



Pretrial Services Stakeholder Group

Wednesday, September 19, 2018

***Tom Fitzpatrick, Division Director, Programs and Services,
Virginia Department of Criminal Justice Services***



Virginia Department of
Criminal Justice Services

www.dcjs.virginia.gov

Purpose of the Pretrial Services Stakeholder Group

- Review the needs assessment conducted by the Virginia State Crime Commission
- Analyze the impact of pretrial services programs on local jail populations
- Examine how pretrial services agencies are currently administered
- Develop specific recommendations to improve the administration of pretrial services



Workgroup C: Data and Outcomes

Status Update to Stakeholder Group

Wednesday, September 19, 2018

Christian Arrington Ph.D.
Virginia State Crime Commission

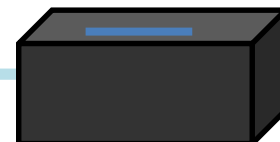
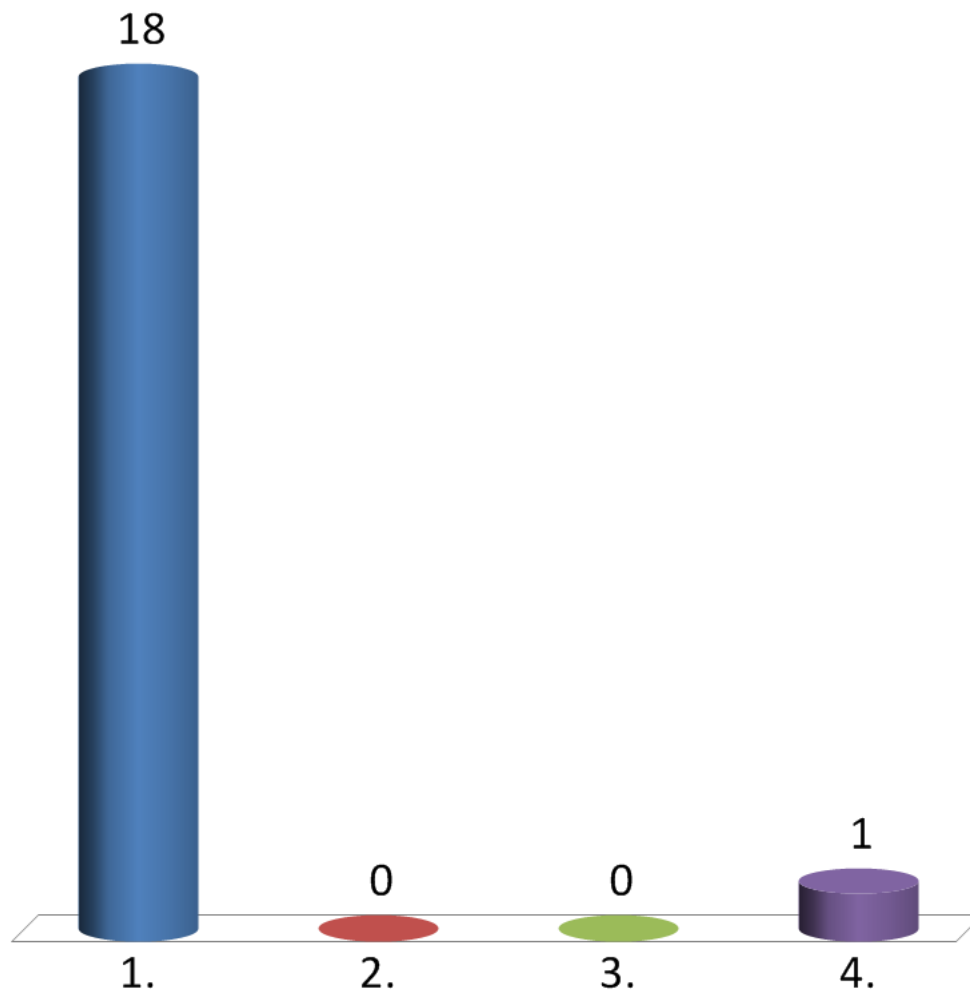


