



# **Virginia Pretrial Services Stakeholder Group**

## ***Pretrial Services Study Highlights***

March 26, 2018



# Overview

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- Background
- Summary of Findings
- Recommendations



# Background

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- The Crime Commission has been studying Pretrial Services for the past 2 years.
- House Bills 774 and 776 (2016 Session) were referred to the Crime Commission for review. Members approved a comprehensive study on pretrial services.
- Due to the voluminous amount of information, the study was extended an additional year into 2017.



# Background

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- Members requested staff to examine:
  - Statutory authority governing pretrial services;
  - Whether pretrial services agencies are being overused in supervising low-risk offenders;
  - Use of secured bonds in conjunction with pretrial services;
  - Placement of indigent defendants on supervision;
  - Fees associated with pretrial supervision; and,
  - Whether a difference exists between jurisdictions with and without pretrial services.



# Background

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- Staff completed the following activities:
  - Collected relevant literature and data;
  - Reviewed pretrial statutes in Virginia;
  - Examined pretrial systems in other states;
  - Conducted informal surveys of judges, regional jails, sheriffs, prosecutors, and defense counsel;
  - Surveyed pretrial services agencies;
  - Met with stakeholders;
  - Attended local, state, and national trainings; and,
  - Conducted field visits and court observations.



# Background

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- Staff focused the study on the statutory mission of pretrial services agencies and the process by which defendants are investigated, assessed, and placed on pretrial supervision.
- Staff did not examine specific elements of supervision activities or practices once a defendant had been placed on pretrial supervision.
- This study did not focus on monetary bail.



# Summary of Findings

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- Overall, broad support exists amongst many stakeholders for the use of pretrial services.
- Staff identified multiple concerns relating to the administration of pretrial programs that need to be addressed.



# Summary of Findings

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- Pretrial services agencies are locality-based and therefore practices and resources vary greatly.
  - The overall performance of pretrial services across the Commonwealth is difficult to assess.
  - First appearance procedures vary significantly by locality.
- Anecdotal evidence exists that some agencies are high functioning while others are not.
  - Virginia Code requires DCJS to establish standards and monitor the compliance of agencies; however no formal auditing or policy review process exists to measure compliance with these standards.





# Summary of Findings

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- A high number of defendants are placed directly on pretrial supervision by judicial officers without an investigation.
  - Magistrates generally do not receive any information from pretrial services agencies.
  - Information provided to judges varies by locality.
- A high number of investigations are conducted that do not result in pretrial placements.
  - Allocation of resources vary by agency due to factors such as overall funding, staffing, and local practices.



# Summary of Findings

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- There are no regular or consistent reviews of pretrial jail populations by pretrial agencies.
  - DCJS minimum standards require each pretrial agency to develop policies and procedures from the initial appearance through adjudication for defendants who remain in jail.
- Based upon survey responses and field visits, the frequency of reviews of the jail population varies greatly by agency.



# Summary of Findings

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- A revised risk assessment and new supervision matrix were implemented statewide in September 2017.
  - Provides more objective risk scoring factors.
  - “History of drug abuse” remains subjective.
  - No guidance exists for the use of UNCOPE as a substance use screening tool, which may impact the defendant’s risk level on the VPRAI-R.
  - Affords for the use of differential supervision.
- Due to the timing of implementation, staff could not fully assess the effectiveness and impact of these significant statewide changes.



# Summary of Findings

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- DCJS does not use a funding formula to determine disbursement amounts of grant funds to pretrial services agencies.
  - Multiple pretrial services agencies have expressed frustration that funding is not allocated based upon needs.
  - Local agencies consistently noted that staffing issues greatly impact their ability to conduct investigations and manage caseloads.



# Summary of Findings

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- The PTCC case management system is antiquated.
  - Certain data is not readily accessible to individual agencies without the assistance of DCJS.
- During staff analysis of statewide pretrial data, several concerns were identified:
  - Numerous fields in PTCC are not completed.
  - Definitions are not consistently applied by agencies.
  - Regular compliance monitoring does not exist to readily identify and correct data entry errors or omissions, which impacts the integrity of the data.



# Summary of Findings

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- Staff attended various DCJS trainings on pretrial services and the VPRAI-R and Praxis implementation and had concerns about the uniformity of the instruction provided.
- Staff surveyed pretrial services agencies during the study and found that comments on the quality of training were mixed; however, there was a general agreement that the quality of training has improved in recent years.



# Summary of Findings

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- Training was a concern of many stakeholders.
- Recent efforts have been made by DCJS and others to educate stakeholders on the role and purpose of pretrial services agencies, however:
  - Prior to August 2017, there had not been a pretrial presentation to sitting judges in at least 5 years;
  - The last pretrial presentation at a Commonwealth's Attorneys' statewide conference was in April 2013; and,
  - There has not been a pretrial presentation at an IDC statewide conference in at least 5 years.



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# Recommendations

*This is a summary of recommendations presented to Crime Commission members.*

*All recommendations were unanimously endorsed by the Crime Commission in December 2017.*





# Recommendations

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**Recommendation #1:** Va. Code § 19.2-152.7 should be amended to require DCJS to report annually on the status of each pretrial services agency.

- **Status:** HB 996 (Delegate Gilbert) and SB 783 (Senator Peake) introduced identical bills during the 2018 Session.
  - Both bills passed the General Assembly as introduced.
  - The Governor signed SB 783 on March 5<sup>th</sup>.



# Recommendations

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**Recommendation #2:** DCJS should conduct a formal needs assessment of stakeholders to identify the strengths and weaknesses of pretrial services programs.

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

- This led to the formation of the Pretrial Services Stakeholder Workgroup.



# Recommendations

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**Recommendation #3:** The DCJS stakeholder group should consider the following issues:

- Reviewing the findings of the needs assessment;
- Comparing pretrial outcomes in jurisdictions with pretrial services and jurisdictions without pretrial services;
- Providing information to assist with bail determinations at the magistrate level;
- Implementing or developing a static risk assessment instrument to be used in assisting with bail determinations at the magistrate level;



# Recommendations

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**Recommendation #3:** The DCJS stakeholder group should consider the following issues (cont.):

- Developing strategies to ensure that investigations of all detained defendants who are eligible for pretrial services are completed and information is provided to the courts;
- Identifying staffing and resource needs of local pretrial agencies, as well as what is required from DCJS to provide adequate support to those local pretrial agencies;



# Recommendations

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**Recommendation #3:** The DCJS stakeholder group should consider the following issues (cont.):

- Analyzing the impact of pretrial services programs on local jail populations;
- Ascertaining methods to better define and track statewide appearance, public safety, and success rates;
- Continuing to educate stakeholders on the role, duties, and appropriate uses of pretrial services agencies;



# Recommendations

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**Recommendation #3:** The DCJS stakeholder group should consider the following issues (cont.):

- Determining guidelines for the use of the UNCOPE (substance use screening tool);
- Establishing uniform vocabulary and definitions for data entry and tracking; and,
- Any other improvements to pretrial services.



# Recommendations

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**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 the application of these tools.

**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.



# Recommendations

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

**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 data is entered.

**DCJS will report to the Crime Commission on the status of Recommendations #2-7 by Nov. 1, 2018.**





# Discussion

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