VIRGINIA PRE-TRIAL DATA PROJECT

PRELIMINARY DATA CODEBOOK

October 2017 Cohort Dataset

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Virginia Pre-Trial Data Project: Preliminary Data Codebook

The purpose of this preliminary data codebook is to provide detailed information on each variable included in Sections 1 and 2 of the *Virginia Pre-Trial Data Project: Statewide Descriptive Findings* document.

The data contained in the Virignia Pre-Trial Data Project is a compilation of information and variables from numerous different data sources across Virginia state and local agencies including:

1. Supreme Court of Virginia, Office of the Executive Sectretary
   - ✓ eMagistrate Sytem
   - ✓ Circuit, General District, and JDR District Court Case Management Systems
2. Alexandria Circuit Court
   - ✓ Alexandria Circuit Court Case Management System
3. Fairfax County Circuit Court
   - ✓ Fairfax County Circuit Court Case Management System
4. Virginia Department of Criminal Justice Services
   - ✓ Pretrial and Community Corrections (PTCC) Case Management System
5. Virginia State Police
   - ✓ Central Criminal Records Exchange (CCRE)
6. Virginia Department of Corrections
   - ✓ Corrections Information System (CORIS)
7. Virginia Compensation Board
   - ✓ Local Inmate Data System (LIDS)

As such, the variables within the Virginia Pre-Trial Data Project reflect the inherent strengths and limitations of each of those different data sources.

PRELIMINARY DATA CODEBOOK

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WORKING DEFINITIONS

1. **Pre-Trial Period**

   Definition: 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.

2. **Contact Event**

   Definition: A contact event includes all charges against an individual heard together in the same jurisdiction on the same day and having the same CBR number. In the eMagistrate System, CBR stands for "Commit, Bond, Release" and refers to any one of these bail processes. Data is based on individuals. For individuals having more than one contact event during the month of October 2017, data captures the earliest contact event only. For individuals brought in with multiple charges on the same day and the charges are to be handled in different courts (e.g., domestic assault charge in J&DR District Court and assault of a law enforcement officer charge in General District/Circuit Court), records were grouped by court and retained as separate events.

   Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source (i.e., summons and direct indictments), the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

3. **Bail**

   Definition: the pretrial release of a person from custody upon those terms and conditions specified by order of an appropriate judicial officer.

4. **Bond**

   Definition: the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance.

   Source: The primary source of initial bond type and bond type at release was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court

Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

Notes: The dataset only captures bond type at initial contact and at ultimate release (if released). The dataset does not capture modifications to bond type or bond conditions in between initial contact and ultimate release (if released). In a small number of cases, the defendant was ordered more than one type of bond for the charges in his or her October 2017 contact event. In such instances, a hierarchy was applied to select the most restrictive type of bond ordered. From most restrictive to least restrictive: secured, unsecured, personal recognizance, summons.

5. **Summons**

   Definition: the release of the defendant by a law enforcement officer or magistrate after providing the defendant with written notice of a time and place to appear and receiving a written promise by the defendant to appear.

   Source: OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

6. **Personal Recognizance (PR) Bond**

   Definition: the release of the defendant after the defendant makes a written promise to appear before the court and abide by any terms of release.

   Source: The primary source of initial bond type and bond type at release was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

7. **Unsecured Bond**

   Definition: the release of the defendant after the defendant makes a written promise to pay a specific sum, without actually paying such specific sum; however, if the defendant fails to appear before the court, the defendant may be liable for the monetary amount of the bond.

Source: The primary source of initial bond type and bond type at release was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

8. **Secured Bond**

   Definition: the release of the defendant after either the defendant or a surety posts a written promise to pay a specific sum. 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.

   Source: The primary source of initial bond type and bond type at release was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

9. **Held with Secured Bond (entire pre-trial period)**

   Definition: a judicial officer ordered that the defendant be detained subject to certain conditions of release, including a secured bond, and neither the defendant nor a surety posted a written promise to pay a specific sum in order to secure the defendant's release.

