

VIRGINIA STATE CRIME COMMISSION



Virginia Pre-Trial Data Project Update

2020 ANNUAL REPORT

VIRGINIA PRE-TRIAL DATA PROJECT UPDATE

The *Virginia Pre-Trial Data Project* stemmed from the Crime Commission's review of the pre-trial process in an effort to determine how effective various pre-trial release mechanisms are at ensuring public safety and appearance at court proceedings.¹ This ongoing *Project* represents a collaborative effort between numerous state and local agencies representing all three branches of government to identify and collect data 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 Crime Commission published its initial report on the *Virginia Pre-Trial Data Project*, including a preliminary analysis of statewide findings, in December 2019.² Crime Commission staff continued its analysis of the dataset from the *Project* throughout 2020. At the January 5, 2021, Crime Commission meeting staff presented an update on the *Project*, along with statewide descriptive findings from its continued analysis.³ Staff published this presentation, as well as handouts detailing the statewide descriptive findings and a preliminary data codebook.⁴ Staff is currently finalizing the descriptive statewide and locality level analysis and will publish a detailed final report in 2021.

CRIME COMMISSION LEGISLATION

Staff made the following two recommendations related to pre-trial data collection and the overall pre-trial process at the January 5, 2021, Crime Commission meeting:

Recommendation 1: Require the Virginia Criminal Sentencing Commission to annually collect and report on pre-trial data and to make such data publicly available in downloadable and interactive dashboard form.

Staff provided Crime Commission members with draft legislation to codify the *Virginia Pre-Trial Data Project*, require that the Virginia Criminal Sentencing Commission (VCSC) be responsible for continuing the collection of pre-trial data, mandate that it be replicated on an annual basis, and require that data from the *Project* be made available to the public. Staff recommended that the VCSC be responsible for future iterations of the *Project* since they have a vast amount of experience in analyzing large datasets and have already developed a methodology for obtaining pre-trial data. Furthermore, the VCSC routinely provides sentencing data to the public both through data requests and via an interactive dashboard on their website.

In order to fully understand Virginia's pre-trial system, it is imperative that statewide and locality level data measures continue to be collected. Replications of the initial dataset will afford the ability to track any changes in pre-trial trends or outcomes in the future, as well as inform policy decision-makers, practitioners, and researchers. Making the dataset publicly available is not only vital for data transparency, but it also will allow other entities the ability to perform their own data inquiries and analyses.

The Crime Commission voted unanimously to endorse the draft legislation for introduction during the 2021 Regular Session of the General Assembly.

Recommendation 2: Request that the Committee on District Courts study and make recommendations on procedures and practices for appointing an attorney and conducting a bond hearing when any detained person first appears before the court.

During the pre-trial process study, staff found that the procedures for when a defendant first appears before the court vary considerably across the Commonwealth, as well as within courts in the same jurisdiction. Due to the extent of these variations, staff recommended that subject matter experts and impacted stakeholders be brought together to discuss the many logistical and resource considerations required to address this issue. Staff recommended that the Committee on District Courts undertake this study because most defendants in Virginia who are held with a secure bond or held without bond make their first appearance before a district court.⁵ The Crime Commission unanimously voted to send a letter requesting that the Committee on District Courts conduct and complete a review of these issues and provide a report with recommendations to the Crime Commission. A report with findings and any recommendations will be provided to the Crime Commission by December 1, 2021.

2021 REGULAR SESSION LEGISLATION

The *Virginia Pre-Trial Data Project* legislation endorsed by the Crime Commission was introduced during the 2021 Regular Session of the General Assembly (House Bill 2110 - Del. Charniele L. Herring and Senate Bill 1391 - Sen. L. Louise Lucas).⁶ Both bills passed the General Assembly unanimously and were signed into law by the Governor.⁷

The enacted legislation requires the VCSC to annually collect and report on pre-trial data for all adults charged with a jailable offense in the Commonwealth, such as:

- Defendant demographics, such as sex, race, birth year, and residential zip code;

- Whether the defendant is indigent;
- Types and classifications of charges;
- Prior criminal history;
- Bond information;
- Time between the charge and release from custody;
- If released from custody, time between release and a new offense or failure to appear;
- Final case disposition;
- Court appearance rates;
- Public safety rates (new arrest); and,
- Any other data deemed relevant and reliable by the VCSC.

The VCSC must also make this data available to the public as an electronic dataset and on an interactive data dashboard tool that displays data at the statewide and locality level. The VCSC is authorized to begin the collection of data on July 1, 2021. The first report from the VCSC is due by December 1, 2022, which is also when the pre-trial data must be made publicly available.

Additionally, the enacted legislation mandates that the Crime Commission provide the October 2017 dataset from the *Virginia Pre-Trial Data Project* to the VCSC so that they can make it publicly available as an electronic dataset by October 1, 2021.

ENDNOTES

- ¹ Virginia State Crime Commission. (2018). *2017 Annual report: Pretrial services agencies*, pp. 111-144. Available at <https://rga.lis.virginia.gov/Published/2018/RD207/PDF>. Virginia State Crime Commission. (2019). *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 Virginia State Crime Commission. (Dec. 2019). *Virginia Pre-Trial Data Project Preliminary Findings*. Available at <http://vscc.virginia.gov/images/VSCC%20Pre-Trial%20Data%20Project%20Preliminary%20Findings.pdf>.
- ³ Virginia State Crime Commission. (Jan. 5, 2021). *Virginia Pre-Trial Data Project*. Available at: <http://vscc.virginia.gov/2021/VSCC%20Virginia%20Pretrial%20Data%20Project%20Presentation.pdf>.
- ⁴ Virginia State Crime Commission. (Jan. 5, 2021). *Virginia Pre-Trial Data Project Statewide Descriptive Findings*. Available at <http://vscc.virginia.gov/2021/VSCC%20Pre-Trial%20Statewide%20Descriptive%20Findings%20Jan%202021.pdf>. Virginia State Crime Commission. (Jan. 5, 2021). *Virginia Pre-Trial Data Project Preliminary Data Codebook*. Available at <http://vscc.virginia.gov/2021/VSCC%20Pre-Trial%20Data%20Project%20Preliminary%20Data%20Codebook%20Definitions%20Jan%202021.pdf>.
- ⁵ See VA. CODE ANN. § 16.1-69.33 (2020) for additional information on the Committee on District Courts.
- ⁶ House Bill 2110 is available at <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=hb2110>. Senate Bill 1391 is available at <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=212&typ=bil&val=sb1391>.
- ⁷ 2021 Va. Acts, Sp. Sess. I, ch. 111 and 112.

