



Impacts of the Covid-19 Pandemic on Virginia's Criminal Justice System Seen Through NIBRS and Other Criminal Justice Indicators

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Introduction

This report examines trends in various measures of criminal justice activity in Virginia during the period before and after Covid-19 appeared in Virginia in March of 2020. Effective March 30, Virginia imposed a statewide public health “stay at home” lockdown order due to the Covid-19 pandemic which remained in effect through June 10, 2020. Some of the restrictions were gradually eased beginning in mid-May and through the summer, but by the fall and into the winter of 2020 the “second wave” of Covid-19 produced additional restrictions.

During this time the Governor and state and local criminal justice/public safety officials took various steps aimed at reducing the spread of Covid-19 among public safety employees and among persons in the criminal justice system. Among the steps taken were:

- Increased use of summonses by law enforcement, in lieu of arrest, to divert offenders from being admitted into jails prior to trial;
- The Supreme Court of Virginia granting a judicial emergency suspending non-essential, non-emergency court proceedings in all district and circuit courts, absent a specific exemption;
- Statewide collaborative efforts to release low-level offenders from local and regional jails;
- Allowing sentence modifications to reduce populations within the jails;
- Suspending transfers of inmates between facilities;
- Decreasing the number of low-risk offenders being held without bail in jails;
- Using alternative solutions to incarceration such as home electronic monitoring;
- Providing additional resources for community supervision to help divert individuals from incarceration; and
- Releasing from state prisons persons with less than a year left to serve in their sentences (for the duration of the Covid state of emergency).

During this period, many Virginians were sheltering at home, and businesses were closed. Even after June 10 and throughout 2020, travel and business activity remained below pre-pandemic levels.

This report presents Covid-19 pandemic effects on select criminal justice indicators including:

- Total index offenses by law enforcement,
- Domestic violence victim counts and related arrests,
- Drug offenses and drug and alcohol-related arrests,
- Residential and commercial/retail burglaries,
- Overall arrests and arrest type (on-view versus taken into custody versus summons),
- Numbers of filings and dispositions in Virginia General District Courts (misdemeanor/ordinance violations) and in Circuit Courts (felony offenses),
- Numbers of admissions to pre-trial programs for misdemeanors and felony (violent, drug and other) offenses,
- Numbers of local-responsible jail inmate admissions to jails, and
- State prison populations.

Measures for the criminal justice activities listed above were drawn from the following sources:

- Offense, arrest and victim data are from the Virginia State Police Incident-Based Reporting System, converted into Uniform Crime Report index Crime categories.
- Court filing and disposition data are from the Supreme Court of Virginia's Courts Automated Information System (CAIS).
- Pretrial admissions data are from the VirginiaCORIS-LIDS, provided by the State Compensation Board.
- Local-responsible jail inmate admissions data and state prison population data are from the VA Department of Corrections' VirginiaCORIS system.

Covid Timeline in Virginia

Key events in the timeline for the calendar year 2020 portion of the Covid-19 pandemic in Virginia were as follows:

- March 7, 2020: Virginia records its first Covid-19 case.
- March 12, 2020: Virginia governor declares a state of emergency.
- March 23, 2020: Virginia governor declares public schools closed for remainder of school year.
- March 30, 2020: Virginia governor issues statewide "stay at home" order.
- May 15, 2020: Virginia Phase 1 reopening begins.
- June 5, 2020: Virginia Phase 2 reopening begins.
- July 1, 2020: Phase 3 reopening begins.
- November 15, 2020: Due to increasing positive cases, new Covid-19 restrictions limiting the size of gatherings and late evening alcohol sales in restaurants, and mandating masks for children go into effect.
- December 14, 2020: New stay-at-home order (between hours of 12am to 5am) goes into effect; first Covid-19 vaccine shipments arrive in Virginia

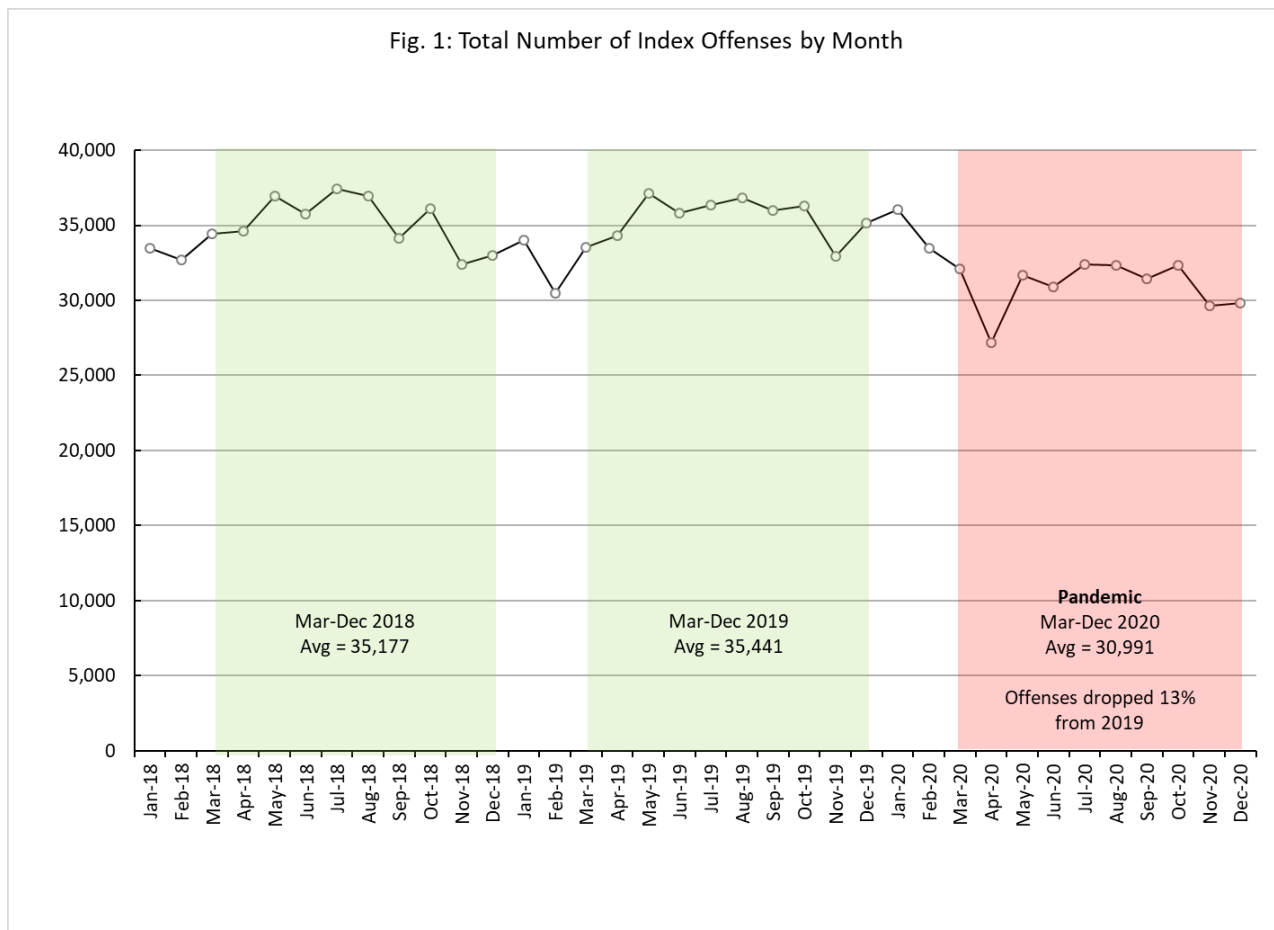
As will be seen in this report, most of the pandemic impacts on Virginia's criminal justice system generally tracked the broader Covid-related timeline shown above.

In the two months of 2020 prior to the pandemic in Virginia (January and February), most measures of criminal justice activity were similar to the measures seen in 2018 and 2019, prior to the pandemic. Beginning in March of 2020, when Virginia began closures and lockdowns, these measures started to drop. The largest drops were seen during April and May of 2020, immediately after the closures and lockdowns were in effect. During late May through October, as Virginia slowly went through a phased "reopening," some criminal justice measures began to increase along with the reopening. However, in November and December, as positive Covid-19 cases increased during the "second wave" of Covid-19, new restrictions were imposed, and some of these criminal justice activity measures dropped again.