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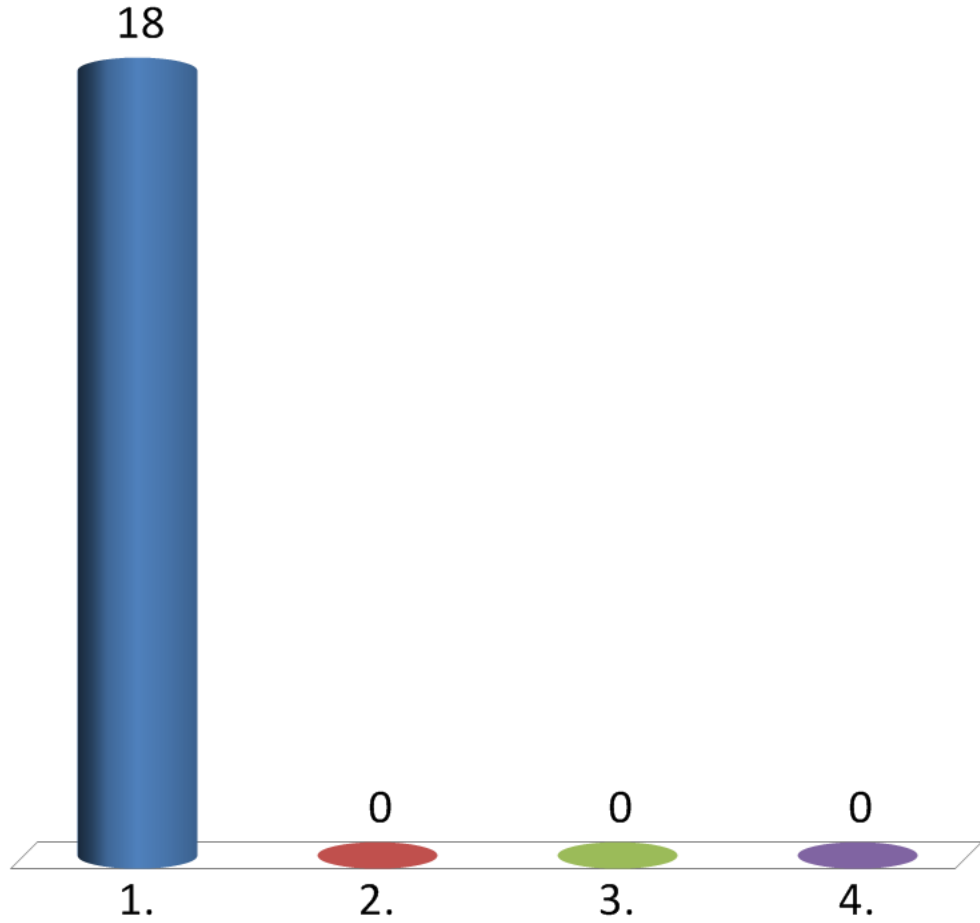
Pre-trial policy decisions should be data-informed to the extent possible

