



Virginia Pretrial Risk Assessment Instrument (VPRAI) & Praxis Overview

Pretrial Services Stakeholder Group: Workgroup B

Monday, June 11, 2018

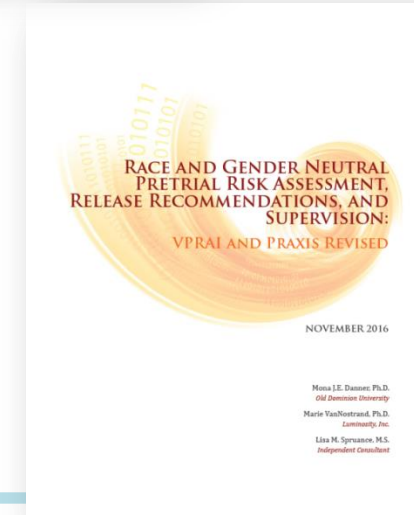
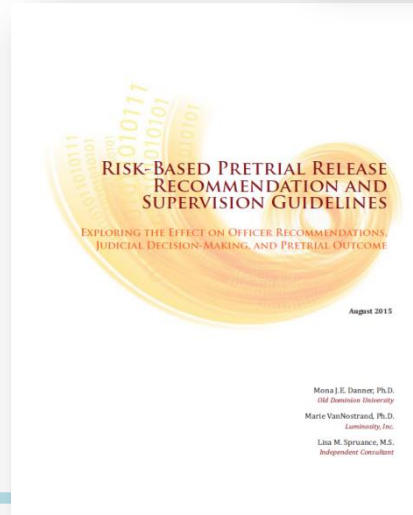
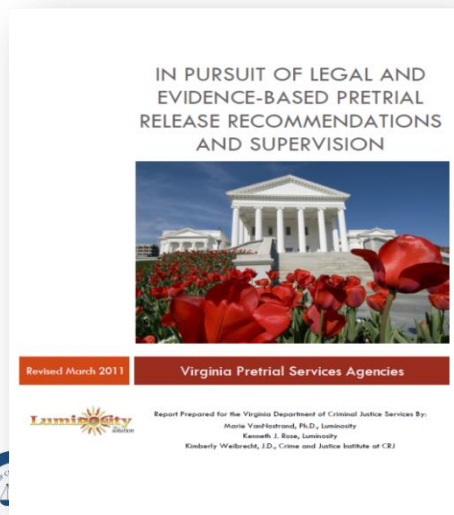
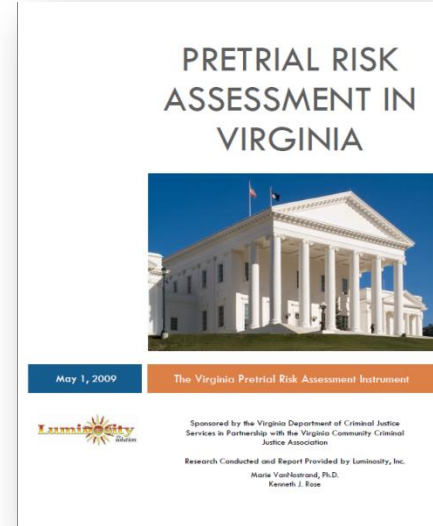
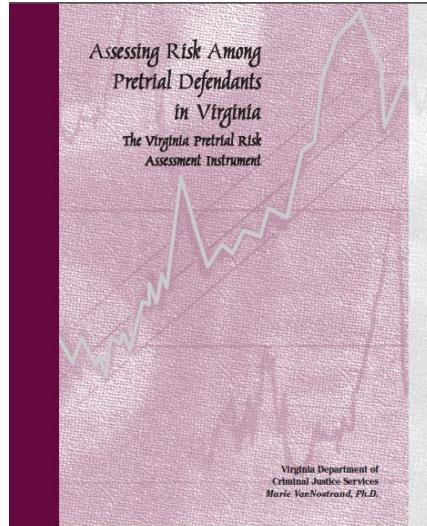


Virginia Department of
Criminal Justice Services

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***Kenneth Rose, Criminal Justice Program Coordinator
Virginia Department of Criminal Justice Services***

Pretrial Risk Assessment in Virginia

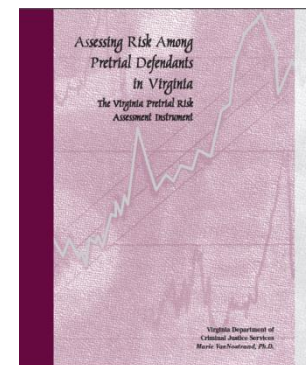


§ 19.2-152.3

“The Department of Criminal Justice Services **shall develop risk assessment and other instruments** to be used by pretrial services agencies in assisting judicial officers in discharging their duties pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title.”