In this report, these effects are demonstrated by showing trends for various types of criminal justice activities for the two calendar years prior to the pandemic (2018 and 2019), and comparing these trends to calendar year 2020, when the pandemic arrived. In most cases, the focus is on comparing activities for the 10-month period March through December of each year, because March-December of 2020 is when the effects of the pandemic were seen in Virginia.

NIBRS Offense and Arrest Measures

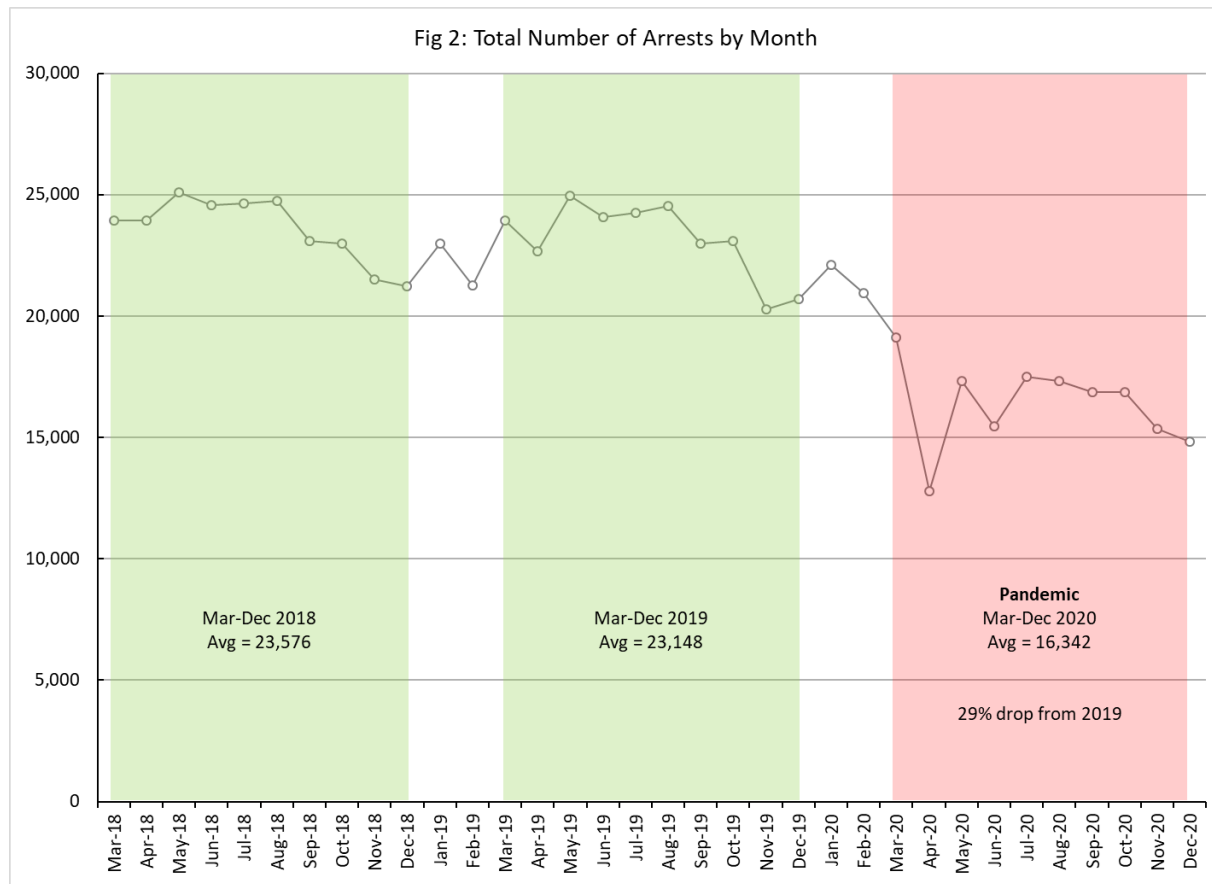
Figure 1 shows the total number of NIBRS-reported index offenses in Virginia, by month, for the three-year period January 2018 through December of 2020. The portion with darker shading on the right of Figure 1 (March – December of 2020) indicates when Virginia had practices in effect to limit the spread of Covid-19. The two lighter shaded portions of the figure on the left indicate March-December of 2018 and 2019.



As can be seen in Figure 1, during March through December of 2018 and 2019, Virginia averaged more than 35,000 reported index offenses per month. During the same 10-month period in 2020, Virginia averaged fewer than 31,000 offenses per month. The number of offenses reported during this period in 2020 was 13% lower than the number reported for the same period in 2019.

The total number of criminal offenses reported by law enforcement had the largest percentage decrease from March-to-April of 2020, when Covid-related restrictions first went into effect. The number of offenses reported monthly in 2020 was consistently lower than in 2018 or 2019. After the initial drop in March and April of 2020, offenses increased in May through October (as Covid-related restrictions were gradually eased), but then fell again in November and December as some restrictions were re-imposed.

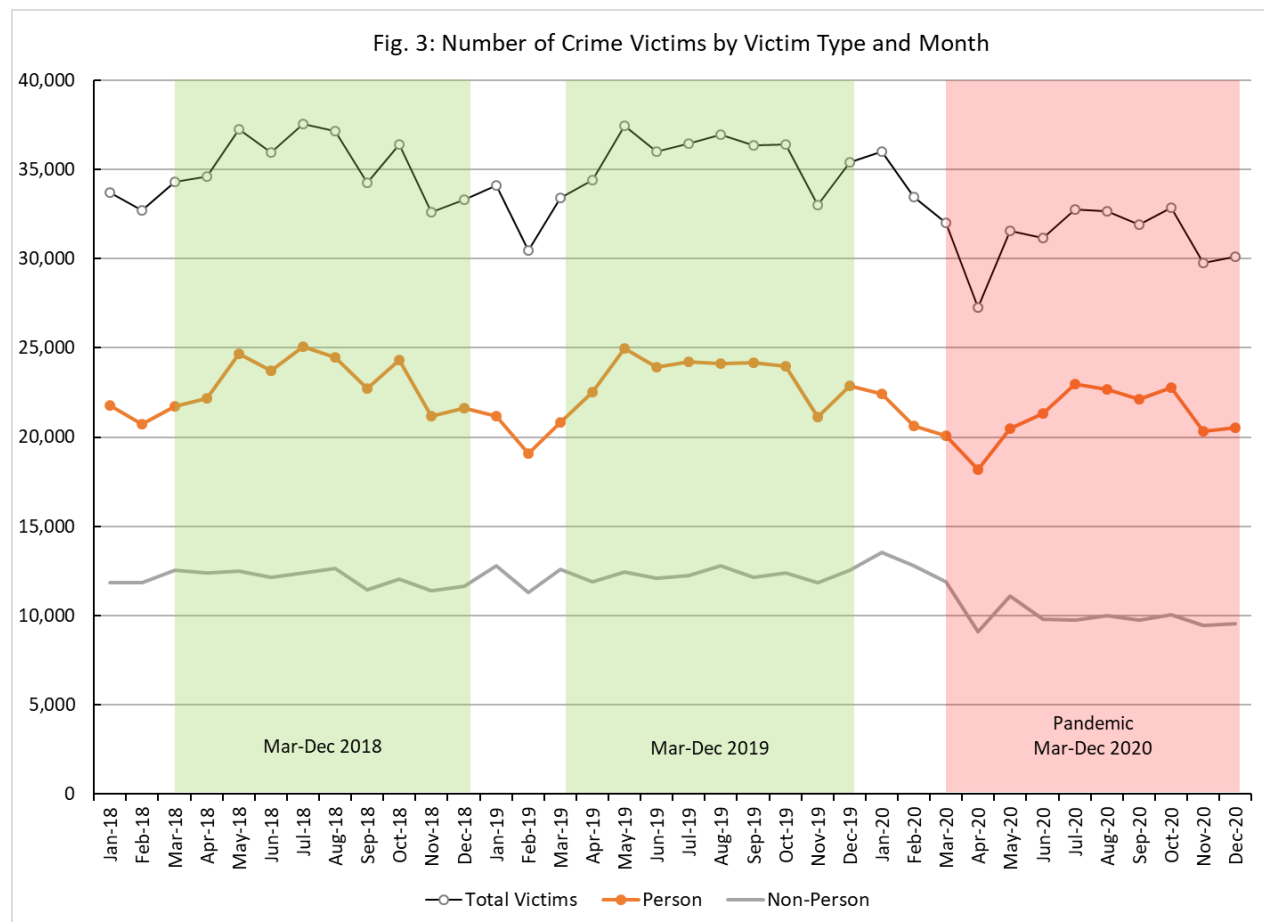
Figure 2 shows the total number of index crime arrests reported in NIBRS, by month, for the period January 2018 – December 2020.