   Source: The primary source of initial bond type was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

10. **Held without Bond (Denied Bail):**

   Definition: a judicial officer ordered that the defendant be detained without any conditions of release.

   Source: The primary source of initial bond type was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If bond type at release was not identified within the eMagistrate System, staff next attempted to identify the type within the Compensation Board's LIDS database, followed by the Court Case Management Systems, and finally, by calling individual Clerks' Offices to determine the bond type at release (if released).

SECTION 1: STATEWIDE PROFILE

11. Federal Information Processing Series (FIPS) Code

Definition: Measured as numeric codes assigned to each locality.

Source: National Institute of Standards and Technology

Notes: For purposes of this dataset, locality was identified based on the CBR Commitment Number, or if CBR Commitment Number was not available, the CBR Recognizance Number. The locality refers to the jurisdiction in which the case was heard, which may have not been the same jurisdiction where a magistrate held the bond hearing.

12. Region

Definition: Measured as the region assigned to each locality.

Source: University of Virginia's Weldon Cooper Center for Public Service, Retrieved from https://demographics.coopercenter.org/virginia-regions

13. Judicial Circuit

Definition: Measured as the judicial circuit of the locality.

Source: Supreme Court of Virginia, Office of the Executive Secretary, Retrieved from http://www.courts.state.va.us/courts/maps/home.html

14. Judicial District

Definition: Measured as the judicial district of the locality.

Source: Supreme Court of Virginia, Office of the Executive Secretary, Retrieved from http://www.courts.state.va.us/courts/maps/home.html

15. Magisterial Region

Definition: Measured as the magisterial region of the locality.

Source: Supreme Court of Virginia, Office of the Executive Secretary, Retrieved from http://www.courts.state.va.us/courtadmin/aoc/mag/map/home.html

16. **Public Defender Office in October 2017**

    Definition: Measured as whether a Public Defender Office was established in the locality during the October 2017 timeframe.

    Source: Code of Virginia § 19.2-163.04.

17. **Pretrial Services Agency in October 2017**

    Definition: Measured as whether a Pretrial Services Agency served the locality during the October 2017 timeframe.

    Source: Department of Criminal Justice Services, Retrieved from https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/community-based-probation-and-pretrial-services-map.pdf

    Notes: Culpeper County initiated a pretrial services agency in January 2018.

2017 Population Profile

18. **Population**

    Definition: Measured as 2017 total population estimate.

    Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

19. **Population Density**

    Definition: Measured as 2010 population density per square mile.

    Source: U.S. Census Bureau, 2010 Census

20. **Geographic Area**

    Definition: Measured as 2010 land area in square miles.

    Source: U.S. Census Bureau, 2010 Census

21. **Total Sworn Law Enforcement Officers per 1,000**

   Definition: Measured as total number of sworn law enforcement officers per 1,000 population in 2017.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from

   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

22. **White**

   Definition: Measured as percentage population White race alone in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from

   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

   Notes: White Alone refers to people who reported their race as White and did not report any other race category, *see* https://www.census.gov/programs-surveys/cps/data/data-tools/cps-table-creator-help/race-definitions.html

23. **Black**

   Definition: Measured as percentage population African American race alone in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from

   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

   Notes: Black alone refers to people who reported their race as Black or African American and did not report any other race, *see* https://www.census.gov/programs-surveys/cps/data/data-tools/cps-table-creator-help/race-definitions.html

24. **Asian**

   Definition: Measured as percentage population Asian race alone in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from

   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

   Notes: Asian alone refers to people who reported their race as Asian and did not report any other race, *see* https://www.census.gov/programs-surveys/cps/data/data-tools/cps-table-creator-help/race-definitions.html

25. **Other Races**

   Definition: Measured as percentage population other race alone in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from
   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

   Notes: Other race alone refers to people who reported their race as a race other than White, Black, or
   Asian and did not report any other race, *see* https://www.census.gov/programs-surveys/cps/data-
   tools/cps-table-creator-help/race-definitions.html

26. **Hispanic Origin**

   Definition: Measured as percentage population Hispanic origin in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from
   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

