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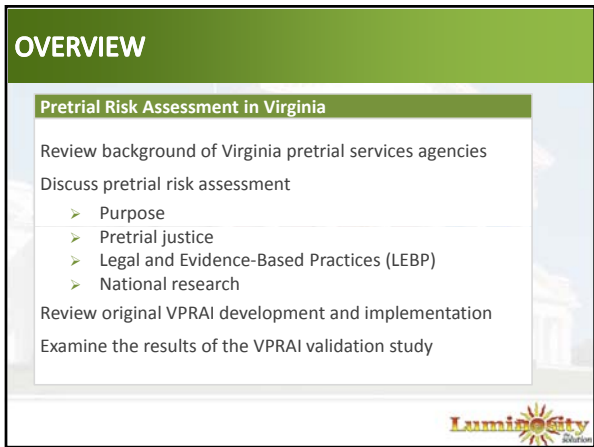
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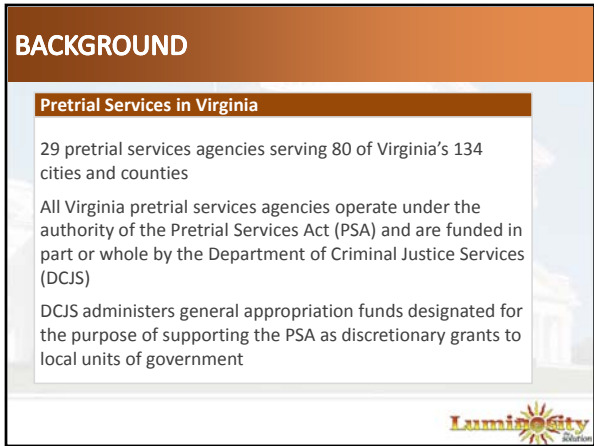
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## BACKGROUND

### Pretrial Services Act - § 19.2-152.2 et seq.

The Act states “such agencies are intended to provide better information and services for use by judicial officers in determining the risk to public safety and the assurance of appearance of persons... who are pending trial or hearing”

Required DCJS to develop risk assessment and other instruments to be used by pretrial services agencies in assisting judicial officers with determining bail for pretrial defendants



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## BACKGROUND

### Duties & Responsibilities - § 19.2-152.4:3



Investigate and Interview

Pretrial Investigation Report

Supervise compliance with terms & conditions of bail



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## PRETRIAL RISK ASSESSMENT

### Purpose

Identify Likelihood of Failure to Appear and Danger to the Community Posed by a Defendant Pending Trial



Serves as the Foundation for Bail Recommendation



Identify Least Restrictive Terms and Conditions of Bail to Reasonably Assure Court Appearance & Community Safety



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## PRETRIAL RISK ASSESSMENT

### Pretrial Justice

The honoring of the presumption of innocence, the right to bail that is not excessive, and all other legal and constitutional rights afforded to accused persons awaiting trial while balancing these individual rights with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance



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## PRETRIAL RISK ASSESSMENT

### Legal and Evidence Based Practices



Interventions and practices that are consistent with the legal and constitutional rights afforded to accused persons awaiting trial and methods research have proven to be effective in reducing unnecessary detention while assuring court appearance and the safety of the community during the pretrial stage



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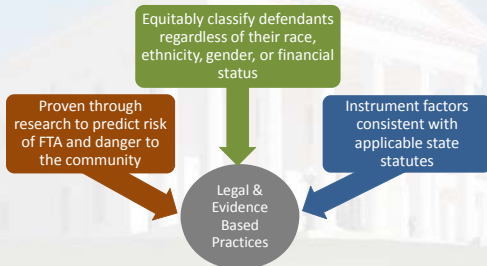
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## PRETRIAL RISK ASSESSMENT

### Legal and Evidence Based Practices



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## PRETRIAL RISK ASSESSMENT

### EBP Risk Principle – Post Conviction Field

↑ Research has demonstrated that evidence-based interventions directed towards offenders with a *moderate to high risk* of committing new crimes will result in better outcomes for both offenders and the community

↓ Conversely, treatment resources targeted to *low-risk* offenders produce little, if any, positive effect



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## PRETRIAL RISK ASSESSMENT

### EBP Risk Principle – Post Conviction Field

↓ Despite the appealing logic of involving *low-risk* individuals in intensive programming to prevent them from graduating to more serious behavior, numerous studies show that certain programs may actually worsen their outcomes

