

Overview

- Virginia's Pretrial Data Project was established in 2018 under the direction of the Crime Commission as part of a larger study of the pretrial system.
- The purpose was to address the significant lack of data available to answer key questions regarding the pretrial process and outcomes.
- The 2021 General Assembly (Special Session I) passed legislation directing the Va. Criminal Sentencing Commission to continue this work on an annual basis.



Study Cohort

- Original Crime Commission study examined a one-month cohort (October 2017).
- For the current study, the Sentencing Commission selected individuals with pretrial contact events during CY2018.
 - Establishes a pre-COVID baseline
- For individuals with more than one contact event during the period, only the first event was selected.



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Methodology

- The Sentencing Commission largely replicated the approach established by the Crime Commission staff in the original study.
- Data for the Project was obtained from numerous criminal justice agencies and records were meticulously matched to each defendant.
 - More than 500 data elements were captured for each defendant.
- Defendants were tracked until disposition of the case or March 31, 2020 (whichever occurred first).



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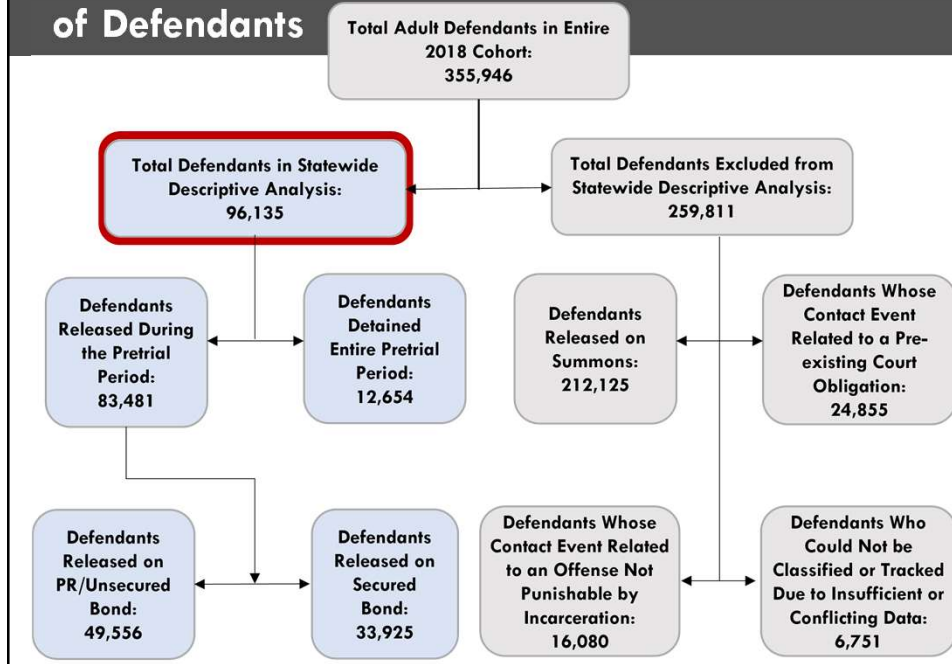
Limitations

- Project data is limited to in-state criminal history records due to FBI restrictions on dissemination of out-of-state records for noncriminal justice purposes.
- Due to limitations of data systems, Project data still do not capture some elements that might be useful.
- Data elements that are included may be subject to limitations based on how each factor is defined.
- Statewide descriptive findings should not be generalized to the individual locality level, as localities vary across a number of factors.



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Classification of Defendants



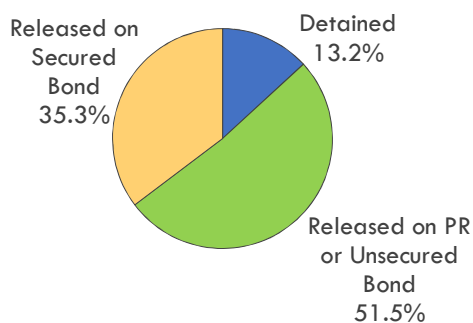
Descriptive Analysis

- The report provides a snapshot of defendants at key points in the pretrial process.
- Findings are generally consistent with those from the previous study of the October 2017 cohort.
- Descriptive analysis cannot explain why differences may exist across groups of defendants, nor can it suggest any causal relationships.
- Additional research is necessary in order to better understand the relationships among factors and the impact each factor may have on pretrial decision making and outcomes.

