



Pretrial Services Agencies: Risk-Informed Pretrial Decision Making in the Commonwealth of Virginia

Presentation to the Virginia Crime
Commission

Thursday, November 10, 2016

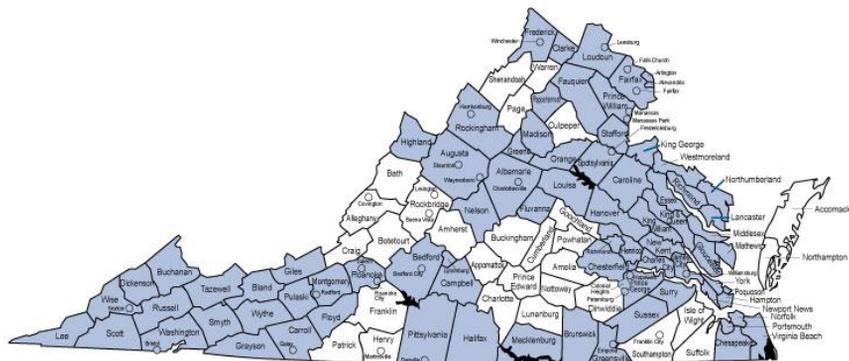


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*Kenneth Rose, Pretrial Coordinator
Department of Criminal Justice Services*

Pretrial Services in Virginia

Current Map of Pretrial Services



■ Pretrial Services □ No Pretrial Services



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History of Pretrial Services in Virginia

- Pretrial Services:
 - 1970s
 - Locally driven with federal grant funds
 - 1980s
 - Pretrial services authorized and funded in state budget in selected localities
 - 1990s
 - Pretrial Services Act passed in 1995 resulting in the expansion of pretrial services
 - 2000s
 - Funded as a result of approval of jail projects and needs assessment from Community-Based Corrections Plan
 - Southwest Regional Jail
 - Central Virginia Regional Jail



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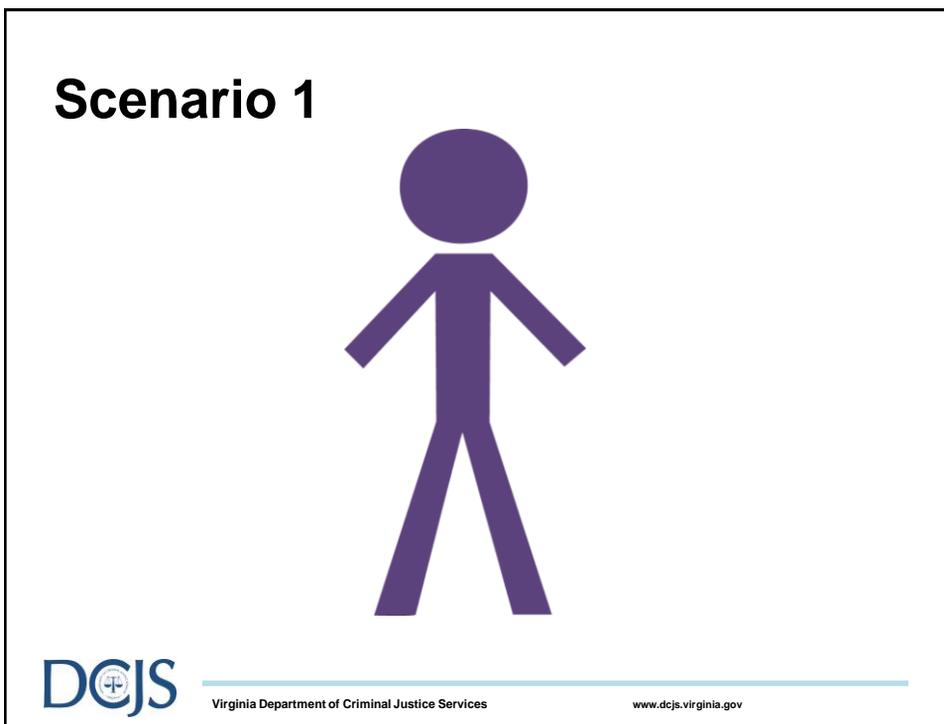
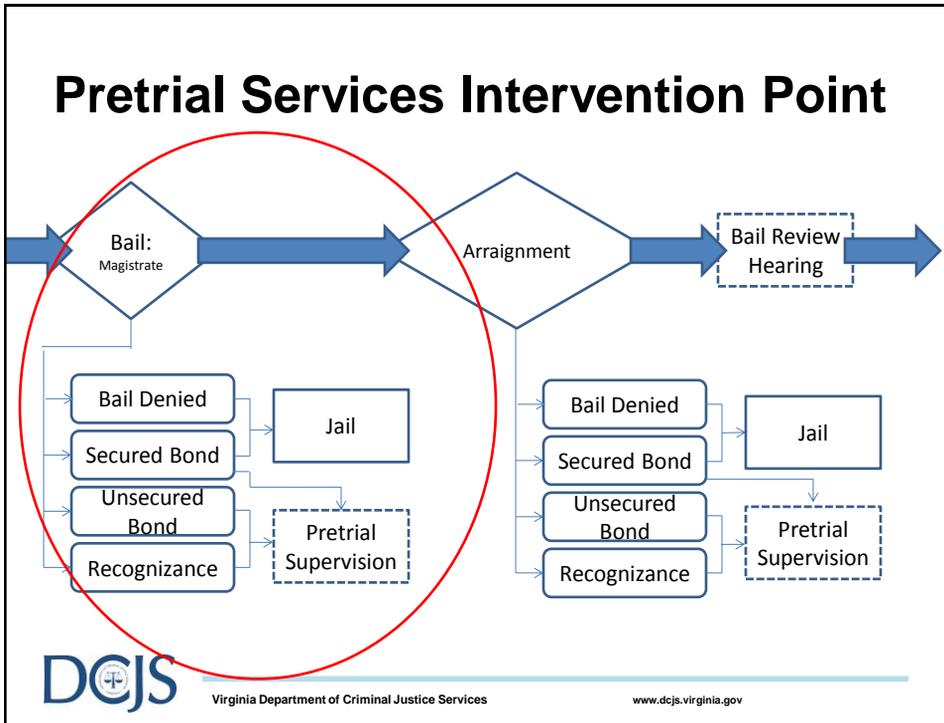
Role & Purpose Pretrial Services

