

**Virginia Pretrial Services Stakeholder Group
Work Group A: Magistrate Bail Decision/Static PRAI
Meeting Summary**

Date of Meeting: May 15, 2018

In attendance

David	Bourne	Bail Association
Mason	Byrd	Office of the Executive Secretary of the Supreme Court of Virginia
Steven	Austin	Prince William Office of Criminal Justice Services
Judge	Duncan	Judge, 27th Judicial District of Virginia, General District Court
Mike	Herring	Richmond Commonwealth's Attorney
Kristen	Howard	Virginia State Crime Commission
Jacob	Lubetkin	Indigent Defense Commission
David	Malakouti	Office of the Attorney General
Dorena	Murray	Dee's Bail Bonds /Virginia Bail Association President
Erik	Smith	Department of Criminal Justice Services
Andy	Warriner	Department of Criminal Justice Services
Patti	Watson	Commonwealth's Attorney
Nathan	Hittle	Virginia State Crime Commission

Meeting overview 3/26/2018

I. Review static pretrial risk assessments

DCJS provided information about the Laura and John Arnold Foundation's national tool, as well as static risk assessment tools from Delaware, Alaska, and Oregon. Each of the tools listed separates the probability for failure to appear and the risk to public safety. Handouts were provided on the Virginia Pretrial Risk Assessment Instrument and the Laura and John Arnold Foundation Public Safety Assessment. The Arnold tool research considered (7) states and Federal data. Considerable research rigor was involved before implementation.

The time it takes to complete a static risk assessment varies based on the defendant's history and the instrument used. The time it takes to complete a static risk assessment can range from 5 minutes to 40 minutes; however, the average is approximately 10-15 minutes.

Static tools do not require an interview. The efficacy of a static tool is the ability to deploy anywhere. Note- the Virginia Pretrial Risk Assessment Instrument (VPRAI) requires face to face where static Instruments do not.

Steve Austin, Prince William Office of Criminal Justice Services stated he would like to see a static tool compared side by side with VPRAI. What would it look like if a static tool was used at magistrate's level versus supervision?

The State of Kentucky doesn't have a bail bond system, and is using the Arnold tool. Teams of Risk Assessment Specialists at hubs receive information by fax, and work 24 hours per day. David Bourne, Bail Association asked about the success rate for Kentucky? He also stated clients may be more forthcoming with a bail agency than law enforcement or pretrial staff, and may be to get better input from family, spouses, boyfriend, or girlfriend.

The question was raised- are any states using static tool at magistrate level? Delaware is using a static tool at the magistrate level. Concern was expressed that the Delaware tool does not differentiate types of larceny.

II. Review how much time it takes to complete a static risk assessment instrument for all those who come before a magistrate state-wide

Mason Byrd from the Office of the Executive Secretary of the Supreme Court reported magistrates in Virginia conduct 265,000 bail hearings, and 1.5 million processes per year. The time it takes to conduct a bail hearing varies; however, the average is estimated to be 10 minutes.

III. Discuss the logistics of integrating the instrument into the magistrate computer system, and other options for providing a static risk assessment at the magistrate level

While many (85%) of magistrates use the bail checklist, it is not required. A Pretrial Hub Concept similar to that of Kentucky was raised for how to collect information. However, there were concerns of how Kentucky model would work because Virginia has bail hearings at the magistrate level, and the time from arrest to bail hearing may not allow the time for the Pretrial Hub to return a risk assessment. A static instrument may be helpful, but more information beyond is wanted by the Commonwealths Attorneys and Judges. Commonwealth's Attorneys and Judges want information beyond the Risk Assessment score. Michael Douchett, Commonwealth's Attorney Association said a risk assessment score is not enough by itself. It is one tool –not to be followed blindly, but to use with all other available information.

IV. Determine next steps

The group determined it would be best to wait until the research findings from group C: are available so that it could be more informed.

Assignments		
Action	Assigned To	Due
TBD- after July 11, 2018 main Stakeholder meeting		

Next Meeting		
Date	Time	Location
TBD	TBD	TBD- after July 11, 2018 main Stakeholder meeting