1. Agree
2. Disagree
3. Abstain
4. Uncertain



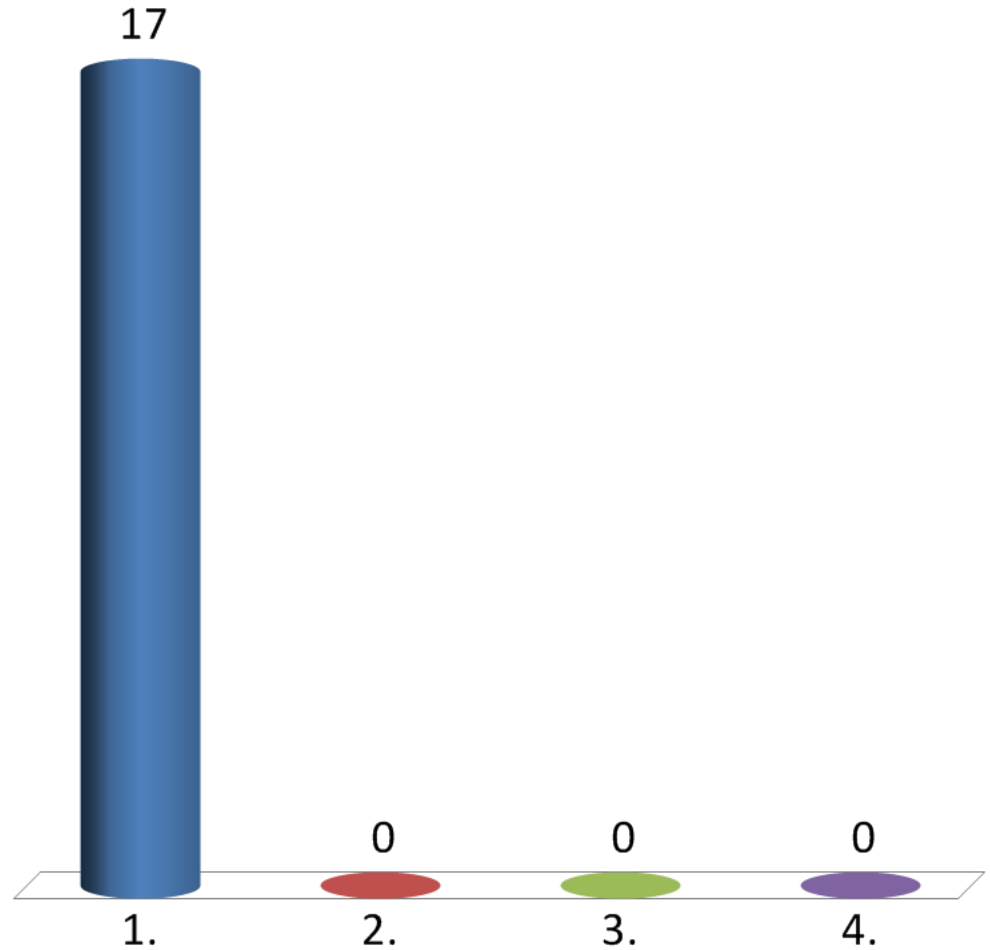
Statewide definitions to measure pre-trial outcomes in Virginia should be developed and adopted. Such definitions should include, at a minimum, definitions to measure public safety, failure to appear, pre-trial release, and pre-trial detention rates

- 1. Agree
- 2. Disagree
- 3. Abstain
- 4. Uncertain



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
- 2. Disagree
- 3. Abstain
- 4. Uncertain





Workgroup B: Pretrial Investigations, Supervision, Training, and Resources

Status Update to Stakeholder Group

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Andy Warriner, Adult Services Manager
Virginia Department of Criminal Justice Services



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Workgroup B: Pretrial Investigations, Supervision, Training, and Resources

- 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.

What should the focus of pretrial be?

Workgroup meetings discussions concentrated on:

- The best method to provide unbiased information to help a judicial officer determine bail
- The value of the pretrial risk assessment and PRAXIS
- The value of the supervision of bail conditions provided by pretrial services

DC-327- Checklist for Bail Determinations

1. The checklist form ensures magistrates consider all the relevant factors mandated by Va. Code § 19.2-121
2. Assists the magistrates in conducting a thorough and complete bail hearing
3. In subsequent bail hearings, the checklist provides information that may not be available to the court through other means

VPRAI- Virginia Pretrial Risk Assessment Instrument

1. Objective risk assessment instrument that weighs factors which are statically related to pretrial failure (FTA, New Arrests, etc.)
2. Provides information to assist judicial officers in determining bail, conditions of release, and intensity of pretrial supervision
3. Based in research originally conducted in 2002 and revalidated in 2009 and in 2015

