



Virginia Pre-Trial Data Project

Comparison of Pre-Trial Release Mechanism Outcomes

November 8, 2018

Project Overview



Primary Research Question:

- How effective are various pre-trial release mechanisms at ensuring public safety and appearance at court proceedings?
 - Comparisons will be made across similarly situated defendants, including risk level.

Project Overview

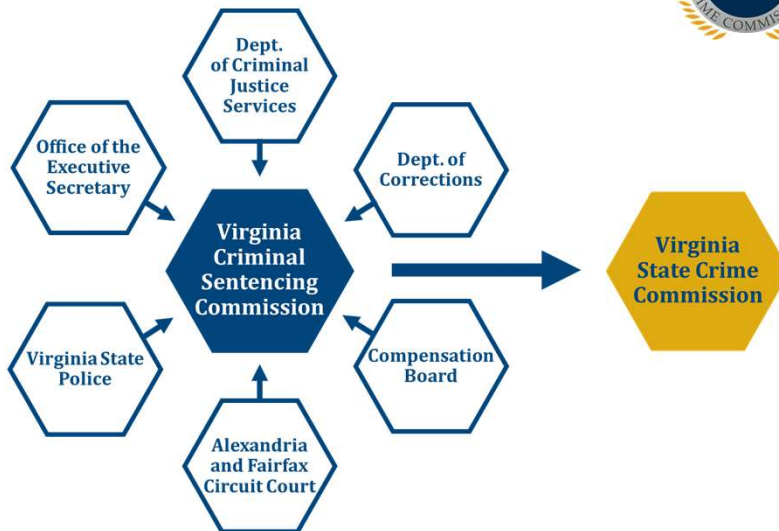


Pre-Trial Release Mechanisms:

- Summons
- Personal Recognizance Bond
- Unsecured Bond
- Secured Bond
 - Cash, Property, Surety


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Project Overview



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 <p>E-Magistrate System - Defendants brought before magistrates</p>	 <p>Pretrial and Community Corrections (PTCC) Case Management System - Defendants on pretrial services agency supervision - Defendants on active local probation</p>
 <p>Court Case Management Systems - Case dispositions and FTA - Defendants released on summons or charged by direct indictment</p>	 <p>Central Criminal Records Exchange - New in-state arrests - FTA</p>
 <p>Circuit Court Case Management System - Case dispositions and FTA - Defendants released on summons or charged by direct indictment</p>	 <p>Corrections Information System (CORIS) - Defendants on active state probation</p>
 <p>Circuit Court Case Management System - Case dispositions and FTA - Defendants released on summons or charged by direct indictment</p>	 <p>Compensation Board- Local Inmate Data System (LIDS) - Jail committals and releases - Lengths of stay</p>

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Project Overview



Phase 1:

- Development of the Cohort:
 - A Cohort of adult defendants charged during a one-month period (October 2017) will be tracked through December 31, 2018, to capture final case disposition.
- The October 2017 Cohort is not unique and is consistent with other months of the year.

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Phase 2:

- **Tracking Outcomes:**
 - **Final Case Disposition**
 - Guilty, not guilty, dismissed, *nolle prosequi*, etc.
 - **Public Safety**
 - New in-state arrest(s) for jailable offense(s) prior to final disposition of case.
 - **Failure to Appear (FTA)**
 - Numerous mechanisms capture FTA.

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Cohort Description

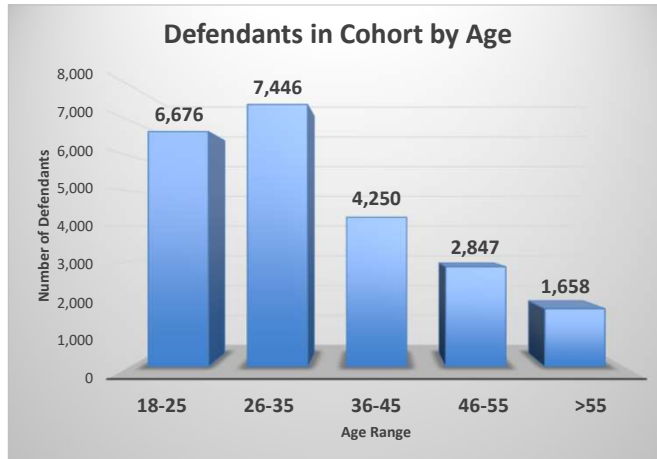


- **The Cohort includes 22,997 defendants.**
 - 77% (17,591 of 22,997) of defendants appeared before a magistrate.
- **Males, young adults, and Blacks are overrepresented in the total number of defendants in the Cohort as compared to their overall general population in Virginia:**
 - 72% (16,587 of 22,997) are male.
 - 40% (9,283 of 22,997) are Black.

