

VPRAI/Praxis Frequently Asked Questions

VPRAI SCORING

QUESTION:

Is completing the VPRAI optional?

ANSWER:

No. DCJS requires that agencies complete a VPRAI on all eligible defendants.

QUESTION:

How should I score the risk factor Felony Drug, Theft or Fraud when the only charge committing the defendant to jail is a capias for FTA and the underlying charge is a felony drug, theft, or fraud charge?

ANSWER:

Failure to appear for Felony Drug, Theft or Fraud should trigger the risk factor as it did for the original arrest and the FTA should result in an increase in recommendation per the Praxis. Being charged with a Felony Drug, Theft or Fraud represents a greater risk of failure and is included in the risk assessment as such. A Failure to Appear for an underlying charge of Felony Drug, Theft or Fraud would carry that same risk.

QUESTION:

How should I score the risk factor when the current charge is something other than Felony Drug, Theft or Fraud, but the pending charge is Felony Drug, Theft or Fraud?

ANSWER:

In this situation, the defendant should be scored based on their current charge only. The pending charge should be scored “Yes” but the risk factor “Charge is a Felony Drug, Theft or Fraud should be scored “No.”

Question:

When entering FTA information in the Research and Risk Factor section, is that for any FTA or just convictions?

Answer:

In both sections we are looking at the instances of failure to appear in court and not whether the defendant was found guilty of failure to appear. There are two primary reasons for counting all instances of failure to appear. First, our research has determined that any failure to appear is a better predictor of pretrial failure than failure to appear convictions. Second, is that Virginia courts are not consistent about how FTAs are addressed in terms of findings of guilt. We found that it is not uncommon for a court to dismiss the capias for FTA, but revoke the bail for the underlying charges.

VPRAI/Praxis Frequently Asked Questions

Question:

Should we consider the conviction of Use of a Firearm while in Commission of a Felony as violent?

Answer:

When determining whether or not a charge is violent, the first thing to consider is if the offense is described in § 19.297.1. This Code section describes felony acts of violence when considering the denial of bail, known as rebuttable presumption. If the offense is not found in this Code section, refer to the definition of violence found in the VPRAI Instruction Manual. For the purposes of the VPRAI, acts of violence are expanded to misdemeanor acts of violence, e.g., domestic assault.

VPRAI/Praxis Frequently Asked Questions

PRAXIS RECOMMENDATIONS	
<p>QUESTION: Is the Praxis required for making recommendations?</p>	<p>ANSWER: Yes. It is required that Praxis be applied to guide the recommendation for all eligible defendants. The pretrial officer may override the Praxis recommendation only if it follows the local agency policy on overrides. Each agency shall follow Praxis recommendations 85% of the time or greater.</p>
<p>QUESTION: If someone is charged with a Conspire to Commit a Violent Offense, does this charge apply to the Praxis?</p>	<p>ANSWER: If the conspiracy to commit a violent offense is for an offense other than murder, homicide, or manslaughter, the Praxis does apply.</p>
<p>QUESTION: Is malicious wounding with intent to kill Praxis eligible?</p>	<p>ANSWER: Yes. If it is not murder, homicide, manslaughter, then it is Praxis eligible.</p>
<p>QUESTION: Is the combination of charges DUI & Child Endangerment considered violent (a child was in the car of a driver under the influence)?</p>	<p>ANSWER: No. Always pick the most serious charge category when there are multiple charges. The combination of charges does not influence the most serious charge category. Child endangerment is not considered a violent offense.</p>
<p>QUESTION: Staff noted that there are a few cases where they begin an investigation but cannot complete it because the defendant bonded out before they could finish it. Should staff complete the recommendation after the fact?</p>	<p>ANSWER: No, there is no recommendation to the court if the defendant makes bond before the first appearance. The VPRAI should be deleted and the Screening sub-module should be updated to indicate that the defendant was screened out with the reason "Released On Bond Before Interview."</p> <p>If a recommendation had been made prior to the defendant making bond and a VPRAI report submitted to court, update VPRAI (Step 4), Court Decision. In the field Decision, select the value "Bonded out after Investigation, but before Court."</p>

