



# Virginia Pre-Trial Data Project

January 5, 2021



# Overview

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- Project Background
- Statewide Descriptive Findings
- Recommendations



# Project Background

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- The Crime Commission has been studying various aspects of the pre-trial process since 2016.
- Staff found that data related to the overall pre-trial process was not readily available.
- A statewide dataset and methodology was developed to track defendants from their initial charge to the final disposition of their case.



# Project Background

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- Final report will include:
  - More detailed analysis of the dataset
  - Descriptive findings at the locality level
  
- Staff has developed a plan for the dataset to be:
  - Replicated on an annual basis
  - Publicly available at a statewide and locality level



# Project Background



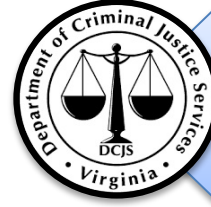


# Project Background



## E-Magistrate System

- Defendants brought before magistrates



## Pretrial and Community Corrections (PTCC) Case Management System

- Defendants on pretrial services agency supervision
- Defendants on active local probation



## Court Case Management Systems

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Central Criminal Records Exchange

- New in-state arrests
- FTA charges
- Prior in-state criminal history



## Circuit Court Case Management System

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Corrections Information System (CORIS)

- Defendants on active state probation



## Circuit Court Case Management System

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Compensation Board- Local Inmate Data System (LIDS)

- Jail committals and releases
- Lengths of stay



# Project Background

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- Dataset includes 22,986 adult defendants charged in October 2017.
  - Tracked through final case disposition or until December 31, 2018, whichever came sooner
  - Consistent with other months of the year
  - Nearly 850 variables
  
- 15,715 defendants entered the court system in October 2017 due to a new arrest for an offense punishable by incarceration.



# Statewide Descriptive Findings

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- These 15,715 defendants were classified by pre-trial release mechanism or detention status:
- 4,227 released on summons;
  - 4,733 released on PR or unsecured bond only;
  - 632 released on PR or unsecured bond with PSA supervision;
  - 3,120 released on secured bond only;
  - 1,019 released on secured bond with PSA supervision;
  - 226 held with secured bond entire pre-trial period;
  - 1,696 held without bond (denied bail) entire pre-trial period;
  - 62 with bond type undetermined.

Source: Virginia Pre-Trial Data Project. Analysis by VSCC staff. Note: Release on personal recognizance bond is abbreviated as PR bond. Pretrial services agency supervision is abbreviated as PSA supervision.





# Statewide Descriptive Findings

- 87% (13,731 of 15,715) of defendants were released from custody during the pre-trial period.
- The percentage of defendants released within 3 days of their contact event varied considerably.

<b>Bond Type at Release</b>	<b>Number of Defendants</b>	<b>% Released within 3 Days</b>
PR or Unsecured Bond Only	4,727	96%
PR or Unsecured Bond with PSA Supervision	626	72%
Secured Bond Only	3,043	77%
Secured Bond with PSA Supervision	1,010	44%

Source: Virginia Pre-Trial Data Project. Analysis by VSCC staff. Data on the number of days between contact event and release was missing for 98 defendants.



# Statewide Descriptive Findings

- 53% (1,895 of 3,591) of defendants *initially* held without bond (denied bail) were later released on bond.
- 93% (2,954 of 3,180) of defendants *initially* held on a secured bond were later released on bond.

## Ultimate Release or Detention Status

Initial Bond Type	Ultimate Release or Detention Status			Total
	Not Released	Released on Secured Bond	Released on PR/Unsecured Bond	
Held Without Bond	1,696 <sup>1</sup>	1,379	516	3,591
Held on Secured Bond	226	2,665	289	3,180
PR/Unsecured Bond	5	8	4,370	4,383
<b>Total</b>	<b>1,927</b>	<b>4,052</b>	<b>5,175</b>	<b>11,154</b>

Source: Virginia Pre-Trial Data Project. Analysis by VSCC staff. Analysis excludes the 4,227 defendants released on summons and 334 defendants whose initial or final bond type was unknown. <sup>1</sup> Modifications, if any, to bond type are not available for defendants who were initially held without bond and not released during the pre-trial period.



# Statewide Descriptive Findings

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## Public Safety

- 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:
  - 8% (1,068 of 13,731) arrested for a new felony offense
  - 2% (301 of 13,731) arrested for a new violent felony offense

## Court Appearance

- 13% (1,715 of 13,731) of defendants released during the pre-trial period were charged with failure to appear (FTA).