Source: Virginia Criminal Sentencing Commission staff analysis of Supreme Court of Virginia's E-Magistrate system and Circuit, General District, and J&DR District Court Case Management System (CMS) data, as well as Alexandria and Fairfax Circuit CMS data.

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Cohort Description



Source: Virginia Criminal Sentencing Commission staff analysis of Supreme Court of Virginia's E-Magistrate system and Circuit, General District, and J&DR District Court Case Management System (CMS) data, as well as Alexandria and Fairfax Circuit CMS data. Note: N=22,997; however, 120 defendants had unknown/missing ages.

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Cohort Description

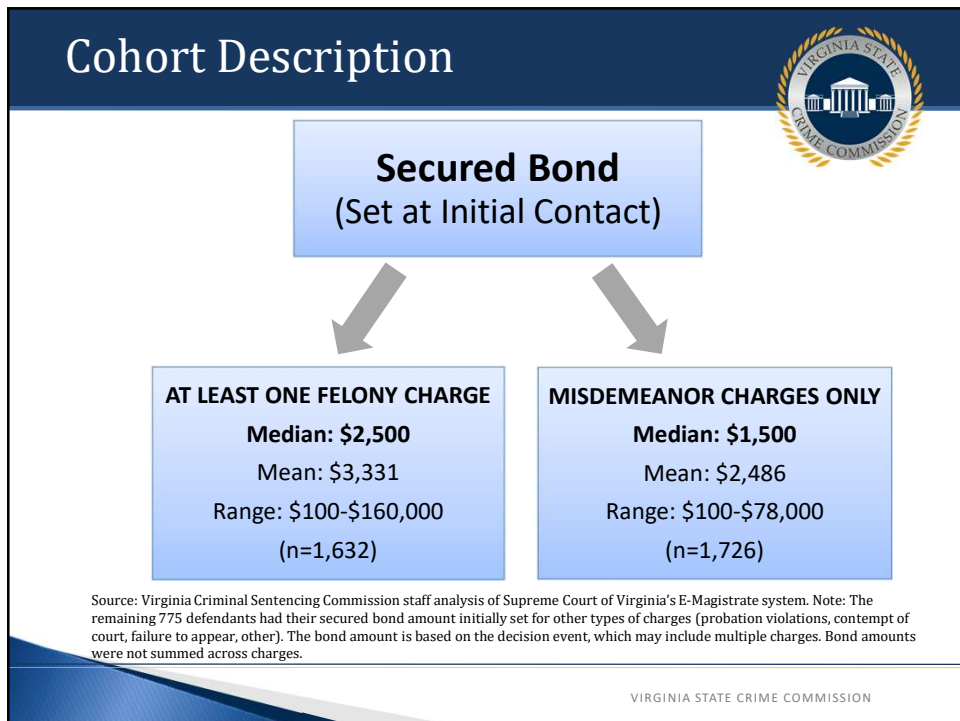
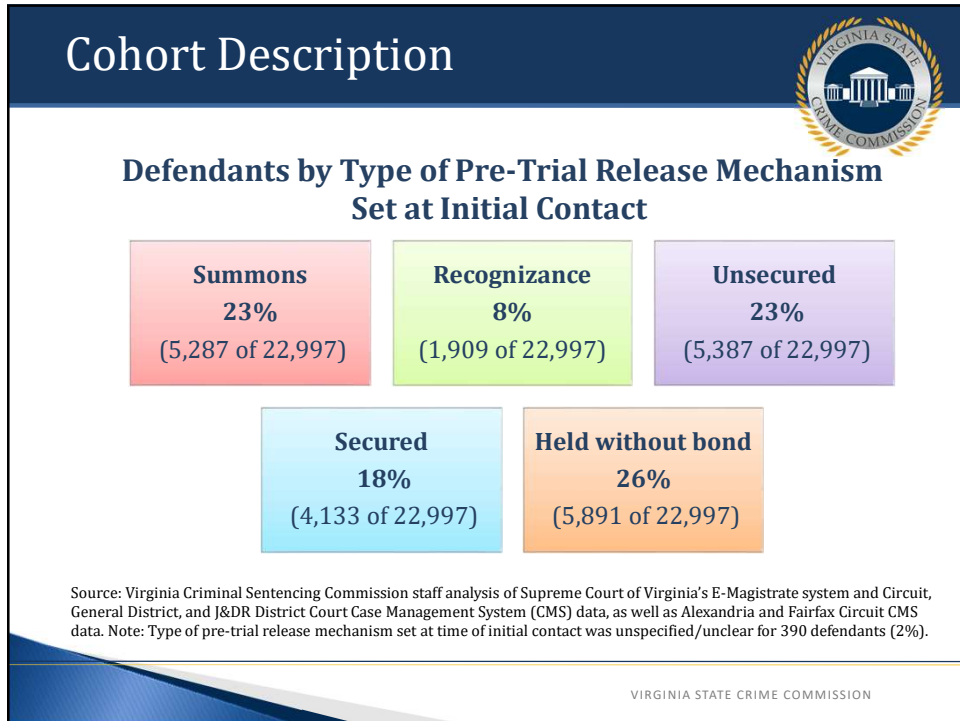