   Notes: Origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or
   the person's parents or ancestors before their arrival in the United States. The U.S. Census Bureau adheres
   to the U.S. Office of Management and Budget's (OMB) definition of ethnicity. There are two minimum
   categories for ethnicity: Hispanic or Latino and Not Hispanic or Latino. OMB considers race and Hispanic
   origin to be two separate and distinct concepts. Hispanics and Latinos may be of any race. Thus, the
   percent Hispanic should not be added to percentages for racial categories. Hispanics or Latino refers to a
   person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin
   regardless of race. *See*, e.g., https://www.census.gov/quickfacts/fact/note/US/RHI725219

27. **Male**

   Definition: Measured as percentage of population male in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from
   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

28. **Female**

   Definition: Measured as percentage of population female in 2017.

   Source: U.S. Census Bureau, 2017 Population Estimates, Retrieved from
   https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

29. Median Age

Definition: Measured as median age of population, males and females, in 2017.

Source: U.S Census Bureau, 2017 Population Estimates, Retrieved from
https://demographics.coopercenter.org/population-estimates-age-sex-race-hispanic-towns/

30. High School Graduate or Above

Definition: Measured as percentage of population high school graduate or higher in 2017.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

31. Bachelor's Degree or Above

Definition: Measured as percentage of population with a Bachelor's degree or higher in 2017.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

32. Households with a Computer

Definition: Measured as percentage of households with a computer in 2017.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

33. Households with Broadband Internet

Definition: Measured as percentage of households with a broadband internet subscription in 2017.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

34. Unemployment Rate

Definition: Measured as October 2017 unemployment rate.

Source: Bureau of Labor Statistics, Retrieved from https://beta.bls.gov/dataViewer/view/timeseries/LASST510000000000003;jsessionid=EFFEF94BA3930F 60DF7742DC4B448686

35. Per Capita Income

Definition: Measured as per capita income in dollars.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

36. Median Household Income

Definition: Measured as median household income for total households in 2017.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

37. Below Poverty Level

Definition: Measured as percentage of all people whose income in the past 12 months was below the poverty level.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

38. Gini Index

Definition: Measured as Gini Index estimate.

Source: U.S. Census Bureau, 2010 Census

Notes: The Gini Index is a summary measure of income inequality. The Gini coefficient incorporates the detailed shares data into a single statistic, which summarizes the dispersion of income across the entire income distribution. The Gini coefficient ranges from 0, indicating perfect equality (where everyone receives an equal share), to 1, perfect inequality (where only one recipient or group of recipients receives all the income). The Gini is based on the difference between the Lorenz curve (the observed cumulative income distribution) and the notion of a perfectly equal income distribution. *See* https://www.census.gov/topics/income-poverty/income-inequality/about/metrics/gini-index.html

39. No Health Insurance

Definition: Measured as percentage of civilian, non-institutionalized population with no health insurance.

Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

40. **Received Cash Public Assistance Income**

   Definition: Measured as percentage population with cash public assistance income in 2017.

   Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

   Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

41. **Received Food Stamp/SNAP Benefits**

   Definition: Measured as percentage population with food stamps/SNAP benefits in past 12 months in 2017.

   Source: U.S. Census Bureau, 2017 American Community Survey 5-Year Estimates

   Notes: For additional description of this variable, *see* "American Community Survey and Puerto Rico Community Survey, 2017 Subject Definitions." Retrieved from https://www2.census.gov/programs surveys/acs/tech_docs/subject_definitions/2017_ACSSubjectDefinitions.pdf

2017 Criminal Incidents Reported and Adult Arrests

42. **Total Incidents Reported**

   Definition: Measured as total crime incidents reported in locality.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

43. **Crimes Against Persons**

   Definition: Measured as total reported crimes against the person offenses.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

   Notes: Crimes against person offenses include murder and non-negligent manslaughter, aggravated assault, kidnapping/abduction, and forcible sex offenses.

44. **Crimes Against Property**

   Definition: Measured as total reported crimes against property offenses.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from
   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

   Notes: Crimes against property offenses include burglary/breaking and entering, robbery, larceny, fraud, and motor vehicle theft.