# Statewide Descriptive Findings

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- Males, defendants between the ages of 18-35, and Blacks were overrepresented across all pretrial release mechanisms and detention categories.
  - This disparity was even more pronounced for males and Blacks detained for the entire pre-trial period.
- Indigent defendants comprised *at least* 59% (6,785 of 11,426) of overall individuals released on bond or detained:
  - PR or unsecured bond: 50% (2,708 of 5,365)
  - Secured bond: 62% (2,559 of 4,139)
  - Held with secured bond entire pre-trial period: 83% (188 of 226)
  - Held without bond entire pre-trial period: 78% (1,330 of 1,696)



# Statewide Descriptive Findings

- As assigned Public Safety Assessment risk level scores for FTA increased, so did the percentage of defendants charged with FTA.

## Defendants Released During Pre-Trial Period by FTA Score and Failure Rate

<b>Proxy Risk Level of Failure to Appear (FTA)</b>	<b>Number of Defendants</b>	<b>% FTA</b>
FTA Risk Level 1 (lowest risk)	6,199	8.3%
FTA Risk Level 2	3,949	12.2%
FTA Risk Level 3	1,904	16.4%
FTA Risk Level 4	1,235	21.9%
FTA Risk Level 5	350	30.9%
FTA Risk Level 6 (highest risk)	94	30.9%
<b>TOTAL</b>	<b>13,731</b>	<b>12.5%</b>

Source: Virginia Pre-Trial Data Project. Analysis by VSCC staff.



# Statewide Descriptive Findings

- As assigned Public Safety Assessment risk level scores for new criminal activity (NCA) increased, so did the percentage of defendants arrested for new in-state jailable offenses.

## Defendants Released During Pre-Trial Period by NCA Score and Failure Rate

Proxy Risk Level of New Criminal Activity (NCA)	Number of Defendants	% Arrested for New In-State Jailable Offense
NCA Risk Level 1 (lowest risk)	4,219	11.7%
NCA Risk Level 2	4,450	20.4%
NCA Risk Level 3	2,262	26.8%
NCA Risk Level 4	1,502	31.7%
NCA Risk Level 5	860	38.6%
NCA Risk Level 6 (highest risk)	438	42.5%
<b>TOTAL</b>	<b>13,731</b>	<b>21.9%</b>

Source: Virginia Pre-Trial Data Project. Analysis by VSCC staff.







# Statewide Descriptive Findings

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## Localities served by PSAs in 2017:

- Approximately 20% of defendants released on secured or unsecured bond received PSA supervision.
- The public safety rate was similar between defendants released on:
  - PR or unsecured bond with PSA supervision;
  - Secured bond only; and,
  - Secured bond with PSA supervision.
- Defendants released on secured bond with PSA supervision had the highest court appearance rate.





# Statewide Descriptive Findings

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- Median bond amounts ranged between \$2,000 - \$3,500 and did not vary widely between defendants:
  - Charged with at least one felony in their contact event versus non-felony charges only;
  - Released on unsecured versus secured bond;
  - Receiving or not receiving PSA supervision; or,
  - Released on secured bond versus held on a secured bond the entire pre-trial period.
  
- Approximately 90% of defendants released on a secured bond utilized the services of a bail bondsman.



# Statewide Descriptive Findings

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- Statewide aggregate findings should not be generalized to the individual locality level.
  - Localities vary widely.
  
- Detailed tables of these statewide descriptive findings are available on the agency website at [vscc.virginia.gov](http://vscc.virginia.gov)



# Recommendations

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**Recommendation 1:** Require the collection and reporting of pre-trial data for adults charged with criminal offenses punishable by incarceration.

**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.



# Recommendation 1

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**Recommendation 1:** Require the collection and reporting of pre-trial data for adults charged with criminal offenses punishable by incarceration.

- Virginia Criminal Sentencing Commission to collect data and provide an annual report.
  - Requires 2 FTE's
- Data will be made publicly available at both the statewide and locality level.
- First report will be published by Dec. 1, 2022.



# Recommendation 1

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- Collection of data shall include numerous variables:
  - Demographics of defendants charged;
  - Whether defendant was indigent;
  - Type and number of charges in contact event;
  - Prior criminal history of defendants;
  - Pending charges or under state/local probation supervision;
  - Released or detained during the pre-trial period;
  - Secured and unsecured bond amounts and/or PSA supervision;
  - Time to release and time to any new FTA or in-state arrest;
  - Final disposition information; and,
  - Any other relevant and reliable data.



# Recommendation 1

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- Requires that the *Virginia Pre-Trial Data Project* dataset be provided to the Virginia Criminal Sentencing Commission who will then make the dataset publicly available at the statewide and locality level by October 1, 2021.



## Recommendation 2

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**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.

- Report with recommendations due by November 1, 2021.



# Discussion