The monthly number of index crime arrests during March through December of 2018 and 2019 averaged 23,576 and 23,148, respectively. During the same period in 2020, the monthly average dropped to 16,342, a 29% decrease from 2019.

During 2020, the largest decrease occurred from March to April, followed by an increase as the Covid-related restrictions were gradually lifted, and then another decrease in November-December during the “second wave” pandemic restrictions.

Figure 3 shows the total number of index crime victims (as well as number person victims and non-person victims) reported in NIBRS, by month, for the period January 2018 – December 2020.

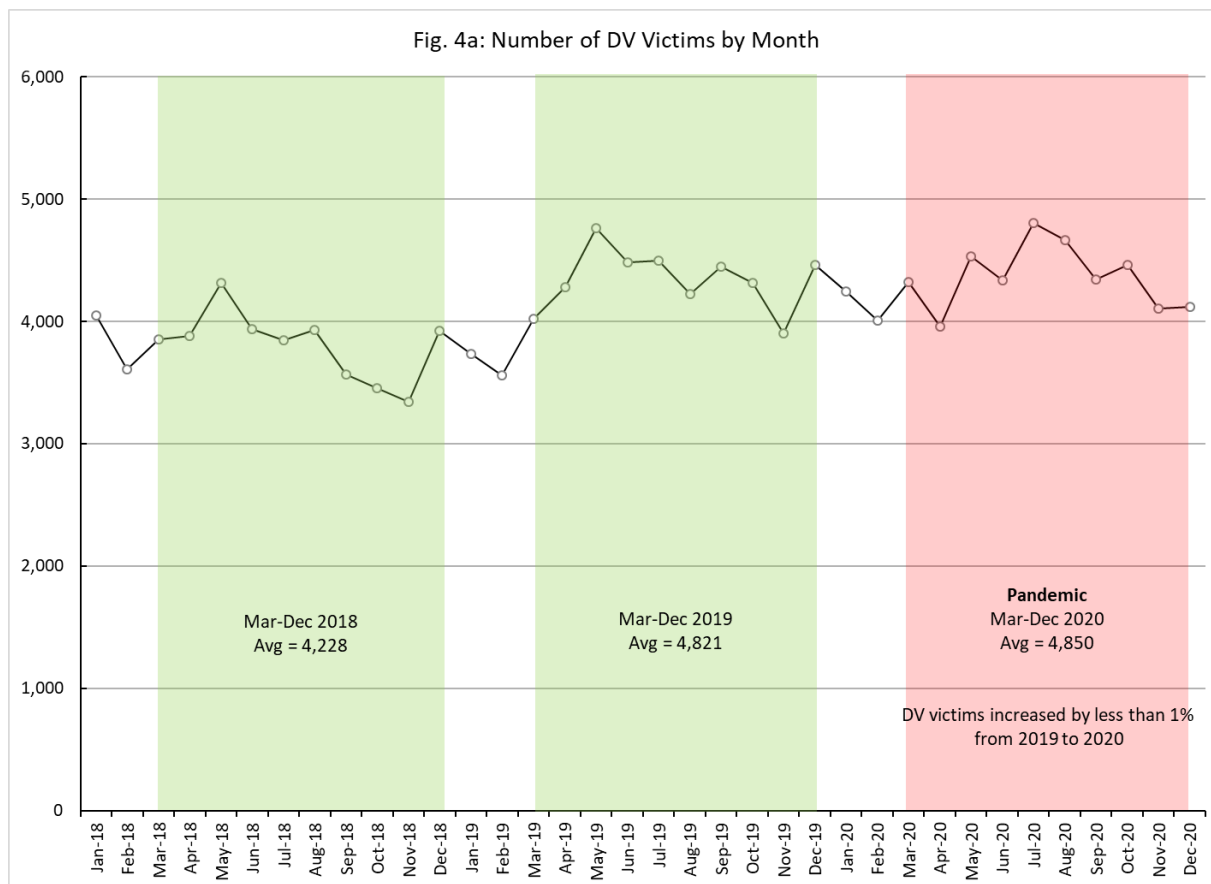


During March through December of 2018 and 2019, the total number of monthly reported index crime victims averaged 35,339 and 35,584, respectively. In March-December of 2020, the number of monthly victims averaged 31,199, a 12% drop from 2019 to 2020. Total victimizations reported had the largest percentage decrease from March-to-April of 2020.

The number of monthly *person* crime victims in March-December of 2018 and 2019 averaged 23,171 and 23,271, respectively. During the same period for 2020, the monthly average was 21,146, a 9% drop from 2019 to 2020.

Non-person crime victims (business, government, etc.) averaged 12,107 and 12,301 per month in March-December of 2018 and 2019, respectively. In 2020, the monthly average during this period was 10,042, an 18% drop from 2019.

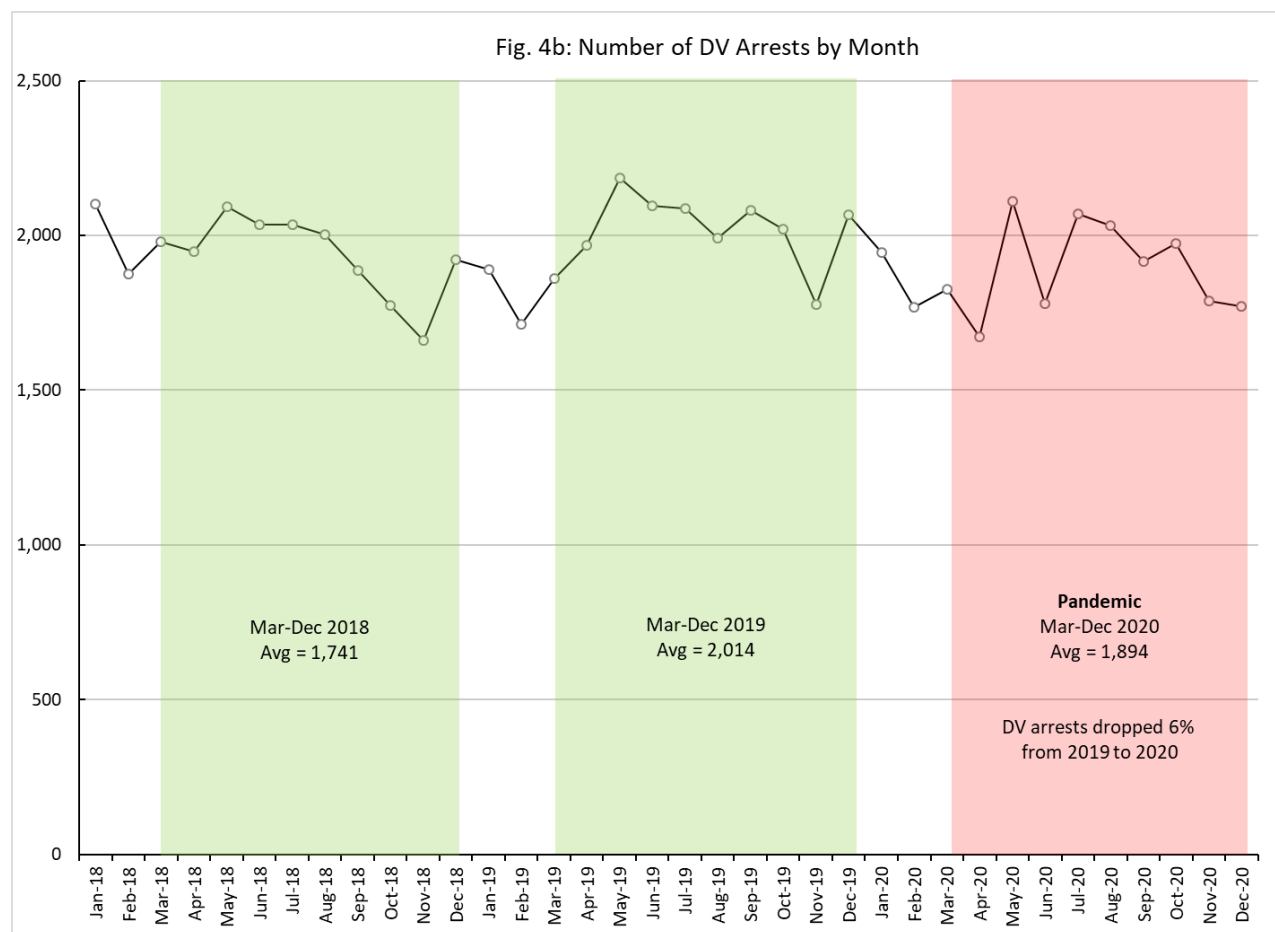
Figure 4a shows the number of domestic violence victims reported in NIBRS, by month, for the period January 2018 – December 2020. Figure 3b shows the number of domestic violence arrests reported for the same period.



