

**Virginia Pretrial Services Stakeholder Group**  
**Work Group B: Pretrial Investigations, Supervision, Training, and Resources**  
**Meeting Summary**

**Date of Meeting:** May 14, 2018

**In attendance**

|         |               |  |
|---------|---------------|--|
| David   | Bourne        | Virginia Bail Association  |
| David   | Cotter        | Virginia Department of Criminal Justice Services                                 |
| Judge   | Dascher       | Judge, 25th Judicial District of Virginia, Juvenile and Domestic Relations Court |
| Carrie  | Delaney       | Virginia Beach Office of CC and PT Services                                      |
| Colin   | Drabert       | Virginia State Crime Commission  |
| Meghan  | Gaulding      | Virginia State Crime Commission  |
| Paul    | Gregory       | Magistrate Advisor   |
| Dick    | Hall-Sizemore | Virginia Department of Planning and Budget                                       |
| Paula   | Harpster      | Virginia Department of Criminal Justice Services                                 |
| David   | Johnson       | Indigent Defense Commission  |
| Sharon  | Jones         | Virginia Beach Office of CC and PT Services                                      |
| Judge   | Killilea      | Judge, 9th Judicial District of Virginia, General District Court                 |
| Catlin  | Kilpatrick    | Virginia Senate Finance  |
| Josh    | Kiser         | Southwest Virginia Community Corrections   |
| Timothy | Martin        | Augusta County Commonwealth's Attorney   |
| Chris   | McDonald      | Virginia Association of Counties   |
| Dorena  | Murray        | Virginia Bail Association  |
| Sheriff | Perry         | Henry County Sheriff's Office  |
| Glen    | Peterson      | Virginia Department of Criminal Justice Services                                 |
| Alison  | Powers        | Indigent Defense Commission  |
| Darin   | Russell       | Southwest Virginia Community Corrections   |
| Judge   | Sharp         | Judge, 15th Judicial Circuit of Virginia, Circuit Court                          |
| Donna   | Shiflett      | Virginia Department of Criminal Justice Services                                 |
| DeVon   | Simmons       | Office of the Attorney General   |
| Pat     | Smith         | Jefferson Area OAR, Charlottesville  |
| Amanda  | Trent         | Western Virginia Regional Jail   |
| Arial   | Walker        | Northern Neck Community Based Probation and Pretrial Services                    |
| Shonda  | Whitfield     | Newport News Sheriff's Office  |
| Drew    | Molloy        | Virginia Community Criminal Justice Association                                  |

**I. Mapping of Pretrial Operations Overview.**

DCJS staff provided a mapping of pretrial services operations

- More information was requested about the 53% of Pretrial Agencies that receive direct placements.
- Definitions need to be correct when discussing bail or bond.
- Only 64% of courts reconsider bail status that is set by the magistrate at the first court appearance.
- Questions were asked about who was present at hearing in addition to the judge? Commonwealth's Attorney? Defense Attorney? Pretrial?
- More in depth mapping is needed.

**II. Identify 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.**

Discussion addressed the two primary functions of pretrial service—pretrial investigations/risk assessment and supervision. The consensus of the workgroup was that both services are essential.

**III. Develop strategies to ensure that investigations of all defendants who are eligible for pretrial services are completed and information is provided to the courts of Pretrial Services in Virginia.**

Group discussions identified that the information provided in the pretrial investigation report is valuable to judges, attorney for the Commonwealth, and the defense attorney. The Virginia Pretrial Risk assessment alone is less helpful, primarily due to the lack of information included in the risk assessment report and a lack of understanding about the information provided.

The following quotes are from workgroup members, representing General District Court Judges, Commonwealth Attorneys, and indigent defense.

*“The VPRAI is a tool- it’s helpful but just one of several factors considered. They are not looking to mindlessly use the pretrial report but to take into consideration the report along with other available information.”*

*“There seems to be something wrong with the matrix/Praxis. Not sure if judges and pretrial defines items the same. Not sure all information gets into the report, for example it doesn’t capture the juvenile record although the judge may know this information. It may be a training issue. The report helps with the more difficult cases the magistrates didn’t release.”*

*“My concern is that some information is not verified and that there may be some over reporting on low level offenders with some defendants being drug tested for months. Do pretrial services agencies supervise too many low level individuals where supervision may be unnecessary.”*

The discussions identified a lack of understanding about the Virginia Pretrial Risk Assessment and the decision making framework used to guide pretrial recommendations and supervision levels. Additional stakeholder training is needed. It was also addressed that the Virginia State Crime Commission study 2017 showed that low level individuals are not overrepresented on pretrial supervision caseloads.