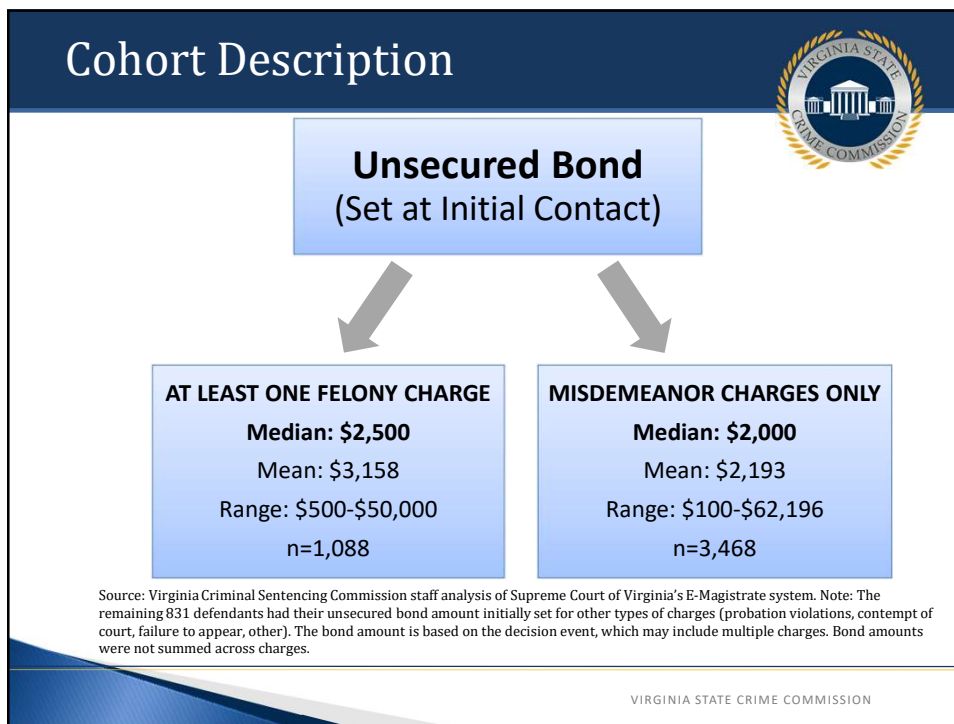
Defendants in Cohort by Type of Charge:

- 24% (5,592 of 22,997) had at least one felony charge.
- 60% (13,869 of 22,997) had only misdemeanor charges.
- 15% (3,371 of 22,997) had only probation violations, contempt of court, or failure to appear charges.
- <1% (69 of 22,997) had a combination of non-felony charges (e.g., misdemeanors, contempt of court, failure to appear).

Source: Virginia Criminal Sentencing Commission staff analysis of Supreme Court of Virginia's E-Magistrate system and Circuit, General District, and J&DR District Court Case Management System (CMS) data, as well as Alexandria and Fairfax Circuit CMS data. Note: The type of charge was unknown for 96 defendants.

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Cohort Description

- Final results of the Virginia Pre-Trial Data Project will be presented in spring 2019.

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Policy Implications



- Dataset will inform policy-making throughout the pre-trial process:
 - Effectiveness of various pre-trial release mechanisms.
 - Judicial officer decisions in relation to bond and conditions of release.
 - Accuracy of the current pretrial risk assessment instrument (VPRAI-R).
 - Role of a pre-trial risk assessment instrument.

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Recommendations



Recommendation 1: Enact Virginia Code sections under which the court can issue a *capias* or show cause specifically for FTA.

- Would also require amending the Va. Code to prohibit charging FTA under the general contempt statutes (Sections 18.2-456 and 16.1-69.24).
- Would not require amending Va. Code Section 19.2-128.

Rationale: Provides a more uniform method of charging FTA and would allow for efficient tracking of statewide appearance rates.

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Recommendations



Recommendation 2: Request Crime Commission staff to convene stakeholders to develop a plan for statewide case tracking across the criminal justice system and provide recommendations by fall 2019.

Rationale: Integrated data systems are needed in order to efficiently assess the effectiveness of Virginia's criminal justice system on a regular basis.



Discussion