45. **Crimes Against Society**

   Definition: Measured as total reported crimes against society offenses.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from
   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

   Notes: Crimes against society offenses include drugs/narcotic violations, drug equipment violations, and pornography/obscene material.

46. **Crime Incident Rate per 1,000**

   Definition: Measured as crime incident rate per 1,000 population.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from
   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

47. **Grand Total Adult Arrests**

   Definition: Measured as total adult arrests for Group A and Group B offenses.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from
   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

48. **Total Group A Adult Arrests**

   Definition: Measured as total adult arrests for Group A offenses.

   Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from
   https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

Notes: Group A offenses include animal cruelty; arson; aggravated assault; simple assault; intimidation; bribery; burglary/breaking and entering; counterfeiting/forgery; destruction/damage/vandalism of property; drug/narcotic violations; drug equipment violations; embezzlement; extortion/blackmail; false pretenses/swindle/confidence game; credit card/automated teller machine fraud; impersonation; welfare fraud; wire fraud; identity theft; hacking/computer invasion; betting/wagering; operating/promoting/assisting gambling; gambling equipment violations; sports tampering; murder and non-negligent manslaughter; negligent manslaughter; human trafficking, commercial sex acts; human trafficking, involuntary servitude; kidnapping/abduction; pocket-picking; purse-snatching; shoplifting; theft from building; theft from coin-operated machine or device; theft from motor vehicle (except theft of motor vehicle parts or accessories); theft of motor vehicle parts or accessories; all other larceny; motor vehicle theft; pornography/obscene material; prostitution; assisting or promoting prostitution; purchasing prostitution; robbery; rape; sodomy; sexual assault with an object; fondling; incest; statutory rape; stolen property offenses; and, weapon law violations.

49. **Total Group B Adult Arrests**

Definition: Measured as total adult arrests for Group B offenses.

Source: Virginia State Police, *Crime in Virginia-2017*, Retrieved from https://www.vsp.virginia.gov/downloads/Crime_in_Virginia/Crime_in_Virginia_2017.pdf

Notes: Group B offenses include bad checks (except counterfeit checks or forged checks); curfew/loitering/vagrancy violations; disorderly conduct; driving under the influence; drunkenness (except driving under the influence); family offenses, nonviolent; liquor law violations; peeping tom; trespass of real property; and, all other offenses.

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50. **Defendants in Statewide Cohort**

Definition: Measured as total number of defendants captured as having a contact event for a criminal offense in October 2017. Defendants were further classified as whether the charges in their contact event related to a new arrest for an offense punishable by incarceration, a pending charge/prior conviction, or excluded (new arrest for offense not punishable by incarceration, infractions, etc.)

Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: A contact event includes all charges against an individual heard together in the same jurisdiction on the same day and having the same CBR number. In the eMagistrate System, CBR stands for "Commit, Bond, Release" and refers to any one of these bail processes. Data is based on individuals. For individuals having more than one contact event during the month of October 2017, data capture the earliest contact event only. For individuals brought in with multiple charges on the same day and the charges are to be handled in different courts (e.g., domestic assault charge in J&DR District Court and assault of a law enforcement officer charge in General District/Circuit Court), records were grouped by court and retained as separate events.

51. **Court Jurisdiction**

    Definition: Measured as court jurisdiction from which charges originated.

    Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

    Notes: Court jurisdiction was classified into the following categories: circuit court, general district court, juvenile and domestic relations district court, or multiple court levels.

52. **Released During Pre-Trial Period**

    Definition: Measured as whether defendant was released during the pre-trial period.

    Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's LIDS to verify release information and fill in any missing release information not identified within the OES eMagistrate System.

    Notes: Release was determined based on the date that the DC-330 was issued. If the DC-330 date was missing, it was assumed the magistrate had not released the individual on the charges in the decision event. The accused may have been released directly by the court, or the charge nolle prosequi, dismissed, or the accused found not guilty. However, the data does not have sufficient information to determine such cases.