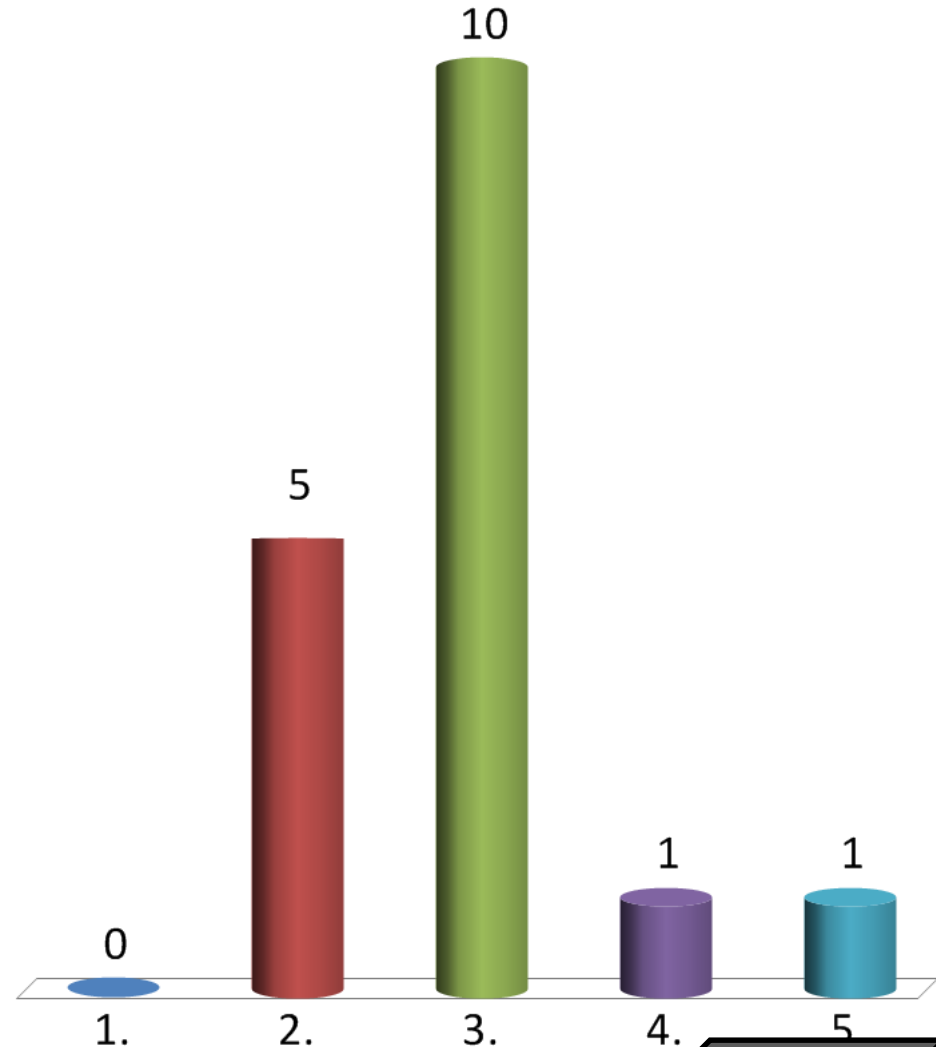
What should the focus of pretrial be?

- Investigations only
- Supervision only
- Both investigation and supervision

The recommendation of Workgroup B is that the ideal pretrial services in Virginia provide both pretrial investigations and pretrial supervision of bail conditions

Pretrial services agencies should focus on?

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



Scope of Pretrial

- Workgroup B members noted that there are parts of the state not served by pretrial services agencies and recommended statewide expansion of pretrial services to all localities

