



VIRGINIA PRE-TRIAL DATA PROJECT

Study Highlights

January 2021

The *Virginia Pre-Trial Data Project* is a first-of-its-kind dataset providing vital baseline measures of Virginia's pre-trial system across all district and circuit courts for the entire month of October 2017.

The dataset includes nearly 23,000 adult defendants charged with a criminal offense in October 2017 and tracked through final case disposition.

Defendants were classified based on their ultimate pre-trial release mechanism or detention status:

- Released on summons
- Released on PR/unsecured bond (with or without pretrial services agency supervision)
- Released on secured bond (with or without pretrial services agency supervision)
- Held with secured bond entire pre-trial period
- Held without bond entire pre-trial period

What is the Virginia Pre-Trial Data Project?

The *Virginia Pre-Trial Data Project* is an unprecedented, collaborative effort to collect data relating to the overall pre-trial process across Virginia. All three branches of government and numerous state and local agencies participated in the Project, including the Virginia State Crime Commission, Virginia Criminal Sentencing Commission, Alexandria Circuit Court, Compensation Board, Department of Criminal Justice Services, Department of Corrections, Fairfax Circuit Court, Office of the Executive Secretary of the Supreme Court of Virginia, and Virginia State Police. The Virginia Criminal Sentencing Commission served as the central repository of the data provided by these entities and spent a tremendous amount of time organizing the complex information into a single dataset for analysis by Crime Commission staff.

Crime Commission Legislation

Crime Commission members unanimously endorsed legislation for introduction during the 2021 Regular Session of the General Assembly to:

- Require the Virginia Criminal Sentencing Commission to annually collect and report on pre-trial data and make such data publicly available so that it can be downloaded or viewed on an interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user; and,
- Mandate that the Crime Commission provide the October 2017 dataset from the *Pre-Trial Data Project* to the Virginia Criminal Sentencing Commission who will then make the dataset publicly available by October 1, 2021.

Crime Commission Request for Additional Study

Crime Commission staff found that the procedures when a detained defendant first appears before the court vary greatly across the Commonwealth and within courts in the same jurisdiction. Staff determined that addressing these variances will involve many logistical and resource considerations and will require collaboration amongst impacted stakeholders. In order to address this issue, the Crime Commission unanimously endorsed staff's recommendation to:

- Request that the Committee on District Courts (Va. Code § 16.1-69.33) study and make recommendations on procedures and practices for appointing an attorney and conducting a bond hearing when any detained defendant first appears before the court.

What are some of the statewide findings of the Project?

At its January 5, 2021, meeting, Crime Commission members were presented with initial statewide descriptive findings for the 15,715 defendants whose October 2017 contact event related to a new arrest. Detailed tables of statewide descriptive findings and a preliminary codebook are available on the agency website.

Hundreds of variables were collected for each defendant in the cohort relating to:

- Court appearance
- Public safety
- Demographics
- Indigency
- Classification of charges
- Prior criminal history
- Risk levels
- Bond information
- Time between contact event and release
- Time between release and any arrest for a new in-state jailable offense or charge for failure to appear
- Time between contact event and final case disposition
- Final case disposition
- Sentence type, if convicted

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Key Statewide Findings:

- 87% (13,731 of 15,715) of defendants were ultimately released from custody during the pre-trial period. However, the number of days until release varied considerably across defendants.
- Most defendants released during the pre-trial period were not arrested for a new jailable in-state offense or charged with failure to appear.
- 22% (3,001 of 13,731) of defendants released during the pre-trial period were arrested for a new in-state offense punishable by incarceration.
- New arrests were primarily for misdemeanor offenses, with only 8% (1,068 of 13,731) of defendants arrested for a new felony offense and 2% (301 of 13,731) of defendants arrested for a new violent felony offense.
- 13% (1,715 of 13,731) of defendants released during the pre-trial period were charged with failure to appear.
- Males, defendants between the ages of 18-35, and Blacks were overrepresented across all pre-trial release mechanisms and detention categories. This disparity was even more pronounced for males and Blacks who were detained for the entire pre-trial period.
- Indigent defendants comprised *at least* 59% (6,785 of 11,426) of all individuals released on bond or detained.
- Median bond amounts ranged between \$2,000-\$3,500 and did not vary widely across defendants regardless of type of charge or pre-trial release mechanism.
- Public safety and court appearance rates, as well as demographics and risk levels of defendants, were very similar in both localities served and not served by pretrial services agencies.

It is important to note that statewide findings should not be generalized to the locality level. Localities vary widely in terms of demographics, socio-economic factors, law enforcement and court practices, and resources available.

What are the next steps?

Staff plans to conclude additional analyses of the October 2017 dataset. This will include a more thorough examination of statewide findings and preparation of descriptive findings for each locality in the Commonwealth. A detailed data codebook for each of the variables in the dataset will also be provided in the final report, which will be published as part of the Crime Commission's annual report by June 30, 2021.

Additionally, staff were directed to continue this study for another year in order to examine additional aspects of the pre-trial process and the expansion of pre-trial diversion programs in the Commonwealth.