



Pretrial Definitions

Placement Type

Transferred-in:

This placement type applies when one Pretrial Services Agency (PSA) formally transfers a defendant to another Pretrial Services Agency for the purposes of pretrial supervision when the defendant is a resident of the receiving jurisdiction.

NOTE: Supervision provided by the receiving Pretrial Services Agency is considered a temporary status to accommodate defendants that reside outside of the placement Court's area. The originating Pretrial Services Agency is considered the agency of record for the placement and all outcomes tied to the placement are attached to where the placement originated.

NOTE: The originating Pretrial Services Agency shall not transfer a placement assigned to Monitoring supervision level. The exception is when the Court orders a condition of bail, e.g., drug or alcohol testing, that requires face-to-face contact by a pretrial officer. When this occurs, the monitoring supervision level shall be increased to the next supervision level with an override description entered in PTCC. In this example, it would be increased from Monitoring to Supervision Level 1 and the reason for the override shall be noted as Judicial Officer Override.

Court Reinstatement

This placement type applies when a placement was previously closed as a result of a Court action, and the defendant is referred back (reinstated) to a Pretrial Services Agency for pretrial supervision for the charges in the original placement.

NOTE: The Court Reinstatement value must only be used with placements that originated by a judicial officer served by the pretrial services agency. It does not apply to transferred-in cases that were returned to the sending agency and later transferred back for the same charge(s).

Bond Type

The bond type indicates how a defendant is released which can be one of three ways—recognizance, unsecured, or secured. These terms are used to reinforce system-wide uniformity of terminology for bond type.

Recognizance

Recognizance should be selected when the defendant was released to pretrial supervision as a condition of a release that did not include a sum of money, either secured or unsecured.

The following definition provided below is from the Virginia Magistrate Manual.



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RECOGNIZANCE – A recognizance is simply the defendant’s written promise to appear and to abide by any terms ordered by the judicial officer as a condition of release. A release on a recognizance is not based on a monetary pledge or secured by cash deposit, real estate, or property bail bondsman. The top portion of the DC-330, RECOGNIZANCE contains the recognizance.

Unsecured Bond

Unsecured Bond should be selected when the defendant is released to pretrial supervision as a condition of an unsecured bond.

The following definition provided below is from the Virginia Magistrate Manual.

UNSECURED BOND: This type of bond is what many courts and magistrates formerly called the “P.R. bond,” “recognized on bond,” “recognizance bond,” or “personal recognizance bond.” Under current statutory definitions, these terms are obsolete and misleading. Consequently, magistrates should not use these or other misleading terms, or should discontinue any use of such misleading terms if such has been used. Additionally, magistrates must recognize that other actors within the criminal justice system may still use such obsolete terms in discussing the law on bail or bail decisions. Therefore magistrates should take extra steps to ensure that when speaking with others about the law of bail, the terminology use on both sides of the communicative exchange is precise and in accordance with the statutory terminology so as to avoid or mitigate any future misunderstandings. In releasing a defendant on an unsecured bond, the magistrate does not accept cash or require the surety to prove equity in any specific real or personal property. If the accused fails to appear in court, the court could revoke bail, forfeit the monetary amount on the bond, or any part thereof, and enter judgment.

Secured Bond

Secured Bond should be used when the defendant is released to pretrial supervision as a condition of a secured bond.

The following definition provided below is from the Virginia Magistrate Manual.

SECURE BOND – In this type of bail bond the magistrate ensures that the bond amount is “secured” by a deposit of cash or by a solvent surety who agrees to enter into the obligations of the bail bond. The method by which the bond is to be secured is at the option of the accused. If a surety were utilized, the magistrate would need to determine whether the surety is acting as a licensed bail bondsman or simply as a third party surety. Any person not licensed as a bail bondsman desiring to act as a surety on a bail bond must demonstrate their solvency by a showing of sufficient equity in any interest in real or personal property they own that is adequate to satisfy the full amount of the bail bond. If the accused fails to appear in court, the court could revoke bail, forfeit the bond, or any part thereof, and enter judgment.



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Judicial Action

The judicial action indicates how a defendant is placed on pretrial services for supervision in one of three ways—Direct Referral, Based on Program Recommendation, or Against Recommendation.

Direct Referral

This placement type applies when a defendant is placed on pretrial supervision by a judicial officer (magistrate or judge) prior to a pretrial investigation.

Based on Program Recommendation

This placement type applies when a judicial officer is provided a pretrial investigation with a recommendation of pretrial supervision and the judicial officer places the defendant on pretrial supervision.

Against Recommendation

This placement type applies when a judicial officer is provided a pretrial investigation with a recommendation other than Pretrial Supervision and the judicial officer places the defendant on pretrial supervision.