In March – December of 2018 and 2019, the average monthly number of reported domestic violence victims was 4,228 and 4,821, respectively. Unlike overall crime victimization, the number of domestic violence victimizations reported in March-December of 2020 was very similar to that seen in 2019. No pandemic-related drop such as that seen for all index crime victims (see Figure 2) was seen for victims of domestic violence offenses.

Anecdotally, victim-serving organizations in 2020 reported to the VA Department of Criminal Justice Services (which houses the SAC) that requests for service for domestic violence cases increased during the pandemic. At the same time, however, mechanisms and opportunities for victims to report such cases to authorities were reported to have diminished as lockdowns and business closures forced more people to stay at home, and victims' services providers were forced to close due to the pandemic.

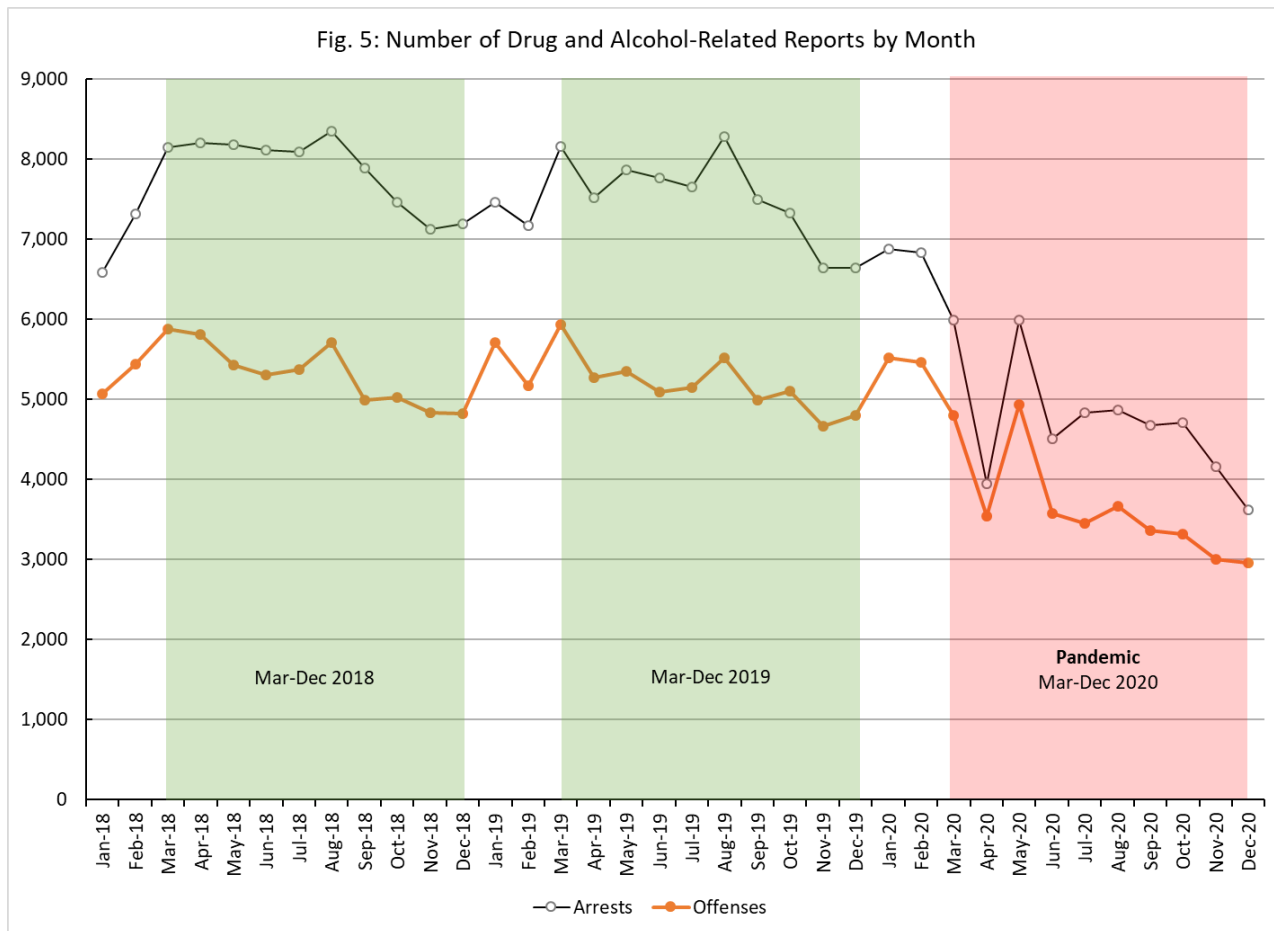
Figure 4b shows the numbers of reported arrests for domestic violence offenses in 2018, 2019 and 2020.



Unlike reports of domestic violence-related victimizations (see Figure 4a), the number of arrests for these offenses did show a drop during the pandemic period.

As seen in Figure 4b, the average monthly number of reported arrests for domestic violence crimes in March-December of 2018 and 2019 was 1,741 and 2,014 respectively. However, during the same period in 2020, the average monthly number of arrests reported was 1,894, a 6% decrease from 2019.

Figure 5 shows the number of drug offenses and drug-alcohol arrests reported in NIBRS, by month, for the period January 2018 – December 2020.