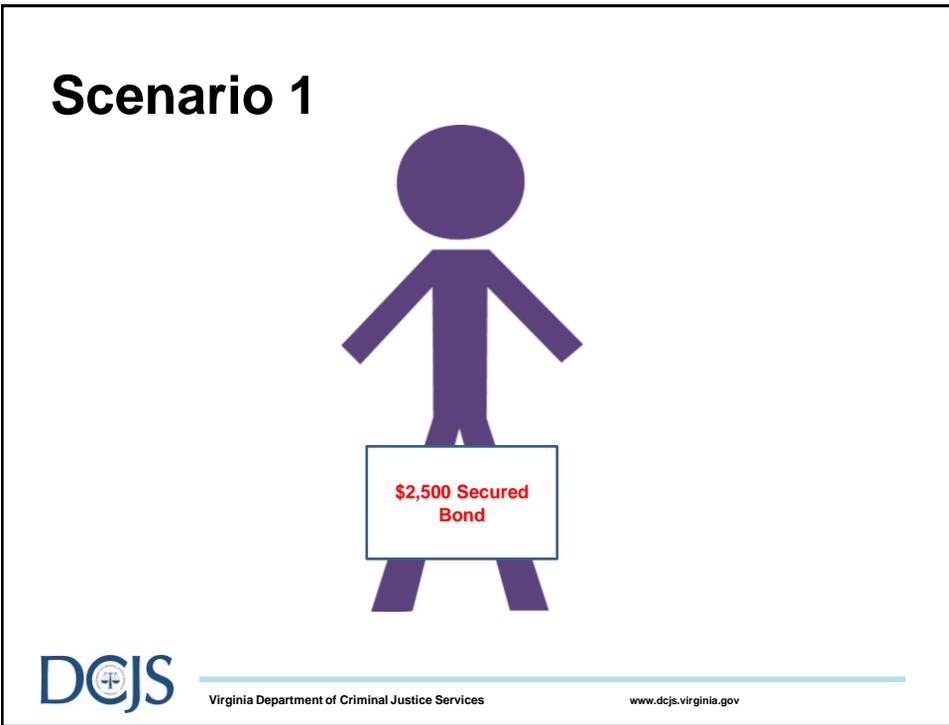
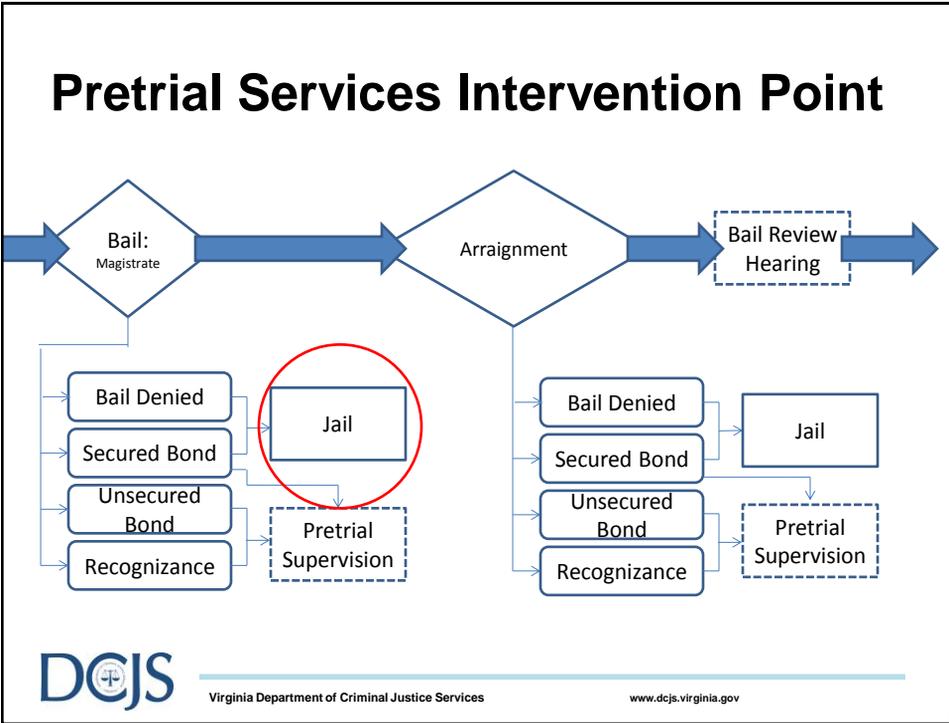
- Pretrial Services agencies have two primary responsibilities (§ 19.2-152.4:3)
 1. Present pretrial investigation reports (including pretrial risk assessments) with recommendations to assist courts in discharging their duties related to granting or reconsidering bail (*measure risk*)
 2. Supervise and assist defendants placed on pretrial supervision by any judicial officer to ensure compliance with the terms and conditions of bail (*manage risk*)