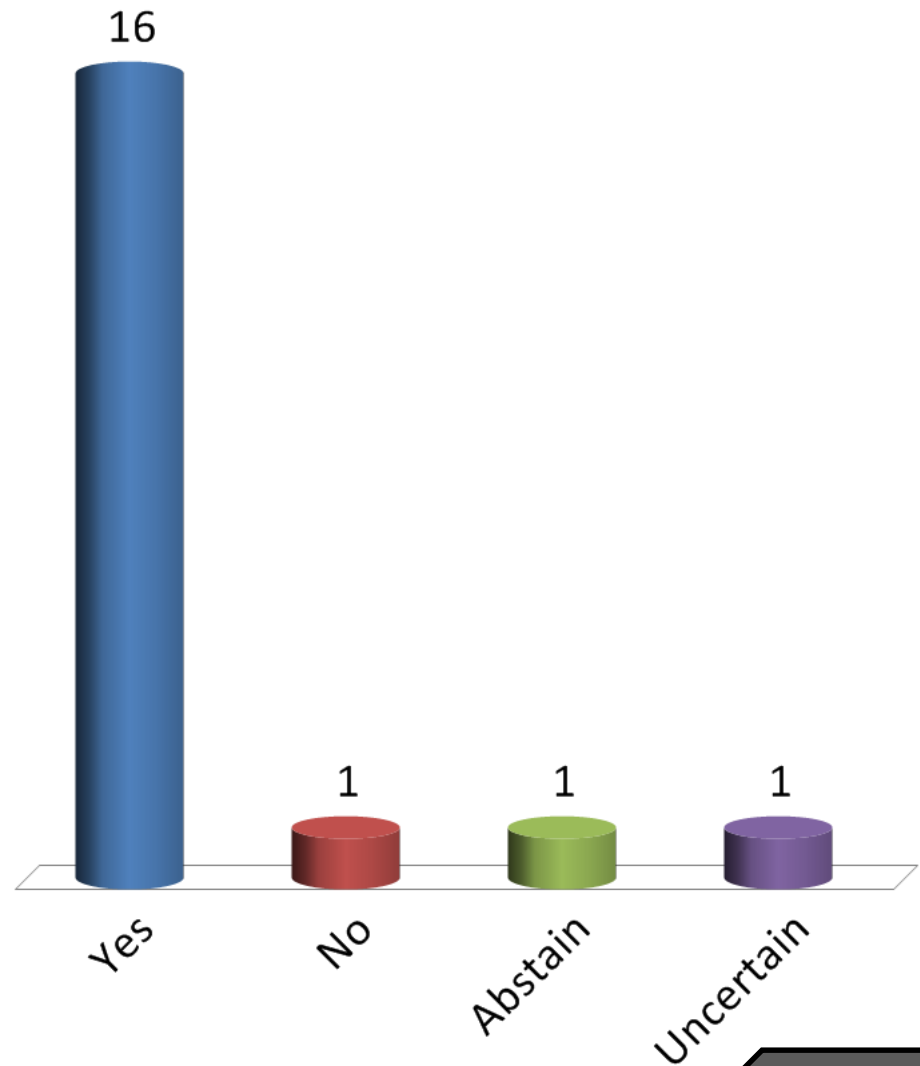
Pretrial services should be expanded to all localities.