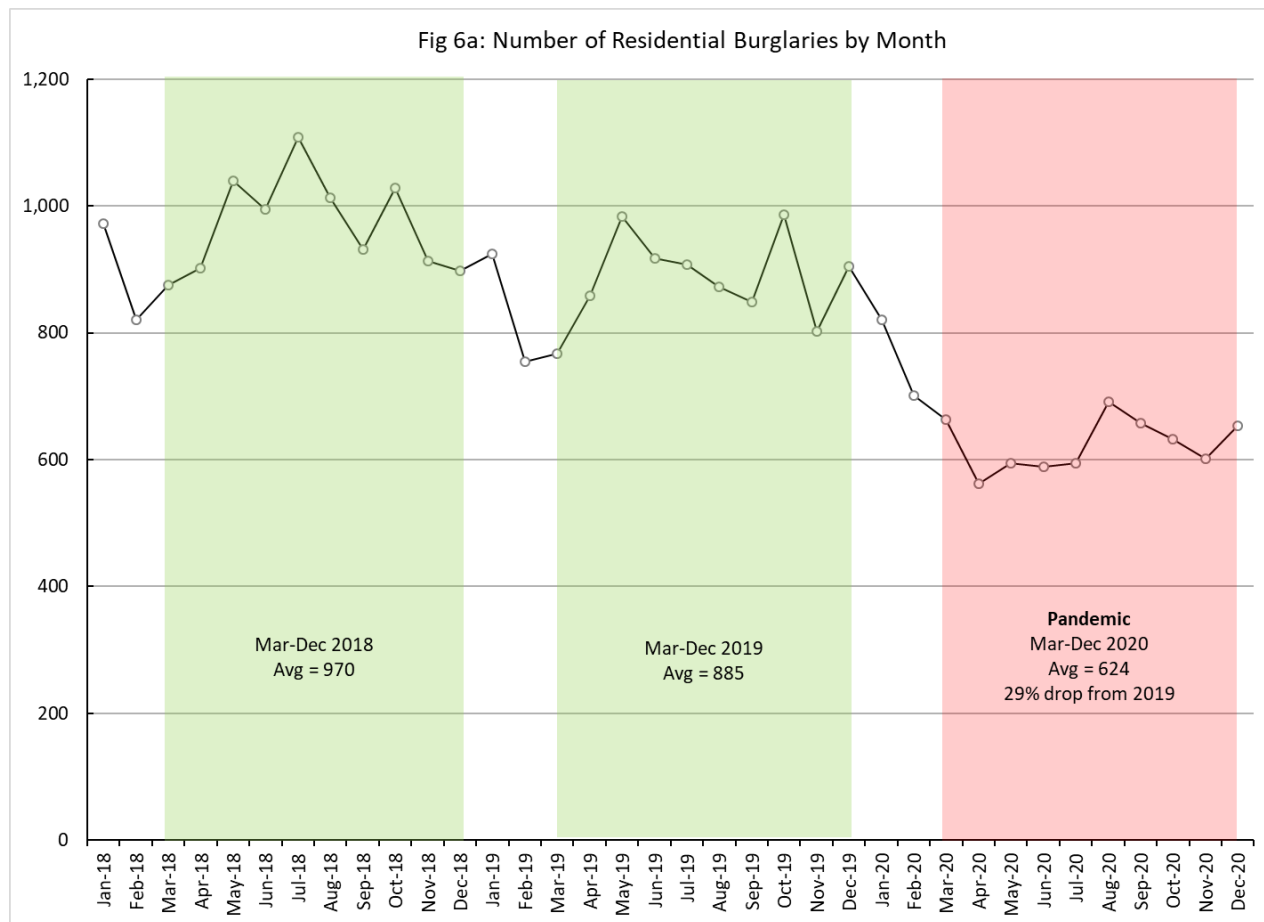


As seen in Figure 5, both the reported number of alcohol/drug-related offenses and arrests dropped precipitously during the pandemic.

During March-December of 2018 and 2019, the average monthly number of arrests reported was 7,871 and 7,534, respectively. During the same period in 2020, arrests averaged only 4,730 per month, a 37% drop from 2019.

The number of reported drug/alcohol-related offenses, although consistently lower than the number of arrests, showed a similar pattern. During March-December of 2018 and 2019, the average monthly number of offenses reported was 5,315 and 5,185, respectively. During the same period in 2020, offenses averaged only 3,660 per month, a drop of 29% from 2019 to 2020.

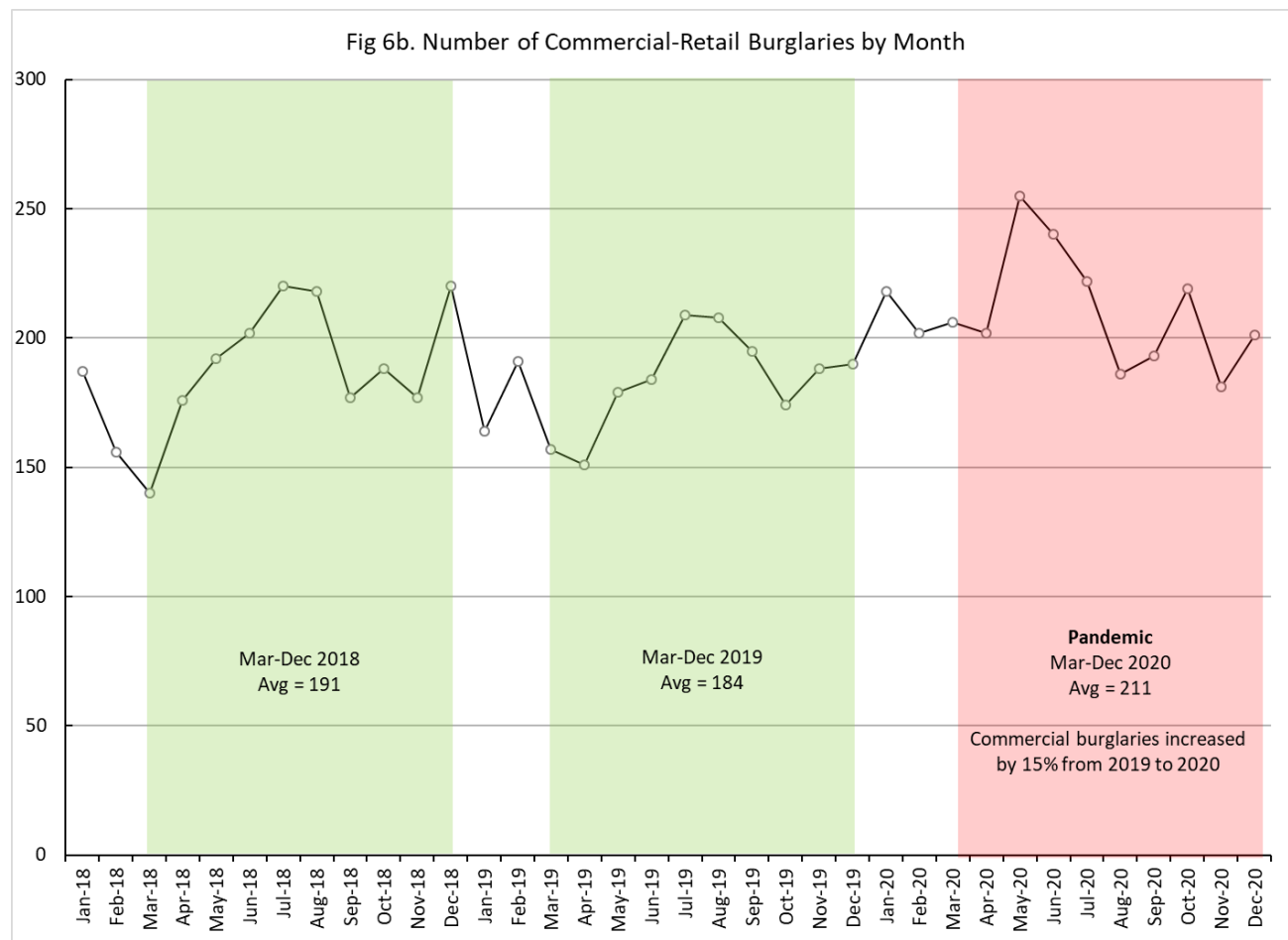
Figure 6a shows the number of NIBRS-reported residential burglaries, by month, for the period January 2018 – December 2020.



As seen in Figure 6a, reported residential burglaries during March through December averaged 970 per month in 2018 and 885 in 2019, but decreased to only 624 per month in 2020. This represents a 29% drop in burglaries reported from 2019 to 2020.

Reports from law enforcement agencies suggest that the number of residential burglaries dropped during the pandemic because more people were at home during the day due to Covid-related stay-at-home orders, and due to reduced opportunities for people to leave home for work, shopping or recreation.