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Scenario 1



Risk Factors to Consider:

- Michelle’s most serious charge is a felony (1 point)
- She had no pending charges at the time of her arrest
- She had no prior convictions
- She has no prior violent convictions or arrests
- She has never failed to appear in court
- She has lived at the same residence for over a year
- She is employed at Home Depot
- She does not have a history of drug abuse

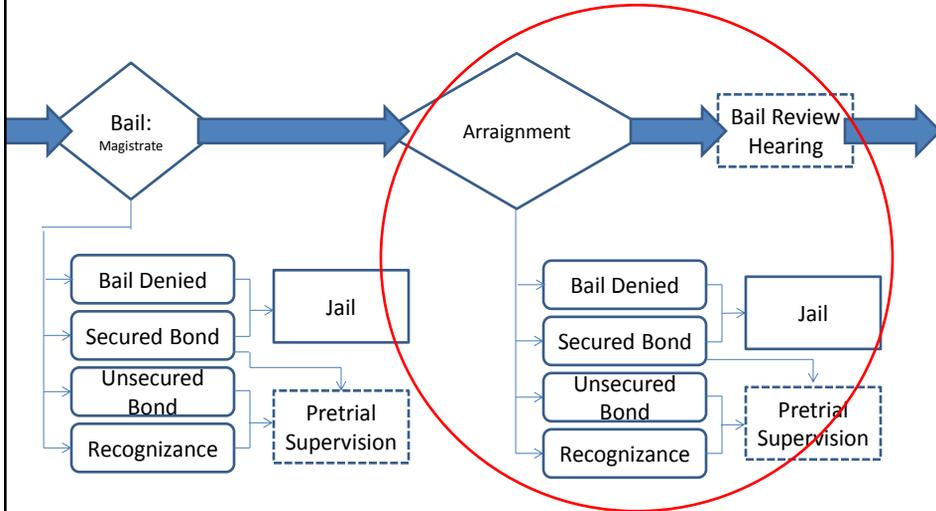
Low Risk



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Pretrial Services Intervention Point



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Scenario 1



Virginia Pretrial Risk Assessment Instrument

Instrument Completion Date: 05/02/2009
 First Name: V09012
 NIN: 000-90-0999
 Last Name: For
 New MId:
 Court Date: 05/02/2009
 Recv. Code:
 DCJW: 05/02/09/1

Charged/Criminal Category: \$7,000, General District Court

Recommendation

Release	Supervised Release	House Arrest	Restricted Release	Unrestricted Release
10	20	30	40	50

Conditions of Release

- Refrain from excessive use of alcohol or use of drugs
- Submit to testing for drugs and alcohol
- Maintain or seek employment
- Complete substance screening and assessment by the CSJ

Additional Comments/Recommendations

The combination of the recommended conditions of release with pretrial supervision will address the risk concerns identified by the assessment. Financial conditions are not needed in this case to address the potential for failure to appear in court.

Risk Assessment

Factors Considered

- No pending charge existed at time of arrest
- No pattern of failure to appear exists (failure rate)
- Length of current conviction exists (more than one)
- The most serious charge is more than one year
- One or more adult criminal convictions
- Not employed continuously
- History of drug abuse
- The pretrial risk assessment identifies the defendant's risk level as above average

Additional Considerations

Although the defendant has not been employed continuously for the past two years, he recently obtained employment at American Auto Repair. This information was verified through the defendant's employer, John Sullivan.

Confidential - Further disclosure prohibited by law pursuant to §§ 2.2-2706 and 2.2-2702 (12) 2.3 of the Code of Virginia.



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Scenario 2



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Scenario 2



Risk Factors to Consider:

- Logan's most serious charge is a felony (1 point)
- He had pending charges at the time of his arrest (1 point)
- He had no prior convictions
- He has no prior violent convictions or arrests
- He has never failed to appear in court
- He has lived at the same residence for over a year
- He is not employed (1 point)
- He does has a history of drug abuse (1 point)

Above Average Risk



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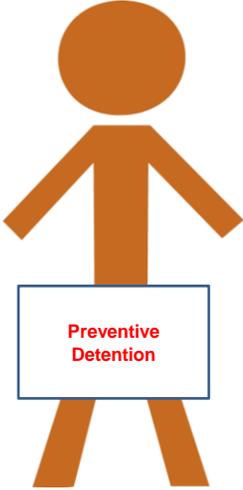
Scenario 3



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Scenario 3



Risk Factors to Consider:

- Caleb's most serious charge is a felony (1 point)
- He had no pending charges at the time of his arrest
- Caleb has a lengthy criminal history that includes convictions for drug possession and theft (1 point)
- He has prior violent convictions for assaultive behavior (1 point)
- Caleb has a history of failing to appear in court and on one occasion had to be extradited from another state
- Caleb does not stay at the same residence for long and moves around frequently (1 point)
- He is not employed (1 point)
- He does has a history of drug abuse (1 point)

High Risk



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Dedicated Pretrial Services Agency

Assess for Pretrial Risk

- Pretrial Investigation
- Virginia Pretrial Risk Assessment Instrument (VPRAI)

➤

Recommendations to the Court

- Recommendations guided by charge severity and risk level
- Release/Detention
- Appropriate Conditions

➤

Risk-Based Supervision

- Defendants charged with serious offenses and with higher risk levels are supervised with increased intensity

