Virginia Pretrial Services Stakeholder Group
Patrick Henry Building — West Reading Room
1111 E. Broad Street, Richmond VA 23291
September 19, 2018, 9:30 a.m. to 12:00 p.m.

AGENDA

I. Welcome and Introductions

Shannon Dion, *Director, Virginia Department of Criminal Justice Services*
Kristen Howard, *Executive Director, Virginia State Crime Commission*

II. Review the Purpose of the Pretrial Services Stakeholder Group

Tom Fitzpatrick, *Department of Criminal Justice Services*

III. Workgroup C: Data and Outcomes

Christina Arrington, *Virginia State Crime Commission*

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
    - **Stakeholder Decision:** Should pre-trial policy decisions be data-informed to the extent possible? Should statewide definitions to measure pre-trial outcomes in Virginia be developed and adopted? (should include, at a minimum, definitions to measure public safety, failure to appear, pre-trial release, and pre-trial detention rates) Should 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)

IV. Workgroup B: Pretrial Services Investigations and Resources

Andy Warriner, *Virginia Department of Criminal Justice Services*

Note: Stakeholders will be polled on all Stakeholder Decisions.

Note: The workgroup reached consensus on all recommendations presented.

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.
    - Presentation of workgroup recommendations for the scope of pretrial services.
        - **Stakeholder Decision:** Whether pretrial services agencies should focus on investigations only, supervision only, or both investigation and supervision.
            - Workgroup Recommendation: The ideal pretrial services model includes both investigations and supervision.
        - **Stakeholder Decision:** Whether pretrial services should be expanded to all localities.
            - Workgroup Recommendation: 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 Recommendation: In addition to the overall risk level, the risk level of failure to appear and the risk level to public safety should be separated. This change in the VPRIA will require ongoing research and validation.
    - Presentation of workgroup recommendations for the VPRAI Report.
        - **Stakeholder Input:** Discussion on how information in the VPRAI report should be presented.
            - Workgroup Recommendation: 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 Recommendation: The 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 recommendation: 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.
        - Overview of mapping of pretrial services agencies. DCJS completed a mapping process with local 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.
            - This topic was not presented to the workgroup.

V. Workgroup A: Risk-Based Magistrate Decision Making

Andy Warriner, *Virginia Department of Criminal Justice Services*

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 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.