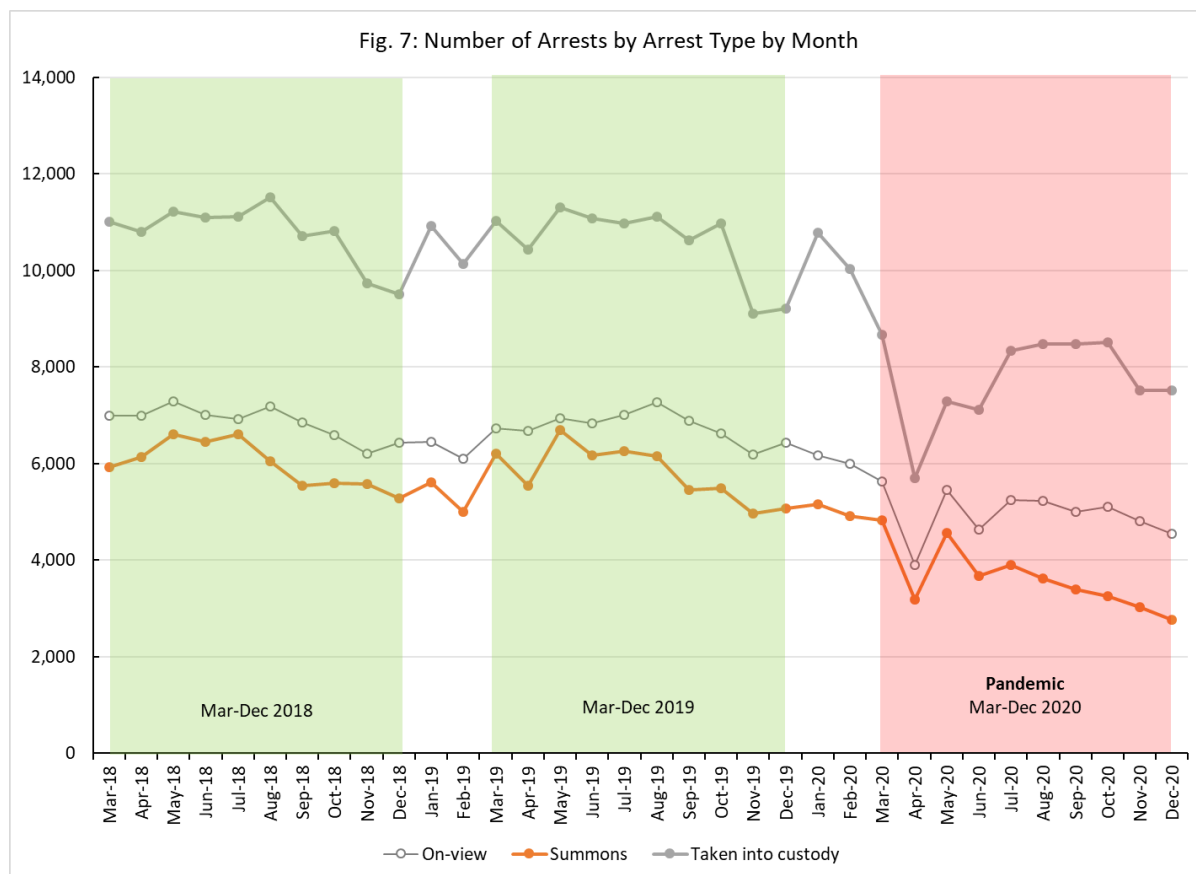
Figure 6b shows the reported number of commercial-retail burglaries, by month, for the period January 2018 – December 2020.



Reported commercial-retail burglaries during March through December averaged about 190 per month in 2018 and 2019. Unlike residential burglaries, the monthly average number of reported commercial-retail burglaries increased in 2020 as compared to the two previous years. March-December of 2020 averaged 211 burglaries per month, a 15% increase from the same period in 2019. The largest percentage increase in commercial-retail burglaries occurred from April-to-May 2020.

Reports from law enforcement agencies suggest that the increase in 2020 burglaries was due to the fact that during the pandemic many of these establishments were closed, or operating at reduced hours, making them more likely to be targets of burglars.

Figure 7 shows the number of index crime arrests reported in NIBRS, by month, broken out by different types of arrests, for the period January 2018 – December 2020.



Custodial arrests averaged 10,753 per month in March-December of 2018, and 10,585 per month in March-December of 2019. However, these arrests dropped from an average of 10,585 in 2019 to 7,760 per month in 2020, a decrease of 27%.

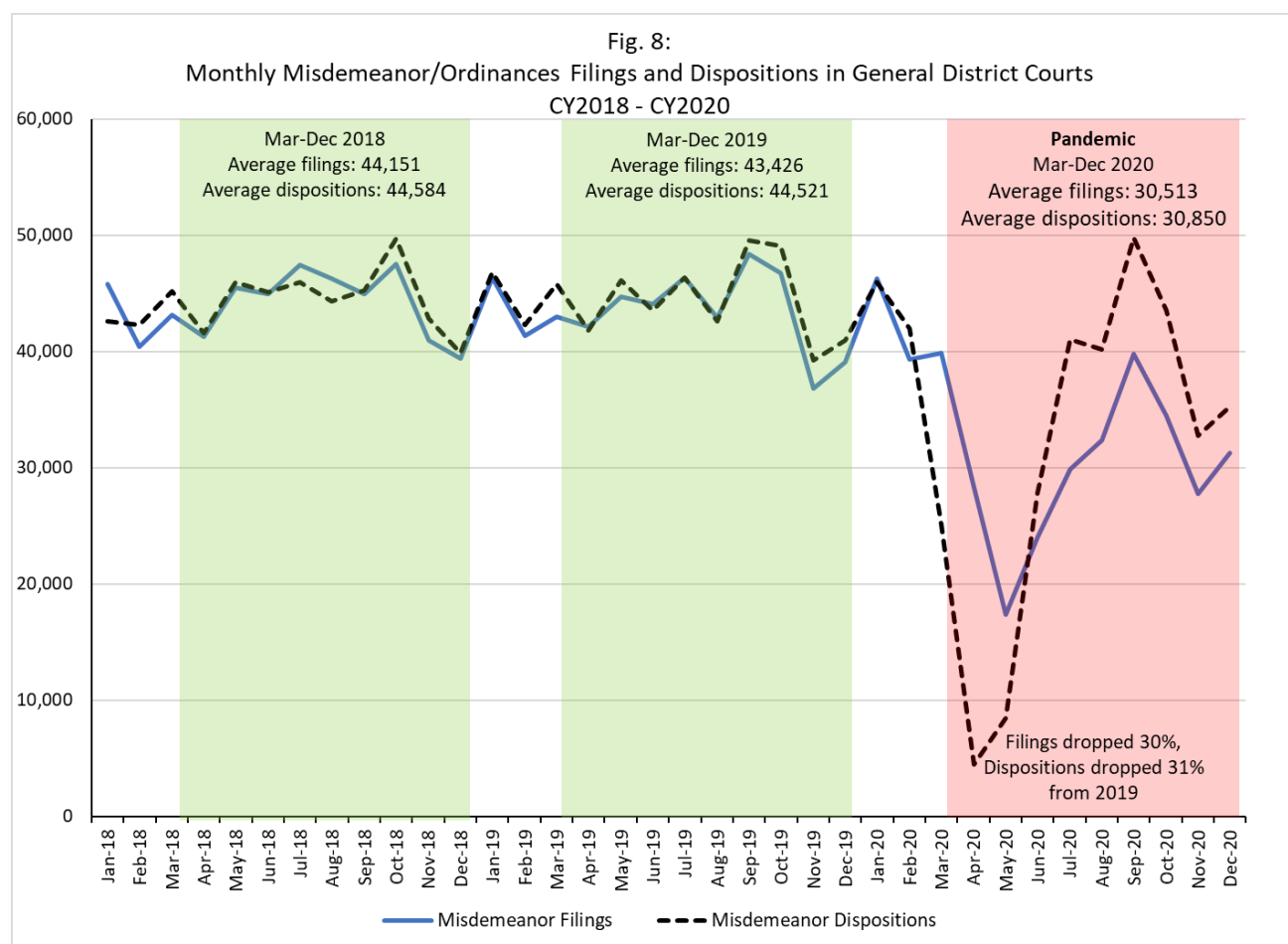
On-view arrests averaged 6,845 per month in March-December 2018, and 6,760 per month during the same period in 2019. These arrests then dropped to an average of 4,959 per month in 2020, a decrease of 27% from 2019.

Arrests resulting in the issue of a summons averaged 5,979 per month in March-December of 2018, and 5,803 per month in March-December of 2019. During the same period in 2020, these arrests dropped to an average of 3,624 per month, a decrease of 37%.