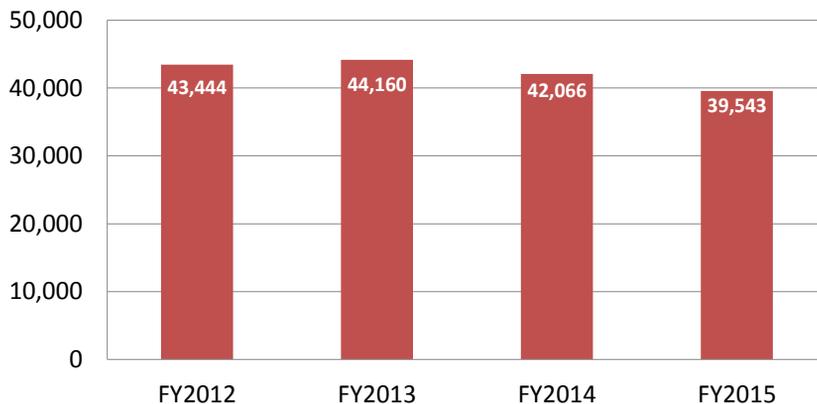


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Pretrial Investigations

Defendants Investigated by Pretrial Services
FY 2012-FY 2015

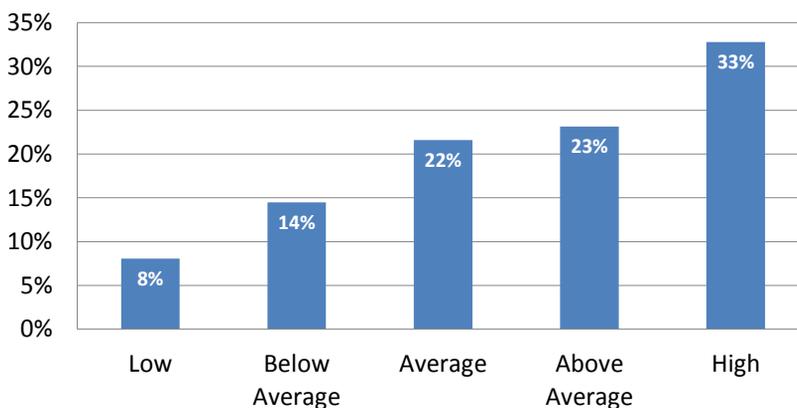


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Pretrial Investigations

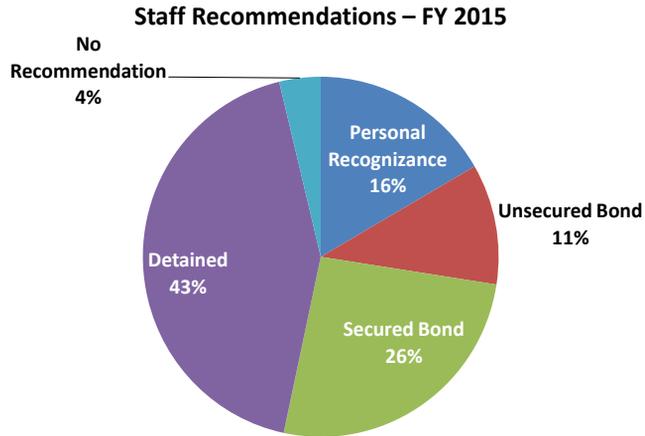
Risk Distribution of Defendants Investigated by Pretrial
Services – FY 2015



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Recommendations By Bond Type



*28% of investigations included a recommendation for pretrial supervision



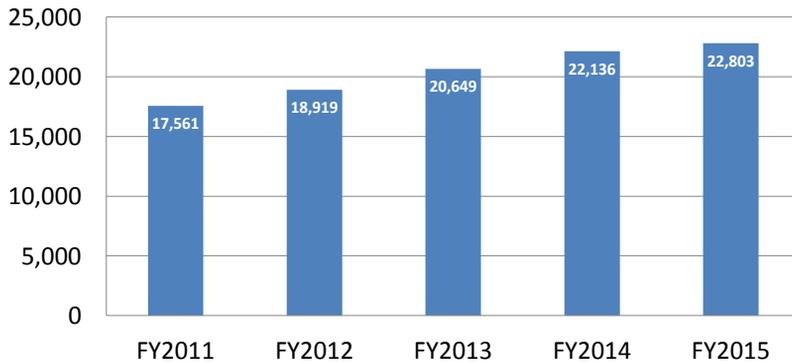
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Pretrial Supervision

