

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

**Date of Meeting:** June 11, 2018

<b>In attendance</b>		
Christina	Arrington	Virginia State Crime Commission
Colin	Drabert	Virginia State Crime Commission
Meghan	Gaulding	Virginia State Crime Commission
Liz	Greenwood	Virginia State Crime Commission
Paula	Harpster	Virginia Department of Criminal Justice Services
Kristen	Howard	Virginia State Crime Commission
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
Josh	Kiser	Southwest Virginia Community Corrections
Timothy	Martin	Augusta County Commonwealth's Attorney
Sheriff	Perry	Henry County Sheriff's Office
John	Moahan	UVA Law
Alison	Powers	Indigent Defense Commission
Ken	Rose	Department of Criminal Justice Services
Darin	Russell	Southwest Virginia Community Corrections
Jane	Sherman Chambers	Commonwealth's Attorneys' Services Council
Pat	Smith	OAR Charlottesville
Amanda	Trent	Western Virginia Regional Jail
Shonda	Whitfield	Newport News Sheriff's Office
Drew	Molly	Virginia Community Criminal Justice Association
Michael	Doucette	Virginia Association of Commonwealth's Attorneys
Chris	McDonald	Virginia Association of Counties
Janet	Areson	Virginia Municipal League
Caitlin	Kilpatrick	Senate Finance Committee - Public Safety, Claims Subcommittee
Dorena	Murray	Virginia Bail Association
		Commonwealth's Attorneys' Services Council
David	Cotter	Department of Criminal Justice Services

## I. Update on Workgroups A and C.

Workgroup A: Workgroup A met on May 15, 2018 to address the use of a research-based, 1 pre-trial risk assessment at the initial bail hearing conducted by the magistrate. The workgroup decided to wait until Workgroup C (data) has completed the study on pretrial outcomes based on release type. The data used for this study will come from magistrate bail decisions from October, 2017.

Workgroup C (data) will be finalizing definitions next week. The request for magistrate bail decision data from the Office of the Executive Secretary of the Supreme Court of Virginia data has been completed and sent the Virginia Sentencing Commission. A request has been made to the Virginia State Police to obtain criminal history data to be used to identify new arrest events for the released cohort. It has been confirmed the only Virginia criminal history will be available and not out of state records.

## II. VPRAI and Praxis Presentation

DCJS gave an overview of the development of the Virginia Pretrial Risk Assessment Instrument (VPRAI) and the Praxis. Data collection for the first version of the VPRAI ran from July 1998 to June 1999, and included data from seven localities. The localities were a mix of urban, rural, and suburban communities across the state. The VPRAI was 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

The first validation of the VPRAI was completed in 2003. Data was collected from ten agencies across the state. The 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. [See [Assessing Risk Among Pretrial Defendants in Virginia](#) report]

The second validation of the VPRAI was completed in 2009. The primary dataset consisted of a random sample of up to 50013 cases from each of the 10 participating pretrial services agency (n=4,378). The sample was selected from the population of defendants who were arrested January 1 – December 30, 2005 who had both a pretrial investigation and VPRAI completed. A final sample containing pretrial outcomes of at least 2500 cases was desired for the study. [See [Virginia Pretrial Risk Assessment report](#)]

Revised VPRAI & Praxis was developed in 2016. Data included 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. The total sample size was 14,383 cases. Findings were that 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.

Questions and comments that came up during the presentation

1. The VPRIA does not consider the weight of the evidence.
2. Were those released on a summons included in the VPRIA research? No.
3. How good is the data source for the research? Referred to the reports for more detail on methodology.
  - a. [Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision](#)
  - b. [Risk-Based Pretrial Release Recommendation and Supervision Guidelines](#)
  - c. [In Pursuit of Legal and Evidence-Based Pretrial Release Recommendations and Supervision](#)
  - d. [Virginia Pretrial Risk Assessment Report](#)
  - e. [Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument](#)
4. The pretrial report and Praxis report needs to include more information as to why a recommendation is being made; risk levels are hard to understand.
5. Prior to Praxis, pretrial officers were making recommendations based on their interpretation of the risk assessment and local risk tolerance.
6. Judges are not mandated to follow the Pretrial Recommendation; it's a tool to give them more information.
7. It may be a good idea for the report to look more like the manual scoring sheet that the pretrial officers use.
8. Why are violent misd/fel convictions combined as a risk factor, but separated out on the Praxis?
9. The difference between the jail checklist used by the magistrate and the VPRIA is the bail checklist is used to ensure the code is followed, and can be changed without research to back it up. The VPRAI is based on research, and predictive volatility. The two tools cannot be used interchangeably, and one cannot take the place of the other.
10. Sheriffs want accuracy of information.
11. The brief mental health screening is sometimes completed by pretrial, sometimes by the jail staff. It is not a clinical evaluation to determine mental illness, and should not be used to label a defendant as having a mental illness.
12. Is there a need for additional tools for domestic violence and substance abuse? Some pretrial agencies DV screening tools.
13. Pretrial should be required to send information to all parties involved in the case to ensure they are well informed about the progress of the cases- should include magistrates.
14. The pretrial directors in the room agreed that many clients are over conditioned with things like drug testing and office visits when they are not warranted. It is also a resource issue because of cost and time. Over conditioning is harmful to the client, and increases technical violations. (Missed tests, etc.)

### **III. Strategies for getting information to the courts, prosecutors, and defense attorneys.**

Pretrial agencies should be required to send information to all parties involved in the case to ensure they are well informed about the progress of the cases- this to include magistrates. Training for all stakeholders on the purpose of pretrial, and what to expect from their local agency, would help.

#### IV. Training

It was decided that regional trainings for the different criminal justice disciplines may be the best way to ensure understating and facilitate consistency of practice. Trainings should be conducted by one pretrial profession (someone doing the day to day work), and someone from the discipline (also involved in the day to day work).

Local Defense Bars or Bench Bar panels can also be used as a training venue. Local multi-disciplinary trainings may be a way to ensure all those in the criminal justice system hear the same message. Training should be practical, a balance between research (for understanding) and day to day use. VML and VACO also need to be included in trainings because they are the fiscal agents for local pretrial agencies.

Assignments		
Action	Assigned To	Due
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 comprehensive list of violent crimes for pretrial investigators to use when scoring the VPRAI.	David Cotter, Colin Drabert, Ken Rose, Andy Warriner	July 11, 2018
Develop training and method of deliver for Stakeholders.	Andy Warriner Jane Sherman Chambers, Alison Powers, Caroline Kirkpatrick	August 30, 2018

Next Meeting		
Date	Time	Location
TBD		