Other Criminal Justice Activity Measures

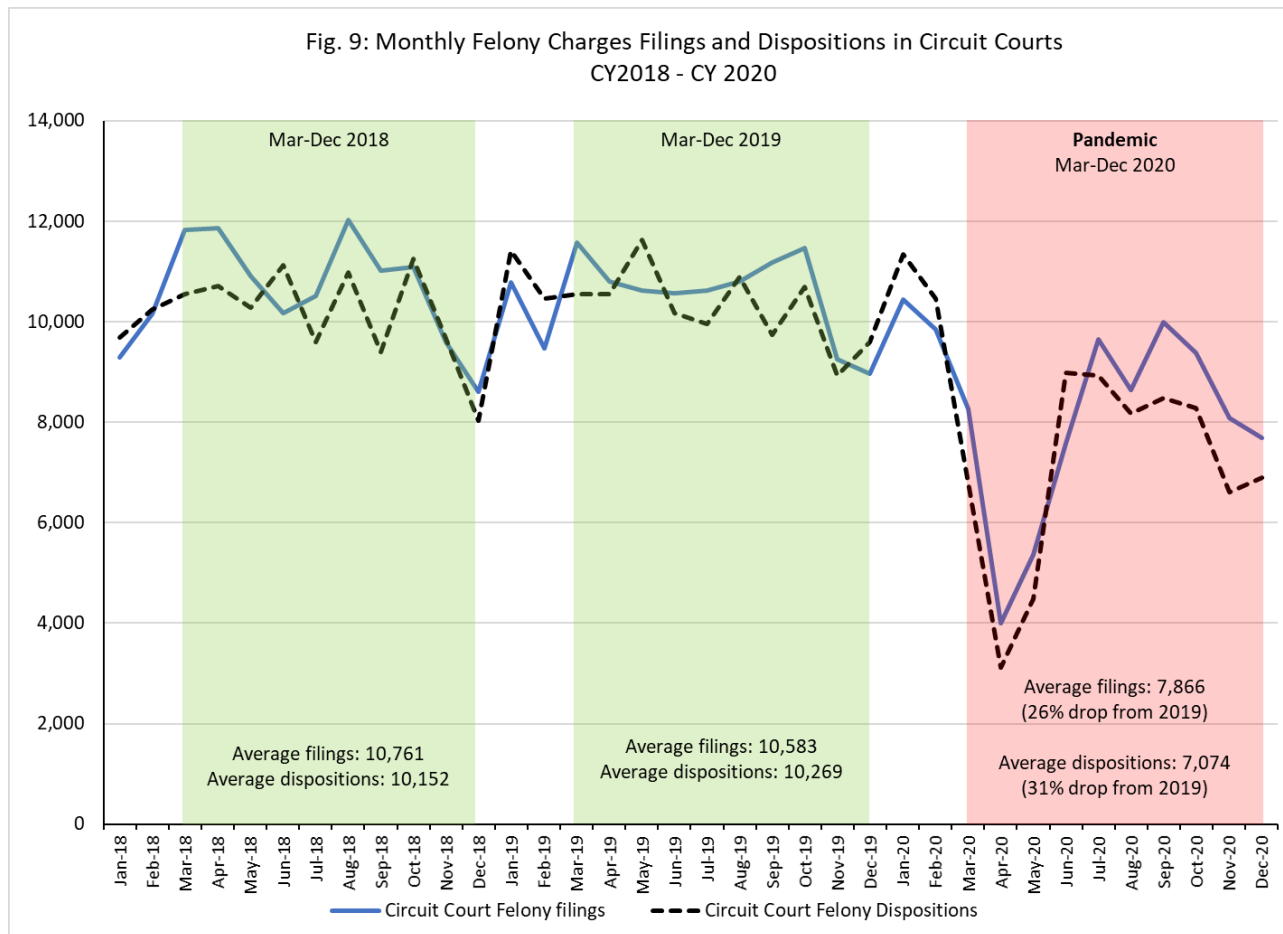
In addition to examining NIBRS data to identify Covid-19 impacts on Virginia's criminal justice system, the SAC obtained data on court, jail and prison activity during 2020 to examine the effects of Covid-19.

Figure 8 shows the monthly number of misdemeanor/ordinance filings and disposition occurring in Virginia General District Courts for the three-year period January 2018 through December 2020. To compare the number of filings and dispositions in the Covid-19 pandemic period to the number of filings and dispositions prior to the pandemic, three time periods are shown: On the left are shown the number filings and dispositions during March-December of 2018 and 2019, prior to the pandemic. On the far right are shown the number of filings and dispositions during 10-month pandemic period March-December of 2020.



During March through December of 2018 and 2019, the average number of court case filings per month ranged from 44,151 to 43,426, and the average number of monthly dispositions was about 44,500. During the pandemic period March-December of 2020, the average number of monthly filings dropped by 30% from the previous year, from 43,426 in 2019 to only 30,513 in 2020. Similarly, the average number of dispositions dropped by 31%, from 44,521 in 2019 to only 30,850 in 2020.

Figure 9 shows the monthly number of felony filings and disposition occurring in Virginia Circuit Courts for the three-year period January 2018 through December 2020. As in Figure 8 above, on the left are the number of filings and dispositions during March-December of 2018 and 2019, and on the far right the number of filings and dispositions during the 10-month pandemic period March-December of 2020.



Court felony filings and dispositions show a trend similar to those for misdemeanors. During March through December of 2018 and 2019, the number of filings per month averaged about 10,600 and the number of monthly dispositions averaged about 10,300. During the pandemic period March-December of 2020, the average number of monthly filings dropped by 26% from the previous year, from 10,583 2019 to only 7,866 in 2020. Similarly, the average number of dispositions dropped by 31%, from 10,269 in 2019 to only 7,074 in 2020.

For both misdemeanor and felony filings and dispositions, the pattern during 2020 was similar as well. During January and February, filings and dispositions were near 2018 and 2019 levels. In March, as lockdowns and other restrictions (including court closures) were instituted, filings and dispositions dropped sharply, and continued to do so in April. From May through about October, filings and dispositions rose as courts slowly reopened. However, in November and December, as Covid-related restrictions were reintroduced, both filings and dispositions began to fall again.

Figures 10a through 10d show the effects of Covid-19 on admissions to jail pretrial programs in Virginia. These figures compare the monthly number of admissions during each month of calendar years 2019 (pre-Covid) and 2020. Admissions are shown for four types of offenses: Any misdemeanor, violent felonies, other (nonviolent felonies), and drug felonies. Note that Figures 10a-d show only data for CY2019 and 2020, and do not include data for CY2018.