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

“A pretrial risk assessment instrument is used to identify a defendant’s risk of failure (failure to appear for a scheduled court appearance or arrest for a new offense) if released pending trial.”



Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

“Utilizing a standardized, objective, research-based instrument will aid pretrial services programs in their duty to provide information and services to judicial officers.”

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

“The Virginia Pretrial Risk Assessment Instrument will be incorporated into the pretrial investigation report and serve as a tool for pretrial services staff to improve the determination of a defendant’s risk level and to support the bail recommendations.”

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

“The risk assessment instrument is provided to judicial officers to consider in addition to the **nature and circumstances** of the offense and the **weight of the evidence** to assist them in making the bail decision such that:

- (1) ‘lower risk’ defendants can be safely released into the community pending trial;
- (2) the risk of ‘moderate’ and ‘higher’ risk defendants can minimize by utilizing appropriate release conditions, community resources, and/or interventions upon release;
- (3) the ‘highest risk’ defendants, those for whom no conditions or combination of conditions can reasonably assure the safety of the community or appearance in court, can be detained pending trial.”

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

Data Collection:

- July 1998 – June 1999
- Hampton, Fredericksburg, Spotsylvania, Emporia, Brunswick, Sussex, and Greensville (urban, rural, and suburban)
- At the initial bail hearing conducted by magistrate
- Defendants interviewed and investigated
 - Interview and verification
 - NCIC/VCIN/DMV
 - Virginia Court Automated Information System (CAIS)

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

JULY-98						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument

Data Collection:

- 355 cases (15%) – never released pending trial
- 21 cases (<1%) – remained in pretrial status 10 months after the data collection period ended
- 1 case (<1%) – died prior to trial
- Total sample of 1,971 cases (84%)

First VPRAI Validation

Data Collection:

- 10 agency sample site
- Primary dataset consisted of 4,272 cases from January 1 – December 30, 2005
- Case dispositions and outcomes could not be identified for 106 cases
- Of the remaining, 65% were released pending trial
- 35% were detained the entire time pending trial
- Final dataset used 2,778 cases

Praxis Development

Examined:

- Examined potential legal challenges
- Examined existing national pretrial specific research
- Identified research-based and validated risk assessments with corresponding decision making frameworks for recommendations and supervision
- Virginia specific research
 - Pretrial release conditions and pretrial failure
 - Pretrial supervision and pretrial failure
 - Pretrial release types and pretrial failure
- Develop guidelines that utilize the VPRAI to guide release recommendations and differential pretrial supervision

Praxis Development

Charge Category	RISK LEVEL					
	Low	Below Average	Average	Above Average	High	Total
Traffic - DUI	93.3%	91.2%	88.4%	85.9%	79.7%	90.4%
Violent	95.9%	92.3%	90.1%	87.9%	81.2%	90.1%
Non-violent Misdemeanor	91.4%	87.6%	86.3%	83.4%	74.4%	85.9%
Failure to Appear	91.7%	85.6%	87.1%	80.9%	80.7%	85.6%
Traffic - Non DUI	91.9%	89.7%	85.2%	79.0%	75.8%	84.9%
Weapon	91.5%	85.1%	85.0%	82.4%	63.8%	81.7%
Theft/Fraud	89.4%	85.0%	82.2%	77.5%	75.6%	80.9%
Drug	88.2%	84.8%	76.2%	71.0%	66.9%	73.7%
Total	92.7%	88.9%	84.9%	79.9%	74.0%	84.3%

Risk Level/ Charge Category ⁷⁶	Traffic: Non-DUI	Traffic: DUI	Non-violent Misd.	Failure to Appear	Theft/Fraud	Drug	Weapon	Violent
Low Risk								
PR – No Supervision	Yes	Yes	Yes	No	Yes	Yes	No	No
Pretrial Supervision	N/A	N/A	N/A	Yes	N/A	N/A	Yes	Yes
Supervision Level	N/A	N/A	N/A	I	N/A	N/A	I	I
Below Average Risk								
PR – No Supervision	Yes	No	Yes	No	No	No	No	No
Pretrial Supervision	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes
Supervision Level	N/A	I	N/A	I	I	I	I	I
Average Risk								
PR – No Supervision	No	No	No	No	No	No	No	No
Pretrial Supervision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Supervision Level	I	II	I	II	II	II	II	II
Above Average Risk								
PR – No Supervision	No	No	No	No	No	No	No	No
Pretrial Supervision	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Supervision Level	I	III	I	III	II	III	III	III
High Risk								
PR – No Supervision	No	No	No	No	No	No	No	No
Pretrial Supervision	Yes	No	Yes	Yes	Yes	No	No	No
Supervision Level	II	N/A	II	III	III	N/A	N/A	N/A