The Compensation Board's LIDS was used to verify release information and fill in any missing release information not identified within the OES eMagistrate System.

53. **Detained Entire Pre-Trial Period**

Definition: Measured as whether the defendant was <u>not</u> released during the pre-trial period.

Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's LIDS to verify detention or release information and fill in any missing detention or release information not identified within the OES eMagistrate System.

54. **Contact Events by the Most Serious Charge in Statewide Cohort**

Definition: Measured as the Virginia Crime Code (VCC) for the most serious offense in the October 2017 contact event based on the offense seriousness index and class of felony or misdemeanor.

Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: For more detailed information on Virginia Crime Codes (VCC), *see* http://www.vcsc.virginia.gov/VCCs/2020/2020VCCBook.pdf

SECTION 2: DEFENDANTS IN COHORT STATEWIDE

Table 1: Court Appearance and Public Safety Outcomes for Defendants in Cohort

55. Number of Defendants Charged with Failure to Appear

Definition: Measured as whether defendant was charged with a new failure to appear offense including contempt of court for FTA.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: Includes 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. However, 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; but, it was unclear if their 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.

56. Number of Defendants Arrested for New In-State Jailable Offense

Definition: Measured by whether the defendant was arrested for at least one new in-state offense punishable by incarceration prior to final case disposition or December 31, 2018.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: The new in-state offense must have been committed during the pre-trial period. 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 noncriminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project. New in-state jailable offenses exclude FTAs and probation violations.

57. **Number of Defendants Arrested for New In-State Jailable Non-Felony Offense**

Definition: Measured by whether the defendant was arrested for at least one new in-state misdemeanor or ordinance violation punishable by incarceration prior to final case disposition or December 31, 2018.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: The new in-state offense must have been committed during the pre-trial period. 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 noncriminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project. New in-state jailable offenses exclude FTAs and probation violations.

58. **Number of Defendants Arrested for New In-State Felony Offense**

Definition: Measured by whether the defendant was arrested for at least one new in-state felony offense prior to final case disposition or December 31, 2018.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: The new in-state offense must have been committed during the pre-trial period. 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 noncriminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project. New in-state jailable offenses exclude FTAs and probation violations.

59. **Number of Defendants Arrested for New In-State Violent Felony Offense (§17.1-805)**

Definition: Measured by whether the defendant was arrested for at least one new in-state violent felony offense prior to final case disposition or December 31, 2018.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: The new in-state offense must have been committed during the pre-trial period. 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 noncriminal justice purposes. As such, out-of-state criminal histories were not included in the dataset of this Project. New in-state jailable offenses exclude FTAs and probation violations.

Table 2: Demographics of Defendants

60. Sex

Definition: Measured based upon the recorded sex of the defendant at the time of October 2017 contact event.

Source: The primary source of this information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If the information was not available in the primary source, the information was collected from the defendant's Virginia State Police criminal history record.

61. Age

Definition: Measured as the age groups of the defendants at the time of their October 2017 contact event. Age was calculated as the difference between the birthdate of the defendant and the date of the October 2017 contact event.

Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: The information provided to staff from the eMagistrate System only contained a scramble key for each defendant's key identifying information (name, date of birth, social security number). The full birthdate of each defendant was obtained from the OES Court Case Management Systems, as well as Fairfax and Alexandria Circuit Court Case Management Systems after matching between the two systems.

62. Race

Definition: Measured based upon the recorded race of the defendant at the time of the October 2017 contact event.

Source: The primary source of this information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If the information was not available in the primary source, the information was collected from the defendant's Virginia State Police criminal history record.

Notes: The Virginia State Police uses the race codes standardized by the National Crime Information Center (NCIC), including Asian or Pacific Islander, Black, American Indian or Alaskan Native, White, or

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Unknown. While the OES Court Case Management Systems have the capacity to capture the Hispanic ethnicity, NCIC rules of classification categorize the Hispanic ethnicity within the White racial category. As such, individuals of Hispanic ethnicity are included within the White racial category.

63. **Residency (based on zip code)**

Definition: Measured as whether the recorded zip code was based in Virginia or out-of-state.