↑ By limiting supervision and services for low-risk offenders and focusing on those who present *greater risk*, probation and parole agencies can devote limited treatment and supervision resources where they will provide the most benefit to public safety



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## PRETRIAL RISK ASSESSMENT

### EBP Risk Principle – Pretrial Field

“Pretrial Risk Assessment in the Federal Court” (Department of Justice, Office of Federal Detention Trustee, 2009)

↑ *Moderate and higher risk* defendants who were required to participate in alternatives to detention\* pending trial were more likely to succeed pending trial

↓ *Lower risk* defendants who were required to participate in alternatives to detention\* pending trial were more likely to fail pending trial

\* ATD refer to conditions of bail such as drug testing, drug treatment, electronic monitoring, residential placement, & mental health treatment



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## PRETRIAL RISK ASSESSMENT

### Common Pretrial Risk Factors

Current Charge(s)  
Pending Charges at Time of Arrest  
History of Criminal Arrests and Convictions  
Active Community Supervision at Time of Arrest (e.g. Pretrial, Probation, Parole)  
History of Failure to Appear  
History of Violence  
Residence Stability  
Employment Stability  
Community Ties  
Substance Abuse



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## ORIGINAL VPRAI

### Research Driven

Collected data from 7 Virginia localities between July 1, 1998 and June 30, 1999

Investigated and tracked 2,348 pretrial defendants and dataset was finalized in 2001

- 84% of defendants were released pending trial (1,971)
- 15% of defendants were detained pending trial (355)
- 1% of defendants omitted from analysis (22)



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## ORIGINAL VPRAI

### Research Driven

Analyzed data from a sample of 1,971 cases

Examined 50 potential risk factors

Identified 9 factors as best predictors of pretrial outcome (success or failure pending trial)

Failure defined as

- Failure to appear
- Arrest for a new offense



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## ORIGINAL VPRAI

### Risk Factors




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## ORIGINAL VPRAI

### Risk Scores (0-10)




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## ORIGINAL VPRAI

### Risk Levels & Pretrial Outcome

Risk Level	Risk Score	N	% Population	Failure to Appear	New Arrest	Total Failure
Low	0, 1	471	24%	4%	6%	10%
Below Average	2	461	23%	8%	11%	19%
Average	3	412	21%	11%	16%	27%
Above Average	4	332	17%	13%	27%	40%
High	5 – 10	295	15%	16%	37%	53%




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## ORIGINAL VPRAI

### Implementation

The instrument was completed in 2002 and automated in Pretrial and Community Corrections Case Management System (PTCC)

Implementation phased in between July 2003 & Dec. 2004

- pilot testing
  - onsite training to all agency staff and local CCJBs
  - post-implementation technical assistance and support
- Instruction manual, investigation guide and training & resource manual



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## VPRAI VALIDATION STUDY

### Partnership



VPRAI Validation  
Advisory Committee



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## VPRAI VALIDATION STUDY

### Research Concepts

- Validity: Does the instrument measure what it purports to measure and accomplish its goals? (predictive accuracy)
- Reliability: Do similar cases receive similar recommendations for bail or supervision? (inter-rater and intra-reliability)
- Equity: Is the instrument fair to various groups? (age, race/ethnicity, gender, financial status)
- Utility: Is the instrument useful to practitioners and is it simple to implement?



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## VPRAI VALIDATION STUDY

### Purpose of Validation

Validation - primary purpose is to confirm predictive validity (accuracy) – ability to predict future failure to appear for court and danger to the community pending trial for defendants in Virginia

Ensure that circumstances that can change over time (e.g. crime patterns, law enforcement practices, drug usage, population demographics) have not impacted the accuracy of the instrument

The focus of this study was predictive validity



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## VPRAI VALIDATION STUDY

### VPRAI Validation Advisory Committee

The committee include representatives from DCJS and 10 pretrial services agencies

- In 2007 the committee worked to conduct the VPRAI validation study
  - Identified a random sample of cases, researched and identified outcomes, entered data into PTCC
  - Reviewed research results
- In December 2008 the committee reconvened to finalize the instrument and revised PTCC



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## VPRAI VALIDATION STUDY

### Dataset

#### Primary Dataset

10 pretrial services agencies – random sample of 4,272 cases investigated pending trial (65% released n = 2,778)

#### Secondary Dataset

All 29 programs statewide – every defendant released to pretrial supervision in 2005 with known outcomes (7,174)