VPRAI/Praxis Frequently Asked Questions

<p>QUESTION: What Charge Category does burglary or breaking/entering fit into?</p>	<p>ANSWER: The charge category would be non-violent felony, but it would be a felony Theft/Fraud for the risk assessment (3 points).</p>
<p>QUESTION: How do we categorize a capias for violating the terms of pretrial supervision? We are aware that we do not complete the Praxis for probation violations; so do we do the same for a Pretrial Capias?</p>	<p>ANSWER: If a pretrial capias is for non-compliance with pretrial supervision (Violation of Pretrial Supervision), then it would be treated similarly to Contempt and Probation Violation – the Praxis would not apply.</p>
<p>QUESTION: If a charge is not eligible for the Praxis, do we still conduct an interview, investigation, and risk assessment?</p>	<p>ANSWER: Yes. Please conduct an interview and attempt to complete an investigation including a risk assessment. Each agency should develop a policy to guide staff on how to address recommendations when the Praxis does not apply.</p>
<p>QUESTION: VPRAI (Step 4) asks if the court decision is consistent with the recommendation. The answer could be both “yes and no” – that the release is consistent but the judge orders an inconsistent supervision level. How should this be handled?</p>	<p>ANSWER: Consistent with Staff Recommendation is dependent upon the release decision and whether supervision is ordered. The supervision level is not a consideration when determining whether a court decision is consistent with the Staff Recommendation, (see table 4 on page 20 of the instruction manual).</p>
<p>QUESTION: Can we develop some universal criteria that we all use uniformly for overriding the Praxis?</p>	<p>ANSWER: Overrides to the Praxis recommendation or supervision levels should be made on an individual basis and should be approved by a supervisor/manager.</p>
<p>QUESTION: How do we handle FTA cases when we do not know the underlying charge?</p>	<p>ANSWER: When an underlying charge is unknown, such as with an FTA, the Praxis cannot be applied and is treated as Praxis does not apply.</p>

VPRAI/Praxis Frequently Asked Questions

REBUTTABLE PRESUMPTION

QUESTION:

We are reluctant to follow the recommendation of Praxis on rebuttable presumption cases. It would help if there was some standard wording that indicated that the officer is aware that the case meets the criteria described in § 19.2-120 (B).

ANSWER:

We do not have specific language to recommend for rebuttable presumption cases. We strongly recommend working with key local stakeholders to create a statement that addresses the issue of acknowledging that the case may meet the criteria for rebuttable presumption. Pretrial Officers and agencies have the authority to make recommendations on all cases with the exception of capital offenses.

QUESTION:

Can a pretrial agency make a recommendation in a case that appears to meet the requirements for rebuttable presumption?

ANSWER:

Our position is that the Praxis is risk and charge based and supported by research. It is true that some cases have a presumption of detention, which can be rebutted, and that the Praxis may in some cases recommend release for cases that meet the criteria of 'rebuttable presumption'. The Pretrial Services Act and the Pretrial Duties and Responsibilities statutes authorize pretrial services to make release recommendations and there are no restrictions on what is recommended. The recommendations are not binding to the court and are simply recommendations. Pretrial services provides information, including information that can be used to rebut the presumption, therefore the recommendations made are based on risk and the most serious charge category and do not factor in the rebuttable presumption statute.

VPRAI/Praxis Frequently Asked Questions

PRAXIS SUPERVISION LEVELS

QUESTION:

Does each agency have to follow the Praxis supervision levels?

ANSWER:

Each agency must use the Praxis to guide the supervision level of each defendant placed on pretrial supervision. The pretrial officer may override the Praxis supervision level only if it follows the agency policy for overrides. Agencies concurrence rates with Praxis supervision levels must be 85% or greater.

QUESTION:

If a placement is on monitoring supervision and moves out of the jurisdiction of my locality, do I transfer the case?

ANSWER:

No. A defendant on monitoring supervision is not required to visit the pretrial agency office. If the defendant has a condition of bail, e.g., drug testing, that would require the defendant to come to the office. In this case, the supervision level should be increased to level 1 and note the reason for the override. In this case, the reason for override would be judicial override. If the supervision placement requires face-to-face contact, it can be transferred. Consult the DCJS Guideline on transfer cases and your agency policy and procedures.

QUESTION:

If there is a need to override a supervision level recommended by the Praxis, does this level we recommend need to stay within the 1 level difference?

ANSWER:

Yes. An override should not be more than one level in either direction.

QUESTION:

What supervision level do we assign when the Praxis recommends that the defendant be detained? Conversely, what supervision level do we assign when the Praxis recommends release without pretrial supervision?

ANSWER:

When the Praxis recommends detain, the default supervision level is Level III. If the recommendation is for release without supervision, the default supervision level is monitoring.