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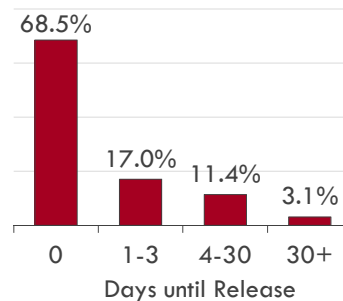
Pretrial Release Status

Pretrial Release Status of Defendants in Cohort



N=96,135

Number of Days from Contact Event to Pretrial Release (for Released Defendants)



N=83,481

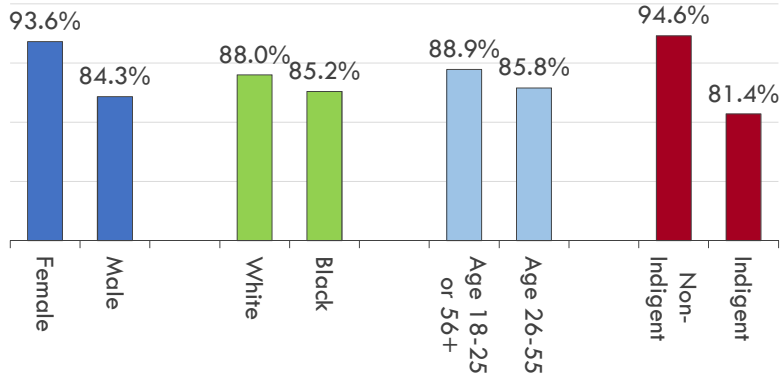


Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Pretrial Release Status & Defendant Characteristics

Percent Released Pretrial



Analysis is based on 96,135 defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer; however, defendants in other categories or who have missing information are excluded from the chart.

Indigency status is a proxy measure based upon whether the attorney type at case closure in the Court Case Management System (CMS) was noted as a public defender or court-appointed attorney.

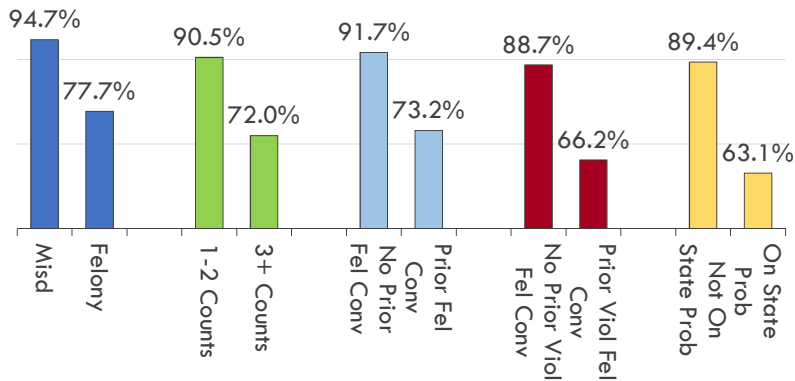
Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset



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Pretrial Release Status & Offenses/Priors

Percent Released Pretrial



Analysis is based on 96,135 defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.

Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset



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Estimating Risk

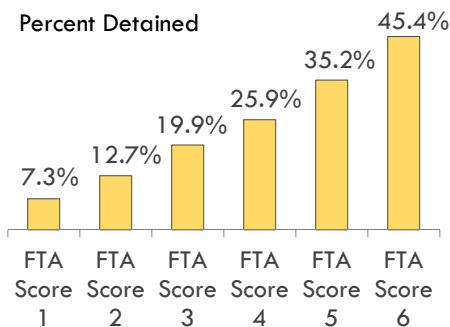
- Empirically-based risk assessment tools are commonly used in the criminal justice system.
- The Public Safety Assessment (PSA) is an actuarial pretrial assessment tool developed by Arnold Ventures that has been validated in a number of states/localities outside of Virginia.
- Using available data, the Sentencing Commission retroactively applied PSA calculations across the entire cohort based on defendants' current offenses and in-state criminal history.



