

Virginia Pretrial Services Stakeholder Group

Meeting Summary

Date of Meeting: September 18, 2018, 9:30 a.m. – 12:00 p.m.

In Attendance:

Name	Agency
Jessica Ackerman	Virginia Municipal League
Christina Arrington	Virginia State Crime Commission
Steven Austin	Prince William Office of Criminal Justice Services
Leon Baker	Virginia Department of Criminal Justice Services
Baron Blakely	Virginia Department of Criminal Justice Services
David Bourne	1-800-FOR-BAIL/Virginia Bail Association Legislative Chair
Andreas Brielmaier	Culpeper County Criminal Justice Services
Mason Byrd	Office of the Executive Secretary of the Supreme Court of Virginia
Keenan Caldwell	KC3 Consulting, LLC
Ross Carew	OAR/Jefferson Area Community Corrections
David Cotter	Department of Criminal Justice Services
Shannon Dion	Virginia Department of Criminal Justice Services
Michael Doucette	Virginia Association of Commonwealth's Attorneys
Colin L. Drabert	Virginia State Crime Commission
The Honorable Randal Duncan	Judge, 27th Judicial District of Virginia, General District Court
Aja Ferguson	Virginia Department of Criminal Justice Services
Thomas Fitzpatrick	Virginia Department of Criminal Justice Services
Jody Fridley	Virginia Criminal Sentencing Commission
Neal Goodloe	Jefferson Area Community Criminal Justice Board
Paula Harpster	Virginia Department of Criminal Justice Services
Jody Hess	Office of the Executive Secretary of the Supreme Court of Virginia
Kristen Howard	Virginia State Crime Commission
Gary Hughes	Henrico County Community Corrections
Kari Jackson	Virginia State Compensation Board
John Jenkins	Culpeper Sheriff's Office
David Johnson	Indigent Defense Commission
Sharon Jones	Virginia Beach Office of CC and PT Services
Ashna Khanna	American Civil Liberties Union
The Honorable Colleen Killilea	Judge, 9th Judicial District of Virginia, General District Court
Josh Kiser	Southwest Virginia Community Corrections
Jacob Lubetkin	Indigent Defense Commission

David Malakouti	Office of the Attorney General
Chris McDonald	Virginia Association of Counties
Colonel Peter A. Meletis	Prince William Detention Center
Andrew Molloy	Virginia Community Criminal Justice Association
Dorena Murray	Dee's Bail Bonds /Virginia Bail Association President
Elizabeth Murtagh	Public Defender's Office, Charlottesville/Albemarle
Meredith Farrar-Owens	Virginia Criminal Sentencing Commission
Alison Powers	Indigent Defense Commission
Captain Tricia Powers	Virginia State Police
Kim Rolla	Legal Aid Justice Center
Kenneth Rose	Virginia Department of Criminal Justice Services
Darin Russell	Southwest Virginia Community Corrections
The Honorable Charles Sharp	Judge, 15 th Judicial District of Virginia, Circuit Court
The Honorable Tracy Thorne-Begland	Judge, 13th Judicial District of Virginia, General District Court
Auriel Walker	Northern Neck Community Based Probation and Pretrial Services
Andy Warriner	Virginia Department of Criminal Justice Services
The Honorable Claude Worrell	Judge, 16 th Judicial District of Virginia, J&DR Court
Lauren Whitley	Richmond Public Defender
Kristi Wright	Office of the Executive Secretary of the Supreme Court of Virginia
Shonda Whitfield	Newport News Sheriff's Office

I. Welcome and Introductions

Shannon Dion, Director of the Virginia Department of Criminal Justice Services (DCJS) and Kristen Howard, Executive Director of the Virginia State Crime Commission (VSCC) provided the welcome and introductions to the meeting.

II. Report Out for Workgroup C: Data and Outcomes

Staff from the Virginia State Crime Commission provided an update on the status of the data and outcomes project.

Topics addressed:

- Determine whether failure to appear and public safety rates vary across pre-trial release mechanisms
- Determine if there is a valid and reliable approach to identify variances between local and regional jails that serve localities with pretrial services agencies, versus localities without pretrial services agencies
- Develop statewide pre-trial data definitions to ensure uniform vocabulary for data entry and tracking of FTA and public safety rates

The following topics were voted on by the workgroup members:

Pre-trial policy decisions should be data-informed to the extent possible

1. Agree = 18
2. Disagree = 0
3. Abstain = 0
4. Uncertain = 1

The group consensus agrees that pre-trial policy decisions should be data-informed to the extent possible.

Statewide definitions to measure pre-trial outcomes in Virginia should be developed and adopted. Such definitions should include, at a minimum, definitions to measure public safety, failure to appear, pre-trial release, and pre-trial detention rates

1. Agree = 18
2. Disagree = 0
3. Abstain = 0
4. Uncertain = 0

The group consensus agrees that outcome measures as stated above should be developed and adopted.

A mechanism to measure and track pre-trial outcomes statewide should be developed and adopted? (the mechanism should, at a minimum, measure and track public safety, failure to appear, pre-trial release, and pre-trial detention rates)

1. Agree = 17
2. Disagree = 0
3. Abstain = 0
4. Uncertain = 0

III. Report Out for Workgroup B: Pretrial Services Investigations and Resources

Staff from the Virginia Department of Criminal Justice Services provided an update on the status of Workgroup B.