Marie VanNostrand, Ph.D., K. Rose, Kimberly Weibrecht, J.D.; *In Pursuit of Legal and Evidence-Based Pretrial Release Recommendations and Supervision*; March 2011

Virginia Praxis Research

Findings:

- The VPRAI performs well and reliably predicts success or failure pending trial
- The charge category is statistically significant to related pretrial outcome
- Praxis training and use effects release recommendations of pretrial officers
 - Pretrial officers in Praxis groups follow Praxis recommendation 80% of the time
 - 2.3 times more likely to recommend release at first appearance compared to non-Praxis groups

Virginia Praxis Research

Findings:

- Praxis training and use effects the release decisions of judges.
 - Judges in Praxis groups release defendants 1.9 times more often than non-Praxis groups
 - Praxis training and use effects the differential use of supervision
 - Praxis supervision level followed by pretrial officers 84% of the time
 - Defendants supervised in the Praxis group are 1.2 times less likely to experience failure than those in non-Praxis groups and they are 1.3 times less likely to FTA or experience a new arrest pending trial; not statistically significant differences observed for failure do to technical violation

Virginia Praxis Research

Charge Category	Total N	Total %	Any Failure N	Any Failure %
Drug	3117	21.7	717	23.0
Theft/fraud	2382	16.6	509	21.4
Firearm	428	3.0	72	16.8
FTA	774	5.4	121	15.6
Traffic: non-DUI	333	2.3	50	15.0
Non-violent misd.	801	5.6	106	13.2
Violent	3478	24.2	315	9.1
Traffic: DUI	2208	15.4	177	8.0
Other	861	6.0	115	13.4

Revised VPRAI & Praxis – 2016

Dataset:

- Cases supervised by a pretrial services agency from July 2013 to December 2014 that contained a VPRAI and data on charge category, demographics, supervision, and outcome
- Total sample of 14,383 cases

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

VPRAI – Revised

Weighted Risk Factors

Risk Factor	Odds Ratio	Points
Active community criminal justice supervision	1.387	2
Charge is felony drug, felony theft, or felony fraud	2.120	3
Pending charge(s)	1.437	2
Criminal history	1.485	2
Two or more failure to appear	1.150	1
Two or more violent convictions	1.216	1
Unemployed at time of arrest	1.249	1
History of drug abuse	1.585	2
Total Possible Score		14

Danner, Mona, Ph.D. and Marie VanNostrand, Ph.D.; *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and Praxis Revised*; Luminosity; 2016



