



Pretrial Services in Virginia

Study Highlights

January 2018

During the Regular Session of the 2016 General Assembly, Delegate C. Todd Gilbert introduced House Bills 774 and 776. Both bills were referred to the Crime Commission by the House Courts of Justice Committee. The Executive Committee of the Crime Commission authorized a two-year broad review of pretrial services in Virginia.

Crime Commission members unanimously endorsed all 7 recommendations to improve multiple areas of concern identified during the study. HB 996 and SB 783 were introduced during the 2018 Session of the General Assembly.

The Crime Commission sent a letter to DCJS requesting that they address several administrative recommendations. DCJS is expected to provide a report on the status of pretrial services to the Crime Commission by November 1, 2018.

What are the two-year study findings?

The study found that while broad support exists among local stakeholders for the use of pretrial services, there are multiple areas within the administration of these services that need to be addressed. As a result of the study, Crime Commission members unanimously endorsed the following seven legislative and administrative recommendations to ensure state funds are being allocated in a transparent and constructive manner and that pretrial services agencies are fulfilling their statutory duties and responsibilities.

Recommendation 1 is a legislatively mandated annual report which will serve a variety of functions, to include (i) requiring DCJS to annually assess each pretrial services agency and each such agency to assess itself, (ii) providing transparency on the performance of each agency to the public and local and state officials, (iii) making insights available to pretrial services agencies on how other agencies are performing across the state, and (iv) offering a picture of the statewide status of pretrial services. Recommendations 2 through 7 are administrative and will require stakeholders to work together to determine the best options for improving the administration of pretrial services in Virginia.

Recommendation 1: Virginia Code § 19.2-152.7 should be amended to require DCJS to report annually on the status of each pretrial services agency, to include: (i) amount of funding (local, state, federal, etc.), (ii) number of investigations and placements, (iii) average daily caseload, (iv) success rates, and (v) whether each pretrial services agency is in compliance with standards set forth by DCJS. The report should also include a plan to address issues within any non-compliant pretrial services agencies.

Recommendation 2: DCJS should conduct a formal needs assessment of stakeholders to identify the strengths and weaknesses of pretrial services programs, to include (i) priorities and expectations of stakeholders, (ii) areas in need of improvement, (iii) integrity of data and reports, (iv) strategic use of resources, and (v) future program planning.

Recommendation 3: DCJS should convene a group of stakeholders to develop specific recommendations to improve pretrial services.

Recommendation 4: DCJS should monitor the implementation of the VPRAI-R and Praxis over the next year to examine the effectiveness of these instruments and identify any issues or unintended consequences in their application.

Recommendation 5: DCJS should work with localities, pretrial directors, and any other stakeholders to determine a funding formula for grant disbursements to pretrial services agencies.

Recommendation 6: DCJS should explore options for improving or replacing the case management system used by pretrial services agencies.



There are currently 33 pretrial agencies serving 75% (100 of 134) of Virginia's localities.

The Pretrial Services Act took effect in 1995.

Pretrial services agencies are locality-based and therefore practices and resources vary greatly.

A revised risk assessment instrument (VPRAI-R) and a new supervision matrix (PRAXIS) were implemented statewide in September 2017.

Very few defendants are on pretrial supervision for common, relatively minor offenses.

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Recommendation 7: DCJS should monitor the use of the case management system (PTCC) by pretrial services agencies to ensure that comprehensive definitions are developed and utilized and that necessary data is entered consistently and uniformly.

What questions did the study address?

1. What is the statutory authority governing pretrial services?

Pretrial services agencies are locality based and are governed by the Pretrial Services Act (Va. Code § 19.2-152.2 *et al.*). The primary purposes of pretrial services are to provide information to assist judicial officers in making bail determinations and supervise defendants to monitor compliance with bail conditions. The Department of Criminal Justice Services (DCJS) prescribes standards and manages state grant funding of approximately \$10 million dollars annually for these pretrial services agencies.

2. Do pretrial services agencies increase appearance and public safety rates?

Pretrial services agencies track appearance rates, public safety rates, and compliance rates in relation to defendants placed on pretrial supervision. These rates are not tracked on a statewide basis for defendants who are not placed on pretrial supervision. Therefore, a comparison of appearance rates and public safety rates between jurisdictions with pretrial services and those without pretrial services could not be completed with reliability or validity.

3. Are pretrial services agencies being overused in supervising low-risk offenders?

A detailed case review of the Pretrial and Community Corrections Case Management System (PTCC) revealed that very few defendants are on pretrial supervision for common, relatively minor misdemeanor offenses, such as underage drinking or possession of marijuana. This data also showed that the number of defendants on pretrial supervision for such offenses has decreased.

4. Are there fees associated with pretrial supervision?

DCJS minimum standards prohibit the collection of fees, such as supervision fees, drug testing fees, etc., from defendants for the provision of pretrial services. Defendants may be responsible for the costs of other monitoring conditions ordered by the court, such as GPS, home electronic monitoring (HEM), or an alcohol monitoring bracelet (SCRAM).

5. Does the presence of a pretrial services agency impact local jail populations?

Over the past 5 years, the total jail population has remained fairly steady, while the total pretrial jail population has gradually increased. Pretrial jail populations vary greatly amongst localities with and without pretrial services agencies. Because a variety of factors can impact jail populations, it is extremely difficult to isolate the independent impact of pretrial services agencies on such populations.

6. How often are secured bonds ordered in conjunction with pretrial services?

A review of data from FY17 found that most defendants placed on pretrial services supervision were also ordered to post a secured bond. During that time, 62% of the defendants placed on pretrial supervision were on a secured bond, while 38% of defendants were on a personal recognizance or unsecured bond.

7. How often are indigent defendants placed on pretrial supervision?

The number of indigent defendants on pretrial supervision could not be determined because pretrial services agencies do not capture this information.