Table 2.

[34] *See* Appendix C, Table 3.

[35] *See* Table 1, page 74 of this report.

[36] *See* Table 2, page 75 of this report.

[37] *Id.*

[38] *See* Appendix D, Table 3.

[39] *See* Table 2, page 75 of this report.

[40] *See* Appendix D, Table 3.

[41] U.S. Census Bureau, July 1, 2018, estimate.

[42] There are 95 counties and 38 independent cities in Virginia.

[43] U.S. Census Bureau, 2017 estimates.

[44] *Id*.

[45] Virginia State Police, *Crime in Virginia - 2017.*

[46] *Id*.

[47] U.S. Census Bureau, 2017 estimates.

[48] *Id*.

[49] *See* Virginia Department of Criminal Justice Services. (2019). *Report on Pretrial Services Agencies-FY2019.* For instance, some agencies serve only one locality while others serve up to 11 localities. Some agencies are funded 100% by state funds while others are funded 100% by their locality. In FY19, total investigations per year ranged from 40 to 5,647, total supervision placements per year ranged from 71 to 2,286, and average daily caseloads ranged from 28 to 854. Public safety rates ranged from 75% to 99%, appearance rates ranged from 87% to 100%, and compliance rates ranged from 67% to 98%.

[50] Virginia Department of Criminal Justices Services, email communication, November 2, 2018. As of November 2018, there were 375 actively licensed bail bondsmen in Virginia. This included 238 surety bail bondsmen, 51 property bail bondsmen, 56 agents, and an additional 30 individuals who had a combination of these licenses.

[51] VA. CODE §§ 9.1-185, 9.1-185.5, 38.2-1800, and 38.2-1814 (2019).

[52] Some bail bondsmen operate their business individually while others have several bail bondsmen working as agents of their company.

[53] While aggregate findings are an excellent method for examining overall trends, this approach does not fully account for individual defendant-level details. For example, the dataset captures whether a defendant was charged for FTA but it does not capture *why* that defendant failed to appear.

[54] *See* Appendix B for definitional limitations of variables included in this preliminary statewide analysis.

[55] Virginia is a Criminal Justice Information Services (CJIS) Systems Agency signatory state and has agreed to adhere to the Federal Bureau of Investigation's (FBI) CJIS policies, which includes a prohibition on disseminating out-of-state criminal histories for non-criminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project. This limitation could skew public safety outcomes in localities bordering other states.

[56] The dataset is limited to defendants charged during a one-month period (October 2017). Although there is the highest degree of confidence that this one-month cohort was not unique in terms of the number and types of defendants charged, it is a potential limitation that must be acknowledged. Furthermore, the methodology of the Project only captures a defendant's first contact/charge in the month of October 2017. The data does not capture and track individual defendants' additional contacts/charges in the month of October 2017 (i.e., it only captures whether a subsequent contact event was a new in-state offense punishable by incarceration or FTA).

[57] Many of the data systems used to create the final dataset have limitations in how data is captured and/or defined. Appendix B outlines some of the limitations of the variables used in this preliminary analysis. A detailed codebook outlining the definitions, measurements, data sources, and any limitations for all 800+ variables will be made available as part of the final report.

[58] The preliminary analysis only included defendants released on bond for charges that did not relate to a pre-existing court obligation. Defendants released on bond for an October 2017 charge relating solely to a probation violation, FTA, or contempt of court could also be examined in terms of demographics, risk levels, and outcomes. This group of defendants also contributes to the caseload of PSAs, bail bondsmen, and other sureties.