Source: The primary source of this information was collected from the OES eMagistrate System.

64. **Indigent**

Definition: Measured as whether the defendant was assigned a public defender or court-appointed attorney at the time of case closure for at least one charge in their October 2017 contact event.

Source: The primary source of this information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: This variable does not capture any changes to attorney type that occurred prior to case closure. The variable also does not capture instances where the defendant would otherwise qualify as indigent pursuant to Virginia Code § 19.2-159 but had a private attorney retained who provided services with costs paid by another entity or where the private attorney represented the defendant *pro bono*.

Table 3: Classification of Most Serious Charge in Contact Event

65. **Most Serious Charge in Contact Event**

    Definition: Measured as the Virginia Crime Code (VCC) for the most serious offense in the October 2017 contact event based on the offense seriousness index (felony or misdemeanor)

    Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

    Notes: For more detailed information on Virginia Crime Codes (VCC), *see* http://www.vcsc.virginia.gov/VCCs/2020/2020VCCBook.pdf

66. **Class of Most Serious Charge in Contact Event**

    Definition: Measured as the class of felony or misdemeanor for the most serious offense in the October 2017 contact event.

    Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

    Notes: For more detailed information on Virginia Crime Codes (VCC), *see* http://www.vcsc.virginia.gov/VCCs/2020/2020VCCBook.pdf

Table 4: Criminal History of Defendants in Cohort at Time of Contact Event

67. Pending Charge at Time of Contact Event (VPRAI manual definition)

Definition: Measured as whether the defendant had a pending charge at the time of the October 2017 contact event based on the Virginia Pretrial Risk Assessment Instrument (VPRAI) definition.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Notes: This variable was calculated based on the definition of pending charge in the Virginia Pretrial Risk Assessment Instrument (VPRAI) Instruction Manual: A defendant is counted as having a pending charge if there were one or more charges for jailable offenses pending in a criminal or traffic (not civil) court at the time of arrest. A pending charge 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.

68. On State Probation

Definition: Measured as whether the defendant was on active DOC supervision (Felony Probation) at the time of the October 2017 contact event.

Source: Virginia Department of Corrections' Correctional Information System (CORIS).

Notes: 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 their October 2017 contact event.

69. On Local Community Corrections/Pretrial Supervision

Definition: Measured as whether defendant was on active DCJS Supervision (Local Community Probation or Pretrial Services Supervision) at the time of the October 2017 contact event.

Source: Department of Criminal Justice Services' Pretrial and Community Corrections Case Management System (PTCC).

Notes: 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 their October 2017 contact event.

70. **Prior Sentence of Incarceration at Time of Contact Event**

Definition: Measured as whether defendant had a prior sentence to incarceration of 14 or more days at the time of the October 2017 contact event.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

71. **Prior Felony Conviction**

Definition: Measured as total number of prior felony convictions.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

72. **Prior Felony Conviction in Past 2 Years**

Definition: Measured as total number of prior felony convictions in the past 2 years.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

73. **Prior Violent Felony Offense Conviction (§17.1-805)**

Definition: Measured as total number of prior convictions for Virginia Code § 17.1-805 violent offenses.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

74. **Prior Violent Felony Offense Conviction (§17.1-805) in Past 2 Years**

Definition: Measured as total number of prior convictions for Virginia Code § 17.1-805 violent offenses in the past 2 years.

 Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

75. **Prior Misdemeanor Conviction**

Definition: Measured as total number of prior misdemeanor convictions for offenses punishable by incarceration.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

76. **Prior Misdemeanor Conviction in Past 2 Years**

Definition: Measured as total number of prior misdemeanor convictions for offenses punishable by incarceration in the past 2 years.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

77. **Prior FTA Charge**

Definition: Measured as total number of prior failure to appear (FTA) charges, including contempt of court for failure to appear.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

78. **Prior FTA Charge in Past 2 Years**

Definition: Measured as total number of prior failure to appear (FTA) charges, including contempt of court for failure to appear in the last 2 years.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

79. **Prior FTA Conviction**

Definition: Measured as total number of prior failure to appear (FTA) convictions, including contempt of court for failure to appear.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

80. **Prior FTA Conviction in Past 2 Years**

Definition: Measured as total number of prior failure to appear (FTA) convictions, including contempt of court for failure to appear in the last 2 years.