1. Yes

2. No

3. Abstain

4. Uncertain

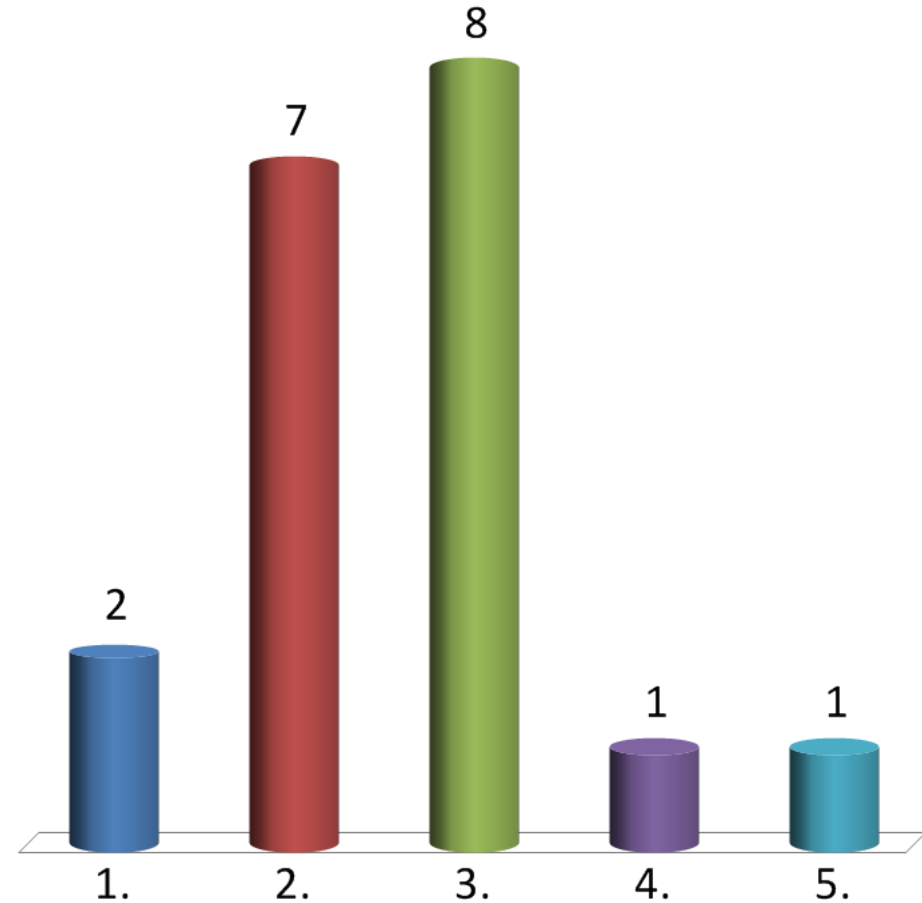


VPRAI should show separately the risk level of failure to appear and the risk level to public safety.

- The recommendation of Workgroup B is that there should be ongoing research and validation of the VPRAI
- As part of the research and validation, the workgroup recommended that, in addition to the overall risk level, the risk of failure to appear, and the risk to public safety be listed separately

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. Refine VPRAI (based on validated research) to show the risk level of failure to appear and the risk level to public separately
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
4. Abstain
5. Uncertain

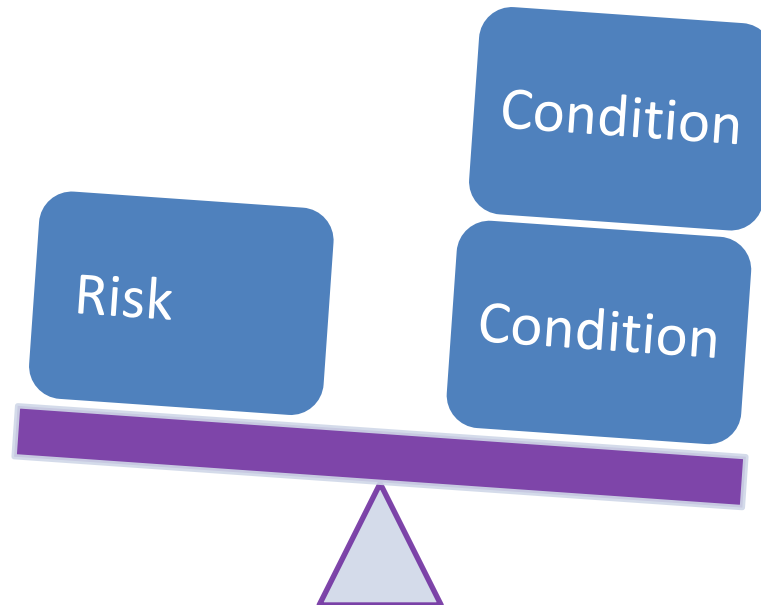


How Information from the Pretrial Investigation is presented

- Workgroup B recommended that DCJS conduct a review of other states' practices and provide examples of how information from the risk assessment is delivered.