Placement Closure Type

The placement closure type indicates how the defendant supervision status is closed. The closure options include: Pending Closed, FTA, New Arrest, Condition Violation, Transfer-In Sent Back, Other, and Successful.

Note: Prior to closing a placement, ensure that all non-compliant events that occur during the course of pretrial supervision have been entered in PTCC. The non-compliance sub-module in PTCC shall be used to enter these events.

Pending Closed

This closure type applies when a defendant was placed on supervision, the status was Pending, and the case reached final disposition without the status changing to Active. There are two (2) primary reasons for Pending Closed; No Show and Remained Detained.

Failed to Report: This pending closed value applies when the defendant was placed on supervision, but never reported and supervision activities never commenced.

Remained Detained: This pending closed value applies when the defendant was placed on pretrial supervision by a judicial officer yet remained incarcerated until the final disposition of the case



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FTA

This value applies when a defendant fails to appear in court and the court removes the defendant from pretrial supervision.

Note: Some courts remove the condition of pretrial supervision at the time the warrant (capias/contempt of court) was issued. Other courts do not remove the condition of pretrial supervision from the bail. If this occurs, the pretrial services agency changes the placement status to inactive.

New Arrest

This value applies when a defendant is arrested for an offense allegedly committed while under pretrial supervision and, as a result, the Court *revokes* the defendant's release on pretrial supervision. If this closure reason applies, the charge type (misdemeanor or felony) and most serious charge category must be entered in PTCC.

Revocation: The term revocation or the equivalent of a revocation means that, as a result of a violation of bail conditions, the defendant's condition of pretrial supervision is removed by the court or the defendant was returned to the custody of the jail and remained detained until the disposition of the case.

Condition Violation

This unsuccessful value applies when a defendant has failed to comply with a term or condition of pretrial release and, as a result, the Court *revokes* the defendant's release on pretrial supervision. Select all that apply:

- (a) Report to the Pretrial Services Agency
- (b) Refrain from excessive use of alcohol or use drugs
- (c) Submit to testing for drugs or alcohol
- (d) Refrain from possessing a firearm, destructive device or other weapon
- (e) No contact with victim or potential witness
- (f) Maintain or seek employment
- (g) Maintain or commence education program
- (h) Comply with curfew
- (i) Electronic monitoring
- (j) Restrictions on travel, association or residence
- (k) Other court ordered condition – description required

Revocation: The term revocation or the equivalent of a revocation means that, as a result of a violation of bail conditions, the defendant's condition of pretrial supervision is removed by the court or the defendant was returned to the custody of the jail and remained detained until the disposition of the case.



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Note: If a capias is issued due to a violation of conditions of bail, the placement shall be placed in inactive status until the next scheduled court date. If the defendant appears for court and the bail is revoked due to the violation of the conditions of bail, the placement is closed with value of condition violation. However, if the defendant then fails to appear in court and a capias is issued, the placement is closed unsuccessful with the unsuccessful value of FTA and condition violation.

Note: When closing a case in PTCC in the Closure tab found in the Placement sub-module, a placement closure reason may include a combination of FTA, New Arrest, and Condition Violation. In addition, all non-compliant events must be entered in the Non-Compliance module in PTCC.

Transfer-in Sent Back

This closure type applies when the Pretrial Services Agency receiving the transfer for supervision returns the placement back to the sending (originating) Pretrial Services Agency for placement closure. The closure types FTA, New Arrest, Condition Violation, or Other will be captured by the Pretrial Services Agency where the placement originated (sending agency).

Other

This closure type applies when, prior to the final disposition of the case, a defendant is either;

- 1) incarcerated and bail is revoked for reasons other than violating a term or condition of supervision or
- 2) the condition of pretrial supervision is removed by the Court.

Examples of four (4) common reasons when Other case closures occur

1. *A defendant is arrested for an offense that allegedly occurred prior to the current placement on pretrial supervision, and, as a result of the new arrest, is incarcerated until the final disposition of the case for which s/he was on pretrial supervision.*
2. *The Court revokes a defendant's release on pretrial supervision for a new arrest that allegedly occurred prior to the current placement on pretrial supervision.*
3. *The Court revokes a defendant's release on pretrial supervision due to new case information.*
4. *The Court removes the condition of pretrial supervision for a reason other than violating a term or condition of supervision.*



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Successful

This closure type applies when a defendant was released and under the custody of a Pretrial Services Agency, reaches the final disposition of the case and did not have bail revoked due to *FTA*, *New Arrest*, or *Condition Violation*, or *Other* placement closure.