Source: The primary source of this information was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Table 5: Proxy Public Safety Assessment Risk Levels Assigned to Defendants in Cohort

81. Proxy Risk Level of Failure to Appear (Public Safety Assessment FTA Scale)

Definition: Measured as the proxy Public Safety Assessment FTA risk level assigned to defendants.

Source: Internal calculation by Virginia Criminal Sentencing Commission staff based on the Public Safety Assessment Scoring Manual. For additional information on the Public Safety Assessment and the weighting of factors used to calculate FTA Risk Level, please see, *e.g*.,
https://advancingpretrial.org/psa/factors/

Notes: The Public Safety Assessment tool was applied retroactively to create a uniform measure of risk of failure to appear and new criminal activity to be used for comparison purposes across all defendants in the cohort. Staff adhered and complied with the Public Safety Assessment Core Requirements and the Public Safety Assessment Scoring Manual when calculating proxy risk levels for FTA and NCA. The tool was not administered on any of the defendants in the cohort at the time of their October 2017 contact event. Virginia utilized a different pre-trial risk assessment tool (Virginia Pretrial Risk Assessment Instrument) at the time of the October 2017 contact events for defendants who met certain eligibility requirements.

82. Proxy Risk Level of New Criminal Activity (Public Safety Assessment NCA Scale)

Definition: Measured as the proxy Public Safety Assessment New Criminal Activity (NCA) risk level assigned to defendants.

Source: Internal calculation by Virginia Criminal Sentencing Commission staff based on the Public Safety Assessment Scoring Manual. For additional information on the Public Safety Assessment and the weighting of factors used to calculate NCA Risk Level, please see, *e.g*.,
https://advancingpretrial.org/psa/factors/

Notes: The Public Safety Assessment tool was applied retroactively to create a uniform measure of risk of failure to appear and new criminal activity to be used for comparison purposes across all defendants in the cohort. Staff adhered and complied with the Public Safety Assessment Core Requirements and the Public Safety Assessment Scoring Manual when calculating proxy risk levels for FTA and NCA. The tool was not administered on any of the defendants in the cohort at the time of their October 2017 contact event. Virginia utilized a different pre-trial risk assessment tool (Virginia Pretrial Risk Assessment Instrument) at the time of the October 2017 contact events for defendants who met certain eligibility requirements.

Table 6: Bond Information for Defendants in Cohort with Unsecured or Secured Bonds

83. Bond Amount at Release

Definition: Measured as the bond amount at release in dollars.

Source: The primary source of this information was collected from the OES eMagistrate System.

Notes: Bail amounts were not summed across charges (aggregate amount should show for each charge). For example, an individual charged with three offenses, the total bond amount set by the magistrate for all the charges is repeated in the data for each charge. This dataset only captures bond amount at initial contact and at ultimate release (if released). The dataset does not capture modifications to bond amount in between initial contact and ultimate release (if released).

84. Initial Bond Amount (for those held with secured bond entire pre-trial period)

Definition: Measured as initial bond amount set in dollars.

Source: The primary source of this information was collected from the OES eMagistrate System.

Notes: Bail amounts were not summed across charges (aggregate amount should show for each charge). For example, an individual charged with three offenses, the total bond amount set by the magistrate for all the charges is repeated in the data for each charge. This dataset only captures bond amount at initial contact and at ultimate release (if released). The dataset does not capture modifications to bond amount in between initial contact and ultimate release (if released).

85. Mechanism Used to Post Secured Bond

Definition: Measured as mechanism used to post bond when released on a secured bond.

Source: OES eMagistrate System.

Notes: Mechanisms used to post secured bond were classified as: bondsman only, cash only, other only, bondsman and cash, bondsman and other, cash and other, or bondsman/cash/other combined.