VPRAI – Revised

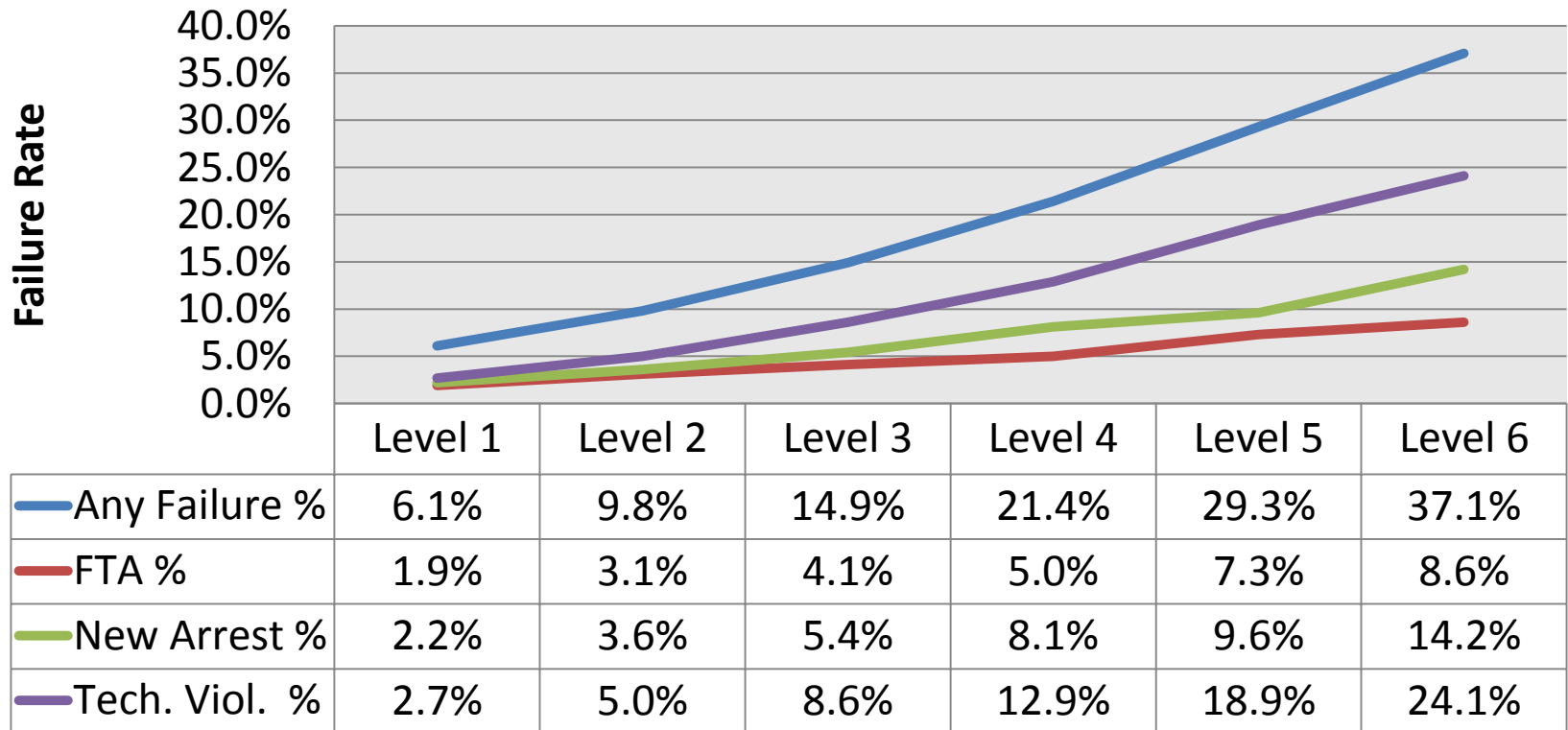
Score	Total N	Total %	Any Failure N	Any Failure %
0	965	6.7	48	5.0
1	533	3.7	35	6.6
2	1642	11.4	108	6.6
3	1589	11.0	145	9.1
4	1708	11.9	178	10.4
5	1800	12.5	246	13.7
6	1481	10.3	244	16.5
7	1412	9.8	281	19.9
8	1387	9.6	317	22.9
9	819	5.7	229	28.0
10	615	4.3	191	31.1
11	213	1.5	83	39.0
12	176	1.2	64	36.4
13	37	.3	12	32.4
14	5	.0	1	20.0
Base Rate	15.2			
Chi-Square	759.696, $p=.000$			
Agg R	.87			
AUC-ROC	.676	Lower = .664	Upper = .688	
Pearson's r	.224			

Danner, Mona, Ph.D. and Marie VanNostrand, Ph.D.; *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and Praxis Revised*; Luminosity; 2016



VPRAI-Revised

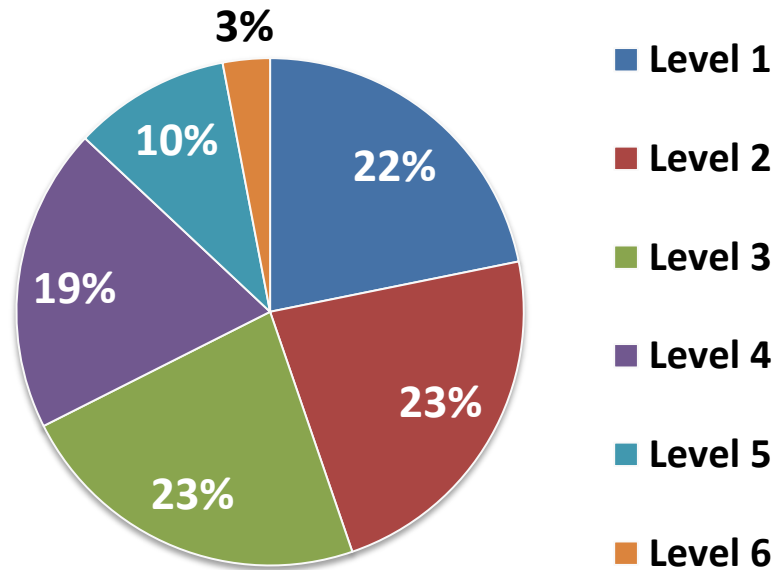
Outcome by Risk Level and Failure Type



Danner, Mona, Ph.D. and Marie VanNostrand, Ph.D.; *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and Praxis Revised*; Luminosity; 2016