Pretrial Services Placements for Supervision

**Supervision Placements
FY 2011-FY 2015**



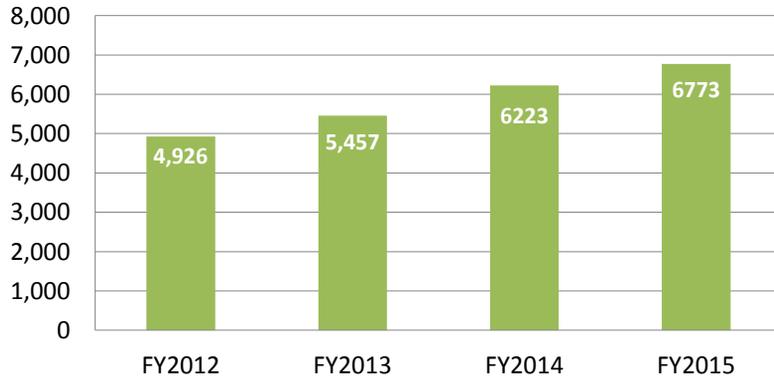
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Pretrial Supervision

Pretrial Services Supervision Caseload

Average Daily Caseload
FY 2012-FY 2015

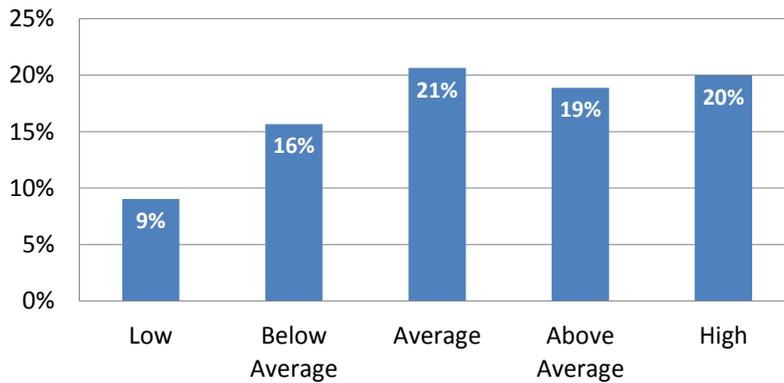


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Pretrial Supervision

Risk Distribution of Pretrial Supervision Placements
FY 2015

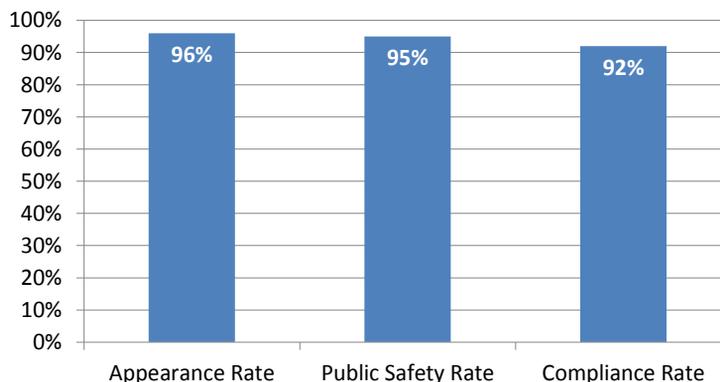


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Pretrial Supervision Outcomes

Supervision Outcomes
FY 2015



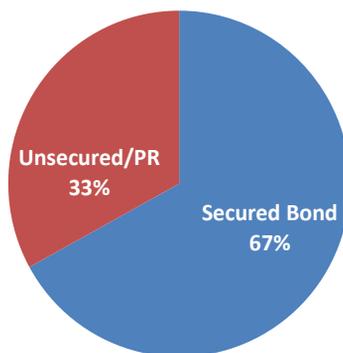
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Pretrial Supervision

Pretrial Services Supervision Placements by Bond Type

Placements by Bond Type - FY 2015



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Pretrial Supervision Outcomes

Supervision Outcomes by Bond Type

Risk Level	Unsecured Bond Successful	Secured Bond Successful
Low	92.4%	93.4%
Below Average	88.5%	89.7%
Average	85.6%	83.8%
Above Average	80.0%	79.7%
High	75.2%	73.0%
Total	85.4%	83.0%