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## VPRAI VALIDATION RESULTS

### Original VPRAI Pretrial Outcome by Risk Level

10 Agency Random Sample

Risk Level	Success	Failure
Low	86.1%	13.9%
Below Average	82.1%	17.9%
Average	72.6%	27.4%
Above Average	66.8%	33.2%
High	63.0%	37.0%
Total Success/Failure Rates	72.5%	27.5%



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## VPRAI VALIDATION RESULTS

### Original VPRAI Pretrial Outcome by Risk Level

All Defendants Released with Pretrial Supervision

Risk Level	Success	Failure
Low	92.8%	7.2%
Below Average	87.4%	12.6%
Average	82.0%	18.0%
Above Average	75.7%	24.3%
High	67.7%	32.3%
Total Success/Failure Rates	82.0%	18.0%



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## VPRAI VALIDATION RESULTS

### Revised and Validated VPRAI

- Charged with felony (1)
- Pending charges (1)
- Criminal history (1) ← Outstanding Warrants Removed
- 2 or more failures to appear\* (2)
- 2 or more violent convictions (1)
- Length at residence (1)
- Not employed/primary caregiver\* (1)
- History of drug abuse (1)

\*Definitions modified



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## VPRAI VALIDATION RESULTS

### Revised VPRAI Risk Levels

Risk Level	Risk Score
Low	0, 1
Below Average	2
Average	3
Above Average	4
High	5 – 9




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## VPRAI VALIDATION RESULTS

### Revised VPRAI Pretrial Outcome Type by Risk Level

10 Agency Random Sample

Risk Level	Success	FTA	New Arrest
Low	86.7%	1.6%	11.7%
Below Average	81.9%	4.1%	14.0%
Average	72.5%	5.8%	21.7%
Above Average	67.2%	6.6%	26.2%
High	63.5%	7.0%	29.5%
Total Success/Failure Rates	72.5%	5.5%	21.5%




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## VPRAI VALIDATION RESULTS

### Revised VPRAI Pretrial Outcome Type by Risk Level

All Defendants Released with Pretrial Supervision

Risk Level	Success	FTA	New Arrest	Technical Violation
Low	92.9%	3.7%	1.2%	2.2%
Below Average	87.5%	5.6%	1.6%	5.3%
Average	82.2%	6.7%	2.7%	8.4%
Above Average	76.3%	7.0%	4.2%	12.5%
High	68.0%	7.8%	6.2%	18.0%
Total Success/Failure Rates	82.0%	6.2%	2.9%	8.9%




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## VPRAI VALIDATION RESULTS

### Revised VPRAI Risk Level Breakdown

10 Agency Random Sample

Risk Level	Frequency	Percent
Low	346	8.1
Below Average	692	16.2
Average	989	23.2
Above Average	1045	24.5
High	1200	28.1
Total	4272	100.0



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## VPRAI VALIDATION RESULTS

### Revised VPRAI Pretrial Status

10 Agency Random Sample

Risk Level	Detained	Released
Low	10.7%	89.3%
Below Average	22.7%	77.3%
Average	29.4%	70.6%
Above Average	38.9%	61.1%
High	50.2%	49.8%
Total	35.0%	65.0%



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## NEXT STEPS

### Pretrial Risk Assessment in Virginia

Review VPRAI in PTCC with completion instructions

Revised PTCC rolled out within 1 week of training

PTCC related technical assistance requests

PTCC help desk: [PTCChelp@dcjs.virginia.gov](mailto:PTCChelp@dcjs.virginia.gov)

VPRAI support for 60 days post-implementation

Non-PTCC related: [askvprai@luminosity-solutions.com](mailto:askvprai@luminosity-solutions.com)



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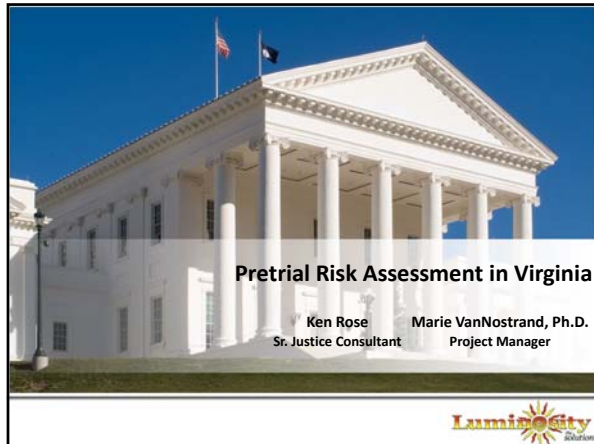
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