The workgroup discussed the use of the VPRAI at the magistrate bail decision. Currently the magistrates use what is called the Checklist for Bail Determination, (DC-327). The bail determination checklist is a form used to ensure magistrates are addressing the requirements in Va. Code § 19.2-121, fixing the terms of bail. It also provides guidance to the questions to ask in a bail hearing to meet due process requirements. The bail determination checklist is not mandatory. The form does not guide the decision or weight the significance of any of factors documented on the form. The distinctions between the purpose of the Checklist for Bail Determination and the VPRAI were discussed. The group acknowledged that both add value, but serve different purposes. The VPRAI is designed to give the pretrial officer guidance about the defendant's risk, by using actuarial probabilities and the Checklist for Bail Determination is used to as a procedural tool to ensure the questions asked by a magistrate are in compliance with Va. Code.

The group acknowledged that the resources needed to staff pretrial services at the magistrate level would be significant. Staffing would likely require twenty-four hour staff coverage and may diminish the cost-benefit of pretrial services.

How bail is considered or reconsidered at the first court appearance (advisement/arraignment) or at bond hearings differ by localities due to local criminal justice system needs and resources. The prosecutors, defense bar, magistrates, jails, judges, pretrial staffing, clerks, distance from jails to courts, video conferencing all play a role in how pretrial services fits with providing information to help courts make bail decisions.

Review information gathered on what the pretrial process looks like at each agency.

The information provided in the initial mapping of pretrial services operations overview was helpful to the workgroup. The workgroup requested that DCJS continue to develop in more detail, the mapping of pretrial services in Virginia.

The group discussed the screening process used by pretrial services agencies to identify defendants for pretrial investigation. Although each agency may have a different process for screening at the jail, those differences are necessary to adapt to each individual jail and developing a standardized process would not be helpful.

The mapping of pretrial services operations also clarified that there is no need to develop standardized screening processes for all agencies.

A direct referral is a placement type that applies when a defendant is placed on pretrial supervision by a judicial officer (magistrate or judge) prior to a pretrial investigation.

Pretrial services does not provide a pretrial investigation to magistrates. All placements by magistrates are direct referrals.

The mapping of pretrial services operations showed that pretrial services agencies receive direct placements when the defendant was arrested, but never booked in jail.

**IV. Continue to educate stakeholders on the role, duties, and appropriate uses of pretrial services agencies.**

Given the amount of time spent of other agenda items, this topic was deferred to the next meeting. The workgroup did recommend that consideration be given to training that involves all stakeholders.

| <b>Assignments</b>  |   |               |
|---|---|---------------|
| <b>Action</b>   | <b>Assigned To</b>                      | <b>Due</b>    |
| Map current pretrial process for each pretrial services agency. Compile results to identify best practices and areas of concern. Scope of mapping expanded at the May 14, 2018 meeting. | DCJS staff                              | July 11, 2018 |
| Compile a list of current training efforts, training needs, and ideas for training delivery for new pretrial officers, current pretrial officers, pretrial directors, and supervisors.  | VCCJA Training Advisory Group (TAG)     | June 11, 2018 |
| Compile a list of current training efforts, training needs, and ideas for training delivery for judges and magistrates (new and current).   | Elizabeth Edwards, Caroline Kirkpatrick | June 11, 2018 |
| Compile a list of current training efforts, training needs, and ideas for training delivery for prosecutors, public defenders, and defense attorneys (new and current).                 | Jane Sherman Chambers, Alison Powers    | June 11, 2018 |
| Compile a list of current training efforts, training needs, and ideas for training delivery for jail staff and LEO (new and current).   | Amanda Trent, Shonda Whitfield          | June 11, 2018 |
| Compile a list of current training efforts, training needs, and ideas for training delivery for clerks (new and current).   | Caroline Kirkpatrick                    | June 11, 2018 |

| <b>Next Meeting</b> |                   |                                      |
|---------------------|-------------------|--------------------------------------|
| <b>Date</b>         | <b>Time</b>       | <b>Location</b>                      |
| June 11, 2018       | 1:00 p.m. to 4:00 | Patrick Henry Building- Richmond, VA |