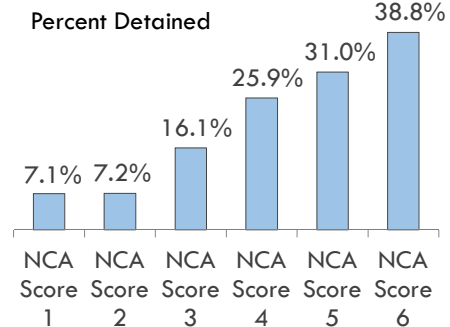
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Pretrial Release Status by Public Safety Assessment (PSA) Scores

DETAINED RATES by Assigned PSA Score for Failure to Appear (FTA)



DETAINED RATES by Assigned PSA Score for New Criminal Arrest (NCA)



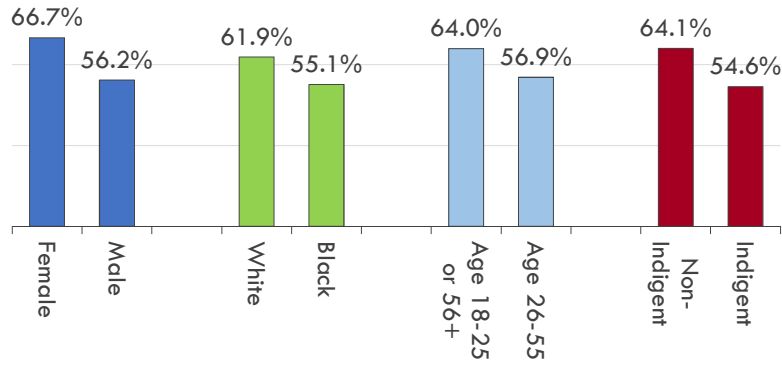
Analysis is based on 96,135 defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.

Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Bond Type & Defendant Characteristics

Percent Released on PR or Unsecured Bond



Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

Indigency status is a proxy measure based upon whether the attorney type at case closure in the Court Case Management System (CMS) was noted as a public defender or court-appointed attorney.

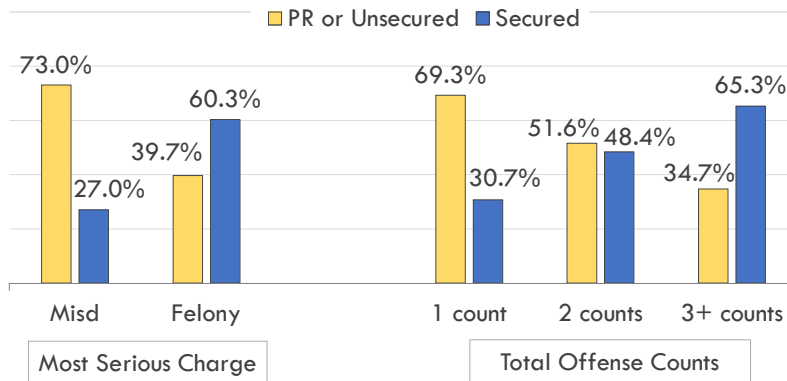
Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset



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Bond Type & Offense Level/Counts

Bond Type at Release



Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

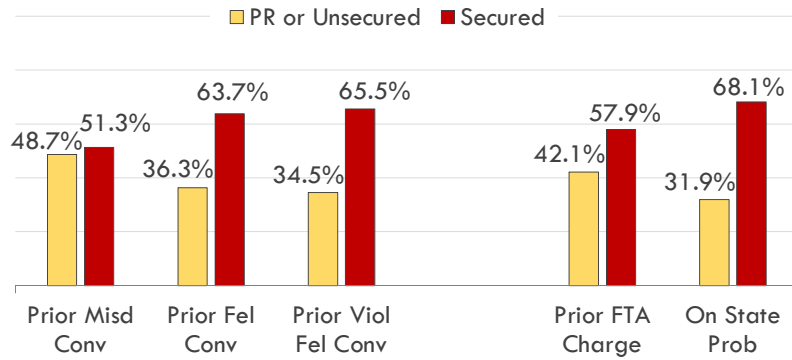
Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset



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Bond Type & Prior Record

Bond Type at Release



Project data is limited to in-state criminal history records.

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Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Bond Type & Pretrial Supervision

Statewide, 14.0% of released defendants received supervision from a Pretrial Services Agency.