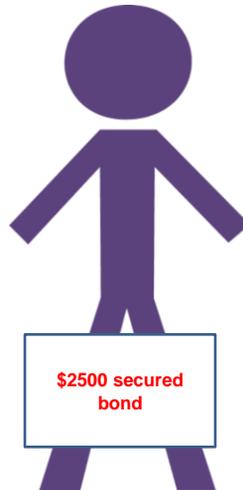
VanNostrand, M., Rose, K., & Weibrecht, K. (2011). In Pursuit of Legal and Evidence-Based Pretrial Release Recommendations and Supervision. Virginia Department of Criminal Justice Services. Richmond, VA.



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Scenario 1



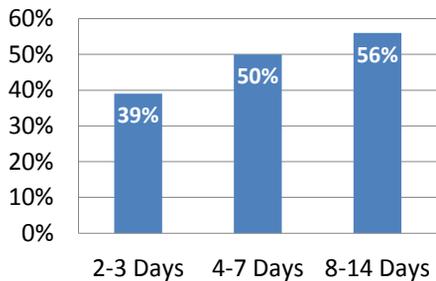
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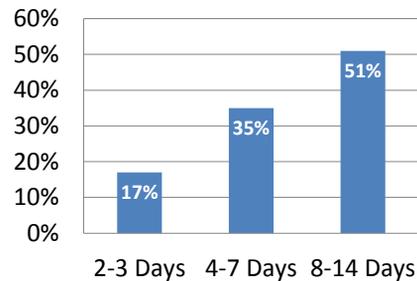
National Research

Implications of Short-term Pretrial Detention

Increase in New Criminal Arrest
Low-Risk Defendants



Increase in 2-Year Recidivism
Low-Risk Defendants



Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). *The Hidden Costs of Pretrial Detention*. Laura and John Arnold Foundation. New York City, NY.



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Pretrial Risk Assessment

- Purpose of a Pretrial Risk Assessment
 1. Guide and improve the process of predicting a defendant's risk of pretrial failure (failure to appear in court or new arrest)
 2. Provide additional information that helps to individualize bail decisions and supervision strategies that mitigate risk
 3. Pretrial risk assessment does ***not*** replace a judicial officer or pretrial officer discretion



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History of the VPRAI

The Virginia Pretrial Risk Assessment Instrument

- **1995:** The Pretrial Services Act requires the DCJS to develop a pretrial risk assessment instrument
- **1996 to 1999:** Data collection
- **2002:** Instrument developed
- **2005:** VPRAI implemented
- **2009:** VPRAI validation, implementation, & training
- **2016:** VPRAI-R validation and improvement
- **Known nationally as the “Virginia Model”**



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VPRAI-Revised

Risk Factor	Weight
Active community supervision	2
Charge is a felony drug, theft, or fraud	3
Pending charge	2
Criminal history	2
Two or more failure to appear	1
Two or more violent convictions	1
Unemployed at time of arrest	1
History of drug abuse	2
Total possible score	14



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VPRAI-Revised

Risk Level	Score	Total %	Any Failure %
1	0-2	21.8	6.1
2	3-4	22.9	9.8
3	5-6	22.8	14.9
4	7-8	19.5	21.4
5	9-10	10.0	29.3
6	11-14	3	37.1



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VPRAI-Revised

Race and Gender Neutral



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Praxis Study

Summary of Research Findings

- The charge category is statistically significantly related to pretrial outcome
- Agencies using Praxis increased nonfinancial release recommendations 2.3 times compared to agencies not using the Praxis
- Judges that were informed by the Praxis were 1.9 times more likely to release defendants on nonfinancial conditions at first court appearance



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Praxis Study

Summary of Research Findings

- Praxis supervision level outcomes:
 - 1.2 times less likely to experience any failure
 - » 1.3 times less likely to fail to appear
 - » 1.3 times less likely to experience a new arrest
 - » No more likely and no less likely to have pretrial release revoked due to technical violation



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VPRAI-R/Praxis Implementation

- Statewide Implementation will include:

Agency & Staff Training

Local Stakeholder
Collaboration

Database Updates



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