Distribution of Risk Levels

VPRAI-R



Charge Categories

		Total		Any Failure		Chi-Square	P	Cramer's V
		N	%	N	%			
Charge type (VPRAI Risk Factor)	Felony	8510	59.2	1602	18.8	216.135	.000	.123
	Misdemeanor	5872	40.8	580	9.9			
Charge category	Drug	3117	21.7	717	23.0	414.073	.000	.170
	Theft/fraud	2382	16.6	509	21.4			
	Firearm	428	3.0	72	16.8			
	FTA	774	5.4	121	15.6			
	Traffic: non-DUI	333	2.3	50	15.0			
	Non-violent misd.	801	5.6	106	13.2			
	Violent	3478	24.2	315	9.1			
	Traffic: DUI	2208	15.4	177	8.0			
	Other	861	6.0	115	13.4			
Charge category	Drug or theft/fraud	5499	38.2	1266	22.3	351.010	.000	.156
	All other categories	8883	61.8	956	10.8			
Charge category	Charge is felony drug, theft, or fraud	4793	33.3	1121	23.4	377.098	.000	.162
	All other categories	9589	66.7	1061	11.1			

Charge Category	Non-Violent Misdemeanor	Driving Under the Influence	Non-Violent Felony	Violent Misdemeanor	Violent Felony or Firearm
Level 1 (0-2 points)	Release With no Supervision, (Monitoring if Supervision Ordered)	Release With no Supervision, (Monitoring if Supervision Ordered)	Release With no Supervision, (Monitoring if Supervision Ordered)	Release With no Supervision, (Monitoring if Supervision Ordered)	Release With Supervision Level II
Level 2 (3-4)	Release With no Supervision, (Monitoring if Supervision Ordered)	Release With Supervision Monitoring	Release With Supervision Monitoring	Release With Supervision Monitoring	Release With Supervision Level III
Level 3 (5-6)	Release With Supervision Monitoring	Release With Supervision Monitoring	Release With Supervision Level I	Release With Supervision Level I	Detain (Level III if Supervision Ordered)
Level 4 (7-8)	Release With Supervision Level I	Release With Supervision Level I	Release With Supervision Level II	Release With Supervision Level II	Detain (Level III if Supervision Ordered)
Level 5 (9-10)	Release With Supervision Level II	Release With Supervision Level II	Release With Supervision Level III	Detain (Level III if Supervision Ordered)	Detain (Level III if Supervision Ordered)
Level 6 (11-14)	Detain (Level III if Supervision Ordered)	Detain (Level III if Supervision Ordered)	Detain (Level III if Supervision Ordered)	Detain (Level III if Supervision Ordered)	Detain (Level III if Supervision Ordered)

Praxis

Differential Supervision

Level	Supervision Strategy
Pretrial Monitoring	<ul style="list-style-type: none"> ✓ Court date reminder for every court date ✓ Criminal history check before court date
Pretrial Supervision Level I	<ul style="list-style-type: none"> ✓ Court date reminder for every court date ✓ Criminal history check before court date ✓ Face-to-face contact once a month ✓ Special conditions compliance verification
Pretrial Supervision Level II	<ul style="list-style-type: none"> ✓ Court date reminder for every court date ✓ Criminal history check before court date ✓ Face-to-face contact every other week ✓ Special conditions compliance verification
Pretrial Supervision Level III	<ul style="list-style-type: none"> ✓ Court date reminder for every court date ✓ Criminal history check before court date ✓ Face-to-face contact every week ✓ Special condition compliance verification



Pretrial Resource List

- [Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision](#)
- [Risk-Based Pretrial Release Recommendation and Supervision Guidelines](#)
- [In Pursuit of Legal and Evidence-Based Pretrial Release Recommendations and Supervision](#)
- [Virginia Pretrial Risk Assessment Report](#)
- [Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument](#)

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