	Bond Type	
	PR or Unsecured	Secured
<i>Pretrial Services Agency Supervision Status</i>		
Received Supervision	38.1%	61.9%
Did Not Receive Supervision	63.3%	36.7%
Total	59.4%	40.6%

Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.



Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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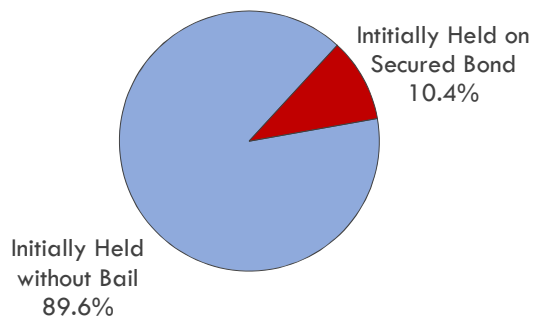
Secured Bond Amounts

- The mean bond amount for all defendants released on secured bond was \$3,770 and the median was \$2,500.
- In general, the median secured bond amounts did not vary widely across sex, race, age group, or indigency status.
- Median secured bond amounts were higher for defendants whose most serious offense was a Class 1, Class 2, or Class 3 felony.
- Median secured bond amounts generally increased as the number of offense counts increased.

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Detained Defendants

DETAINED Defendants by Initial Bond Decision



Analysis is based on the 12,654 defendants who were detained the entire pretrial period. Defendants with undetermined bail type are excluded from the chart.

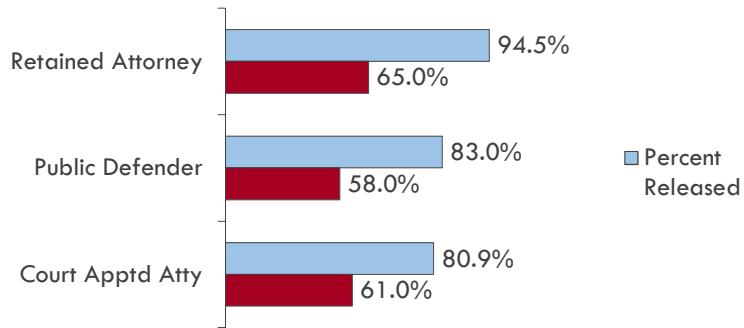


Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Attorney Type

Pretrial Release Status and Conviction Rates by Attorney Type at Case Closure



Attorney type is captured in the Court Case Management Systems at case closure, which may not accurately reflect the type of attorney when the pretrial release decision was made.

Analysis is based on 96,135 defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset 19

Outcome Measures

COURT APPEARANCE OUTCOME

Whether the released defendant was charged with failure to appear (FTA) or contempt of court for failure to appear during the pretrial period

NEW ARREST OUTCOME

Whether the released defendant had a new in-state arrest for an offense punishable by incarceration during the pretrial period (excluding FTA and probation violations, etc.)

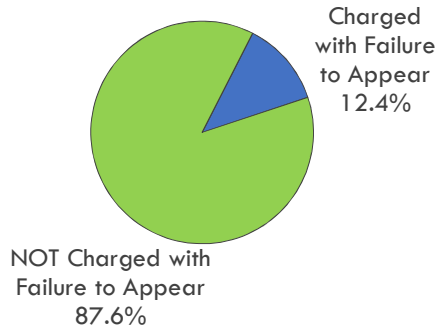
➡ Limited to in-state arrests



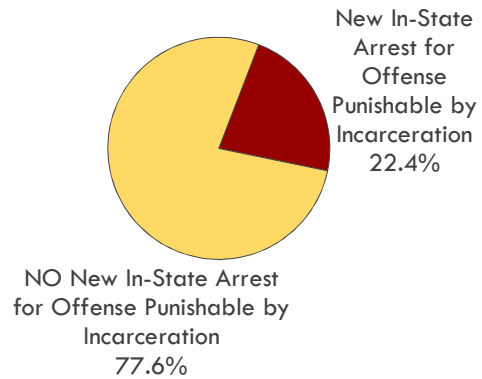
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Pretrial Outcomes