Topics addressed:

- Identify staffing and resource needs of local pretrial services agencies and what is required from DCJS to provide adequate support to those local pretrial services agencies.

Scope of Pretrial Services Agencies

Stakeholder Decision: Whether pretrial services agencies should focus on investigations only, supervision only, or both investigation and supervision. Workgroup B recommendation is that the ideal pretrial services model includes both investigations and supervision. Following discussion, the workgroup members were polled on the following question:

Pretrial services agencies should focus on?

1. Investigations only = 0
2. Supervision only = 5
3. Both investigation and supervision = 10
4. Abstain = 1
5. Uncertain = 1

Consensus of the group is that the focus of pretrial services agencies should include both investigations and supervision.

Pretrial Expansion

Stakeholder Decision: Whether pretrial services should be expanded to all localities. Workgroup B recommendation is that pretrial services should be expanded to all localities. Following discussion, the workgroup members were polled on the following question:

Pretrial services should be expanded to all localities.

1. Yes = 16
2. No = 1
3. Abstain = 1
4. Uncertain = 1

The consensus of the group agrees that pretrial services should be expanded to all localities.

Presentation of workgroup recommendations for the Virginia Pretrial Risk Assessment Instrument (VPRAI).

Stakeholder Decision: Whether the VPRAI should show separately the risk level of failure to appear and the risk level to public safety. Workgroup B recommendation is to update how the VPRAI presents the risk information by displaying the risk of failure to appear and public safety separately, in addition to the overall risk level: Following discussion, the workgroup members were polled on the following question:

VPRAI should show separately the risk level of failure to appear and the risk level to public safety.

1. Keep VPRAI score the same (overall risk score) =2
2. Refine VPRAI (based on validated research) to show the risk level of failure to appear and the risk level to public separately =7
3. Refine VPRAI (based on validated research) to show risk level of failure to appear and the risk level to public separately, and to show overall risk score = 8
4. Abstain = 1
5. Uncertain = 1

The group consensus is to show both the risk level of failure to appear and risk to public safety. A majority of members wanted to show the risk level of failure to appear, risk to public safety, and the overall risk score. This is an area where DCJS will continue to explore the best methods to report actuarial risk to stakeholders involved with bail decision making.

Presentation of workgroup recommendations for the VPRAI Report.

Stakeholder Input: Discussion on how information in the VPRAI report should be presented. Workgroup B recommendation is that DCJS should conduct a review

of other states' practices and provide examples of how information is summarized in other states' risk assessment reports, including the language used to make recommendations about how to mitigate risk during the bail decision.

Presentation of workgroup recommendations for linking risk level to supervision intensity.

Stakeholder Decision: Should the pretrial risk assessment guide the intensity of pretrial supervision. Workgroup B recommendation is that the pretrial risk assessment should guide the intensity of pretrial supervision. Following discussion, the workgroup members were polled on the following question:

The pretrial risk assessment should guide the intensity of pretrial supervision

1. Yes = 9
2. No = 4
3. Abstain = 3
4. Uncertain = 2

The consensus of the group agrees that pretrial risk assessment should guide the intensity of pretrial supervision.

Educate stakeholders on the role, duties, and appropriate uses of pretrial services agencies.

Stakeholder Input: Discussion on how best to educate stakeholders on pretrial services. Workgroup B recommendation is that training modules should be developed to enable pretrial services agency directors to coordinate the training of local stakeholders on the role, duties, and appropriate utilization of pretrial services agencies, and the importance of the transfer of information between pretrial agencies, judges, prosecutors, defense attorneys, and other stakeholders.

Develop strategies to ensure that investigations of all defendants who are eligible for pretrial services are completed and information is provided to the courts.

The following status summary was provided to the workgroup to address this topic:

- Overview of mapping of pretrial services agencies. DCJS completed a mapping process with local pretrial services directors to understand when and how investigations were being completed and provided to the courts. The mapping process highlighted the differences in local practices resulting from the need for agencies to adapt to the local environment.

- Presentation of DCJS recommendations for monitoring pretrial services agencies to ensure compliance with DCJS pretrial investigations standards. DCJS will work with local agencies to develop a statewide programmatic audit process to ensure compliance with DCJS pretrial services standards.

IV. Report Out for Workgroup A: Risk-Based Magistrate Decision Making

Staff from the Virginia Department of Criminal Justice Services provided an update on the status of Workgroup A.

Topic addressed:

Provide information to assist with bail determinations at the magistrate level. Assess the feasibility of developing or implementing a static risk assessment instrument to be used in assisting with bail determinations at the magistrate level.

Review of workgroup activities. The Workgroup A recommended to table discussions involving bail determinations at the magistrate level until Workgroup C has completed its data analysis. Information was presented to the workgroup concerning the number of bail hearings conducted and the number of additional person-hours that would be required if magistrates were to administer a risk assessment instrument.

V. Next Steps

DCJS and VSCC will continue to review and assess all of the information provided by the main workgroup and all of the workgroups. In addition, DCJS and VSCC welcome continued feedback and recommendations prior to the November 8, 2018. DCJS will provide a presentation summarizing work completed to date and recommendations for the next year. The VSCC will present on their findings and recommendations, along with the status of the data analysis of pre-trial release outcomes.