VPRAI/Praxis Frequently Asked Questions

PTCC DATA ENTRY	
<p>QUESTION: Can we skip screens or fields in PTCC we don't think are necessary or do we have to enter everything, e.g., JAE Outcome?</p>	<p>ANSWER: As a condition of your grant award, DCJS requires full utilization of PTCC. It is the expectation of DCJS that you complete all modules, sub-modules, and fields for every defendant.</p>
<p>QUESTION: What do they do when the initial VPRAI completed in the JAE module reports no history of substance abuse and a week after being placed on pretrial supervision the defendant tests positive drug use and admits using for the past ten years? Should the Pretrial Officer go back and change the VPRAI and, if appropriate, the supervision level?</p>	<p>ANSWER: The VPRAI is to be completed as the result of a Jail Admission Event (JAE) or at intake as a result of a Direct Placement from the court. At the time of Intake, it is acceptable to modify the VPRAI in the Placement module if there are obvious errors or missing information at the time of the VPRAI completion during screening. Pretrial Officers should use caution when making modifications to the VPRAI. The longer the time between Intake and the changes, the more caution should be used. Keep in mind that based on new facts during supervision can result in increases in supervision levels if needed.</p>
<p>QUESTION: In some jurisdictions, the circuit court does not want pretrial staff to make recommendations. In these cases, staff provides the VPRAI information and what the Praxis indicates would be appropriate, without making an official staff recommendation. How should this be entered in PTCC?</p>	<p>ANSWER: Select "No Recommendation." It is recommended that the director of the agency work with all stakeholders to ensure that they know the role and purpose of a pretrial services agency. Policies that prohibit a pretrial recommendation are not in alignment with the state funded model.</p>
<p>QUESTION: What should be done in the following scenario:</p> <ul style="list-style-type: none"> • A defendant is in jail, screened, VPRAI scored and Praxis recommendation determined, and recommendation made • The court determines to hold the defendant (deny bail) • Pretrial enters the court outcome as Denied Bail • A bond review is conducted 60 days later on the same 	<p>ANSWER: The VPRAI is completed based on the circumstances at the time of arrest. Even if conditions change later, the conditions were still present at the time of arrest, so the scoring is not changed. The only exception to this would be if an error was made when the risk assessment was completed, meaning the facts about the defendants circumstances at the time of the arrest were recorded inaccurately. Otherwise, the risk assessment does not get updated.</p>

VPRAI/Praxis Frequently Asked Questions

<p>charge</p> <ul style="list-style-type: none"> The defendant's circumstances have changed (other charges that were pending at the time of the initial screening have been dropped) <p>How is this handled? Should pretrial update the records and overwrite them?</p>	<p>A pretrial services agency may submit an updated report at a future bond hearing, and based on new information, may change the original recommendation. If this occurs, it is appropriate to overwrite the changes to the staff recommendation and court decision. In this case, the software was designed to capture the last recommendation and the last court decision. So yes, we do want them to update the screens with the most recent recommendation and decision.</p>
<p>QUESTION: How do we handle “disposition not received”?</p>	<p>ANSWER: If a disposition is unknown, and attempts to determine the disposition are unsuccessful, the charges are not included in the history of convictions.</p>
<p>QUESTION: If a defendant has the same case in two courts, how are two different outcomes to be recorded?</p>	<p>ANSWER PTCC is intended to capture one recommendation per arrest event. The business rules enforce a 1 to 1 relationship throughout the JAE module – VPRAI sub-module. When there are multiple courts, and all courts accept the recommendation, the recommendation is consistent with the court decision. If one court does not follow the recommendation, document the court action that was different from the recommendation, and indicate that court decision is not consistent with the staff recommendation.</p>
<p>QUESTION: Do I enter data in the Jail Admission Event (JAE) module for direct placements?</p>	<p>ANSWER: For direct placements, the VPRAI is to be completed in the placement module. In the placement module, there is a sub-module called VPRAI. That’s where you complete the risk assessment—not in the JAE module.</p>
<p>QUESTION: Under the differential supervision strategy, staff are advised to consider decreasing supervision levels if a defendant is doing</p>	<p>ANSWER: Changes in supervision levels must be recorded in PTCC. This must be done by changing the level for “Supervision Level” in</p>

VPRAI/Praxis Frequently Asked Questions

well after 60 days. Alternatively, if the defendant is having difficulties under supervision, his supervision level might be increased. What is the proper way to record changes in supervision level?

At least three different practices are occurring:

1. Some staff are over-writing the initial supervision level
2. Some staff are not over-writing the supervision level but are putting a notation in the case notes about the date of the change, reason for the change, and the new supervision level.
3. Some staff are just changing their supervision practices and not making any notation in PTCC.

the Pretrial Placement module on the Placement tab. Simply documenting supervision level changes in notes is not sufficient and will prevent meaningful evaluation of differential supervision practices.