COURT APPEARANCE Outcomes for Released Defendants



NEW ARREST Outcomes for Released Defendants



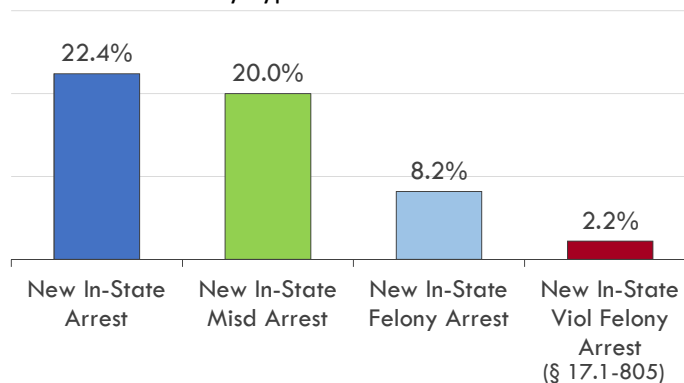
Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Pretrial Outcomes

Percent with New In-State Arrest for Offense Punishable by Incarceration by Type of New Offense



Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

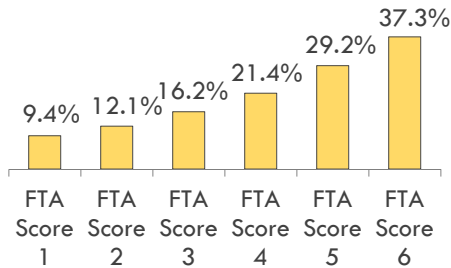
Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Pretrial Outcomes by PSA Score

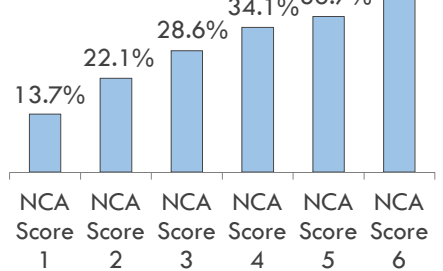
COURT APPEARANCE Outcomes by Assigned PSA Score for Failure to Appear (FTA)

Percent Charged
with FTA



NEW ARREST Outcomes by Assigned PSA Score for New Criminal Arrest (NCA)

Percent with
New In-State Arrest*



* Punishable by Incarceration



Analysis is based on the 83,481 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

Source: Virginia Criminal Sentencing Commission - Virginia Pretrial Data Project, CY2018 Cohort Dataset

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Pretrial Outcomes by Bond Type/Supervision

	PR/ Unsecured Bond Only	PR/Unsecured Bond with Pretrial Supervision	Secured Bond Only	Secured Bond with Pretrial Supervision
Number of Defendants	42,380	5,162	24,057	8,296
Outcomes				
% Charged with FTA	11.5%	14.6%	14.4%	11.5%
% Arrests for New In-State Offense Punishable by Incarceration	18.6%	28.6%	25.5%	28.7%

COURT APPEARANCE

A lower percentage of defendants released on "Secured Bond with Pretrial Supervision" were charged with FTA during the pretrial period as compared to defendants released on "PR/Unsecured Bond with Pretrial Supervision" or "Secured Bond Only."

NEW IN-STATE ARRESTS PUNISHABLE BY INCARCERATION

The percentage of defendants released on bond who were arrested for a new in-state offense punishable by incarceration during the pretrial period was generally consistent across defendants released on "PR/Unsecured Bond with Pretrial Supervision," "Secured Bond Only," and "Secured Bond with Pretrial Supervision."

This analysis is based on the 79,895 defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period whose cases were heard in localities served by Pretrial Services Agencies.

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Future Research

- What factors are impact outcomes (FTA or NCA)?
- What effect does Secured Bond or Bond Amount have on FTA or NCA?
- What factors impact how quickly NCA occurs?
- What effect does Attorney Type have on pretrial release, conviction, confinement and sentence length?
- What factors effect the decision to release defendants pretrial?
- What factors effect the decision on type of bond?



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Virginia Criminal Sentencing Commission Pretrial Data Project

<http://www.vcsc.virginia.gov/pretrialdataport.html>

Final Report

Statewide & Locality-Level Descriptive Findings

Data Dashboard

Publicly-Available Dataset (identifiers removed)



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