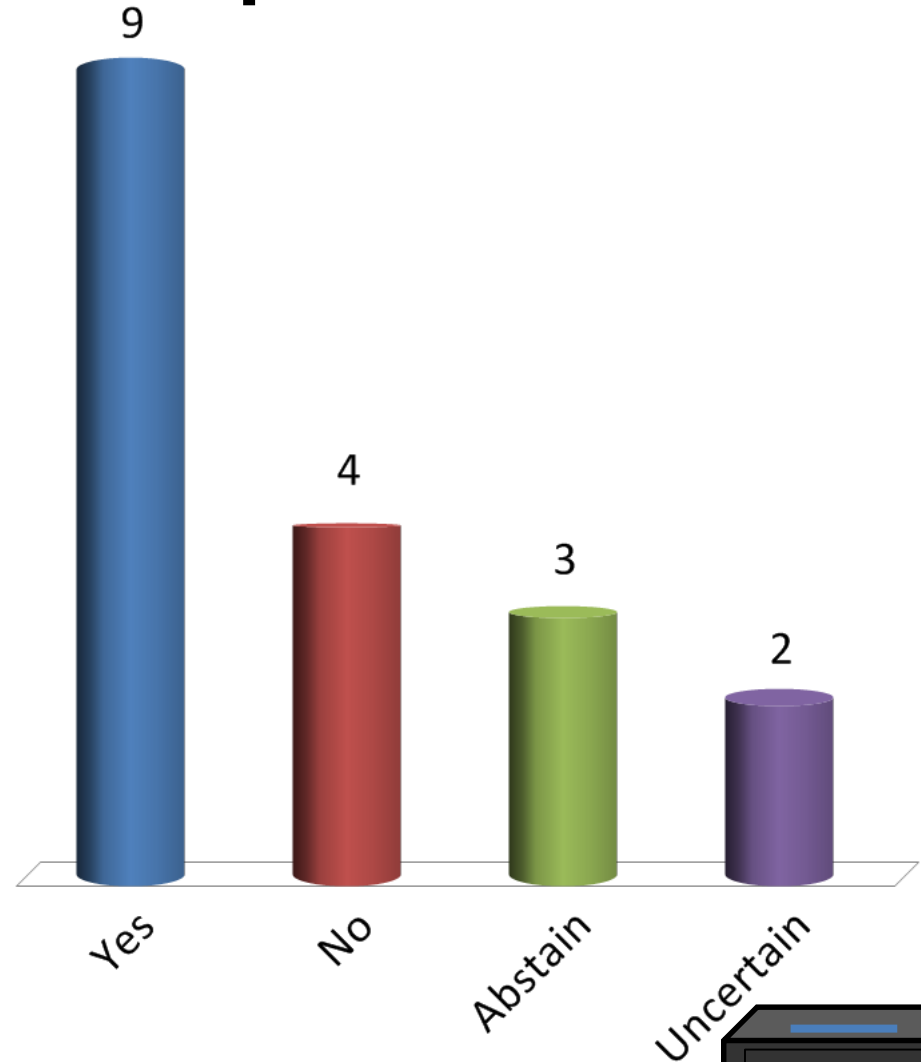
How should the intensity of pretrial supervision be determined

- The recommendation of Workgroup B is that the pretrial risk assessment should guide the intensity of pretrial supervision



The pretrial risk assessment should guide the intensity of pretrial supervision

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



Workgroup B: Pretrial Investigations, Supervision, Training, and Resources

- Educate stakeholders on the role, duties, and appropriate uses of pretrial services
- Workgroup B recommends that DCJS work with stakeholders to develop training modules that will enable pretrial services agency directors to coordinate the training of local stakeholders on pretrial services
- Trainings should also focus on the importance of the transfer of information between pretrial agencies, judges, prosecutors, defense attorneys, and other stakeholders

Workgroup B: Pretrial Investigations, Supervision, Training, and Resources

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

Workgroup B: Mapping of Pretrial Agency Process and Procedures

- The DCJS mapping showed that processes for when and how defendants are identified and when and how investigations are being completed and provided to the courts vary by pretrial agency
- The mapping process highlighted the differences in local practices resulting from the need for agencies to adapt to the local environment

DCJS Recommendation to ensure investigations of all defendants who are eligible for pretrial services are completed and information is provided to the courts

- DCJS will work with local agencies to develop a statewide programmatic audit process to ensure compliance with DCJS pretrial services standards, which should include:
 - The quarterly collection and analysis of data from each pretrial agency regarding direct placements
 - Site visit schedule to ensure DCJS conducts a site visit at each pretrial agency every 2-3 years
 - Desk audits
 - Yearly review and updates of pretrial agency profiles
 - Method to provide feedback to the locality



Workgroup A: Magistrate Bail Decision and Use of Static Pretrial Risk Assessment

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Virginia Department of Criminal Justice Services***



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Workgroup A: Magistrate Bail Decision and Use of Static Pretrial Risk Assessment

- 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 work-hours that would be required if magistrates were to administer a risk assessment instrument