Table 7: Time between October 2017 Contact Event and Release (in days)

86. **Time between October 2017 Contact Event and Release**

   Definition: Measured as number of days between the October 2017 contact event and release date if released.

   Source: The primary source of this information was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

   Notes: Time until release was calculated as the number of days between the date the DC-352 (commitment order) was issued and the date the DC-330 (recognizance) was issued. If the DC-352 was not issued (date of DC-352 is missing), then it was assumed the individual was released the same day. When the time between the DC-352 and DC-330 was negative, the result was recoded as missing. The Compensation Board's LIDS was used to verify release information and fill in any gaps not identified by the OES eMagistrate System. Note: An individual brought before a magistrate for a bond hearing in the evening, who is released the next morning (i.e., less than 24 hours later), appears as having been released on Day 1.

Table 8: Number of Days between Pre-Trial Release and FTA or New In-State Jailable Offense

87. Defendants Charged with Failure to Appear (FTA)- Days between release and FTA

Definition: Measured as number of days from the defendant's release date to the first occurring FTA charge in the pre-trial period.

Source: The primary source of a defendant's release date was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

The primary source of a defendant's corresponding offense date was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

88. Defendants Arrested for New In-State Jailable Offense

Definition: Measured as number of days from the defendant's release date to the first occurring in-state jailable offense date in the pre-trial period.

Source: The primary source of a defendant's release date was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

The primary source of a defendant's corresponding offense date was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

89. Defendants Arrested for New In-State Jailable Non-Felony Offense

Definition: Measured as number of days from the defendant's release date to the first occurring in-state jailable non-felony offense date in the pre-trial period.

Source: The primary source of a defendant's release date was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

The primary source of a defendant's corresponding offense date was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

90. **Defendants Arrested for New In-State Felony Offense**

Definition: Measured as number of days from the defendant's release date to the first occurring in-state felony offense date in the pre-trial period.

Source: The primary source of a defendant's release date was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

The primary source of a defendant's corresponding offense date was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

91. **Defendants Arrested for New In-State Violent Felony Offense (§17.1-805)**

Definition: Measured as number of days from the defendant's release date to the first occurring in-state violent felony offense date in the pre-trial period.

Source: The primary source of a defendant's release date was collected from the OES eMagistrate System. If the information was not available in the primary source, the information was collected from the Compensation Board's Local Inmate Data System (LIDS).

The primary source of a defendant's corresponding offense date was collected from the Virginia State Police's (VSP) criminal history records. If the information was not available in the primary source, the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

Table 9: Final Case Disposition of Contact Events for Defendants in Cohort

92. **Time between Contact Event and Final Case Disposition (in days)**

   Definition: Measured as days between October 2017 contact event and final case disposition.

   Source: The primary source of the contact event date was collected from the OES eMagistrate System. If the information was not available in the primary source (i.e., summons and direct indictments), the information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems.

   The primary source of final case disposition date was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If the information was not available in the primary source, the information was collected from the Virginia State Police's (VSP) criminal history records.

93. **Final Case Disposition**

   Definition: Measured as disposition of all contact event charges.

   Source: The primary source of this information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If the information was not available in the primary source, the information was collected from the Virginia State Police's (VSP) criminal history records.

   Notes: Case dispositions include convicted of at least one charge in contact event, dismissed, *nolle prosequi*, not guilty, pending (as of December 31, 2018), or other. A disposition status of "dismissed" includes charges that were dismissed before or during the trial of matter, as well as charges that were deferred and ultimately dismissed between October 1, 2017 and December 31, 2018. A disposition status of "pending" includes charges without a final case disposition as of December 31, 2018, to include charges that were in deferred status.

94. **Sentence Type of Convicted Defendants**

   Definition: Measured as sentence type for all contact event charges at conviction.

   Source: The primary source of this information was collected from the OES Court Case Management System, as well as Fairfax and Alexandria Circuit Court Case Management Systems. If the information

was not available in the primary source, the information was collected from the Virginia State Police's (VSP) criminal history records.

Notes: Sentence types include probation/no incarceration, jail up to 12 months, or prison (one year or more).