Figure 10a. Pretrial Admissions for any Misdemeanor

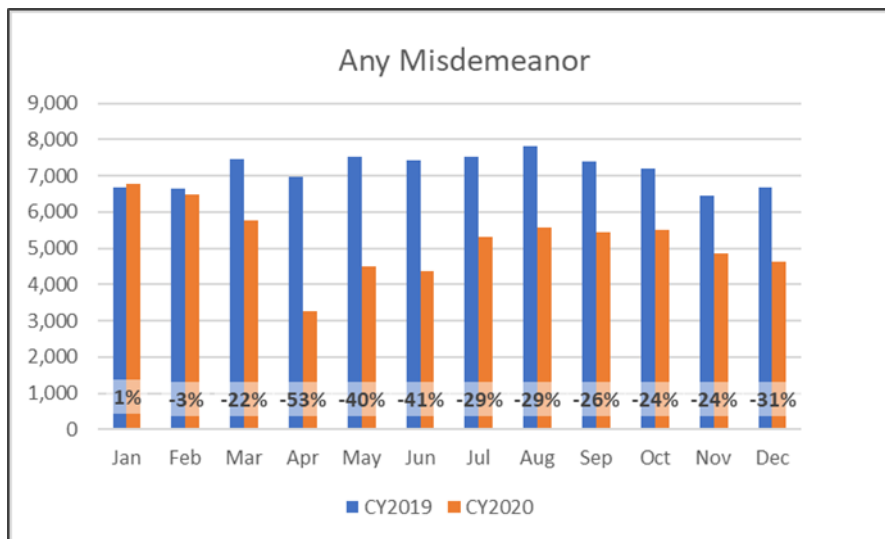


Figure 10b. Pretrial Admissions for any Violent Felony

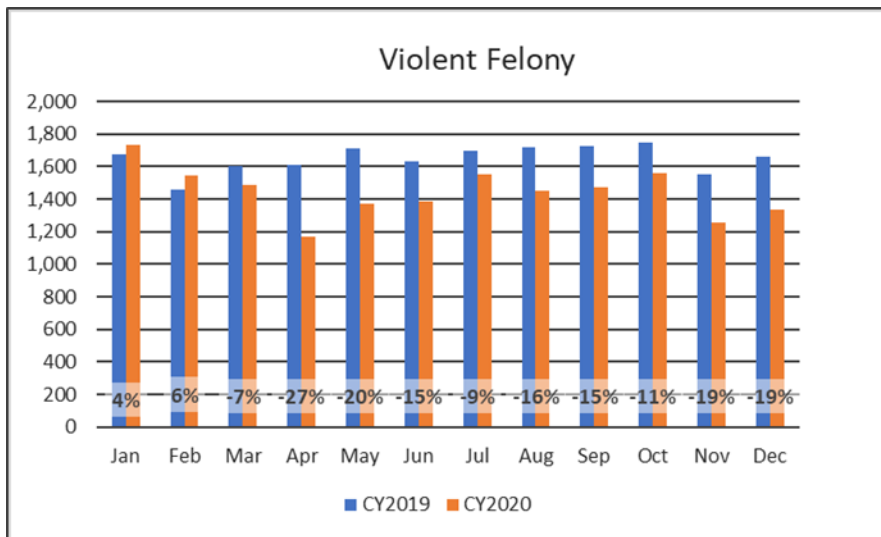


Figure 10c. Pretrial Admissions for any Drug Felony

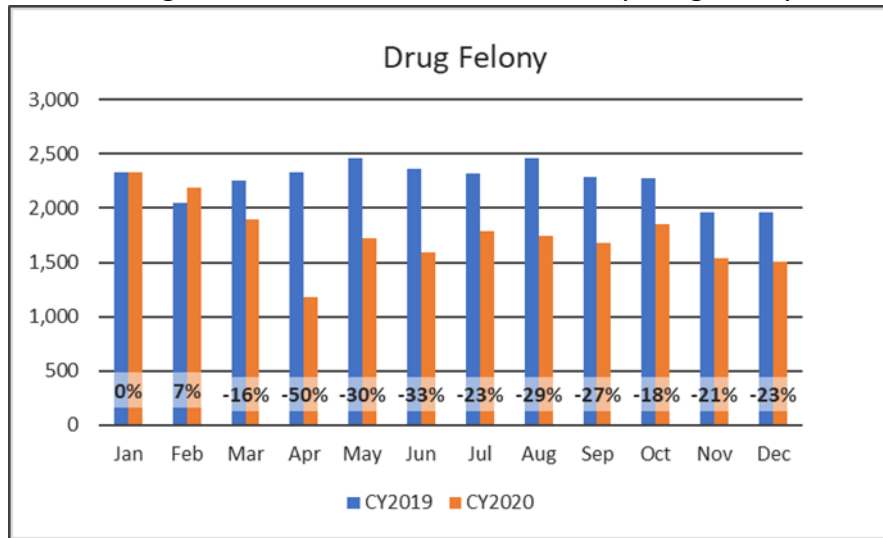
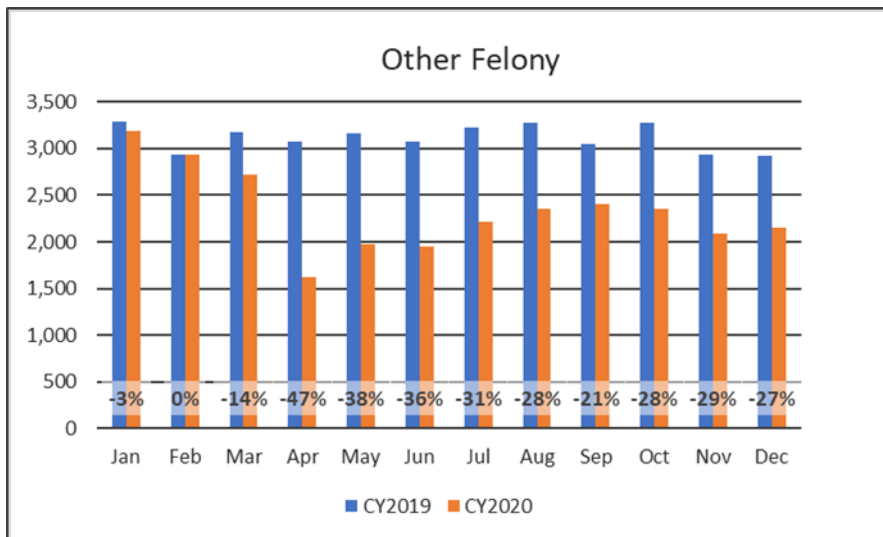


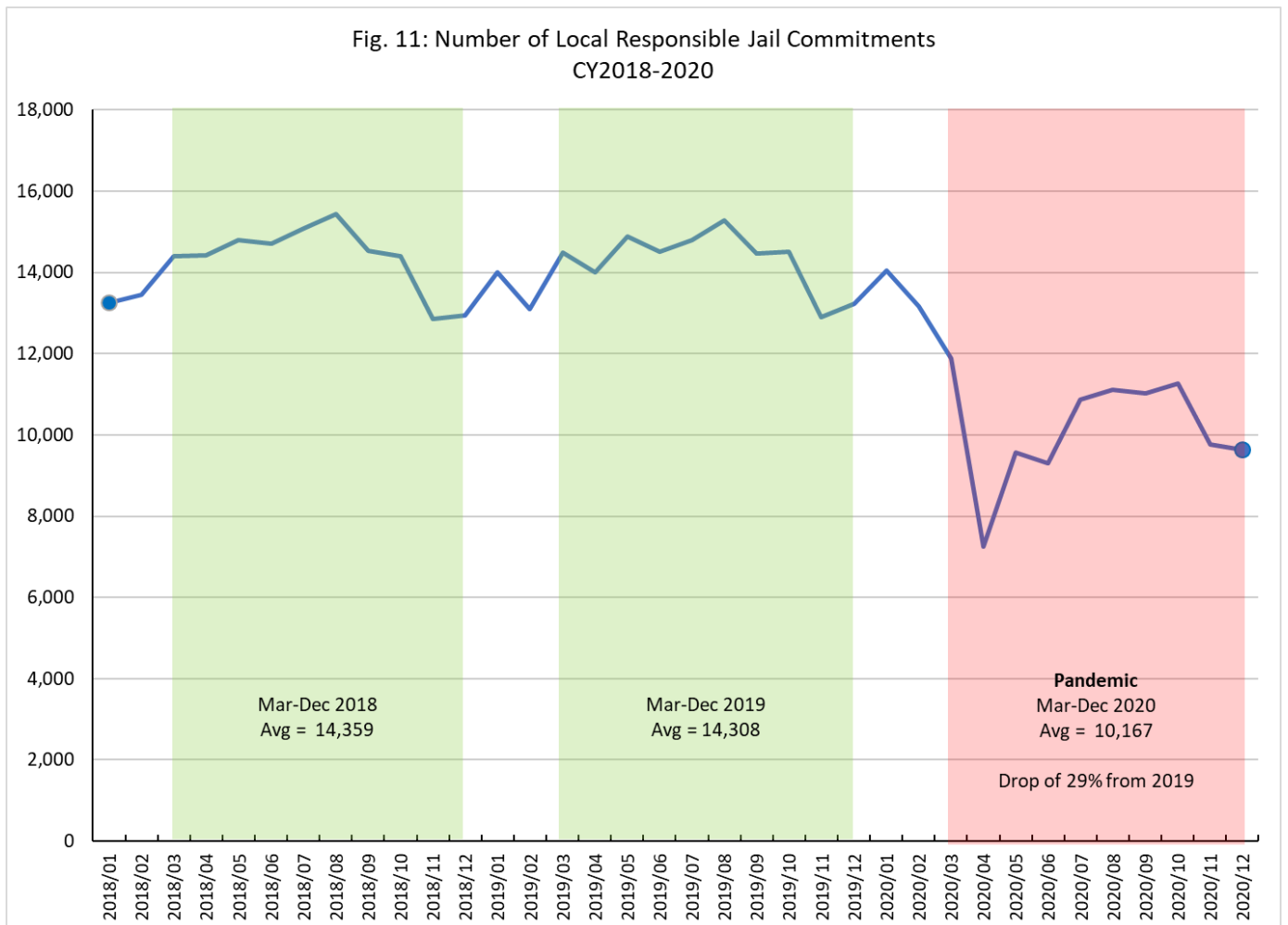
Figure 10d. Pretrial Admissions for any Other Felony



As can be seen in Figures 10a-10d, January and February 2020 admissions for misdemeanors, and for violent and drug felonies, were near or above admission levels for January and February of 2019. However, admissions for all types of offenses began dropping in March of 2020 and fell to their lowest numbers in April of 2020.

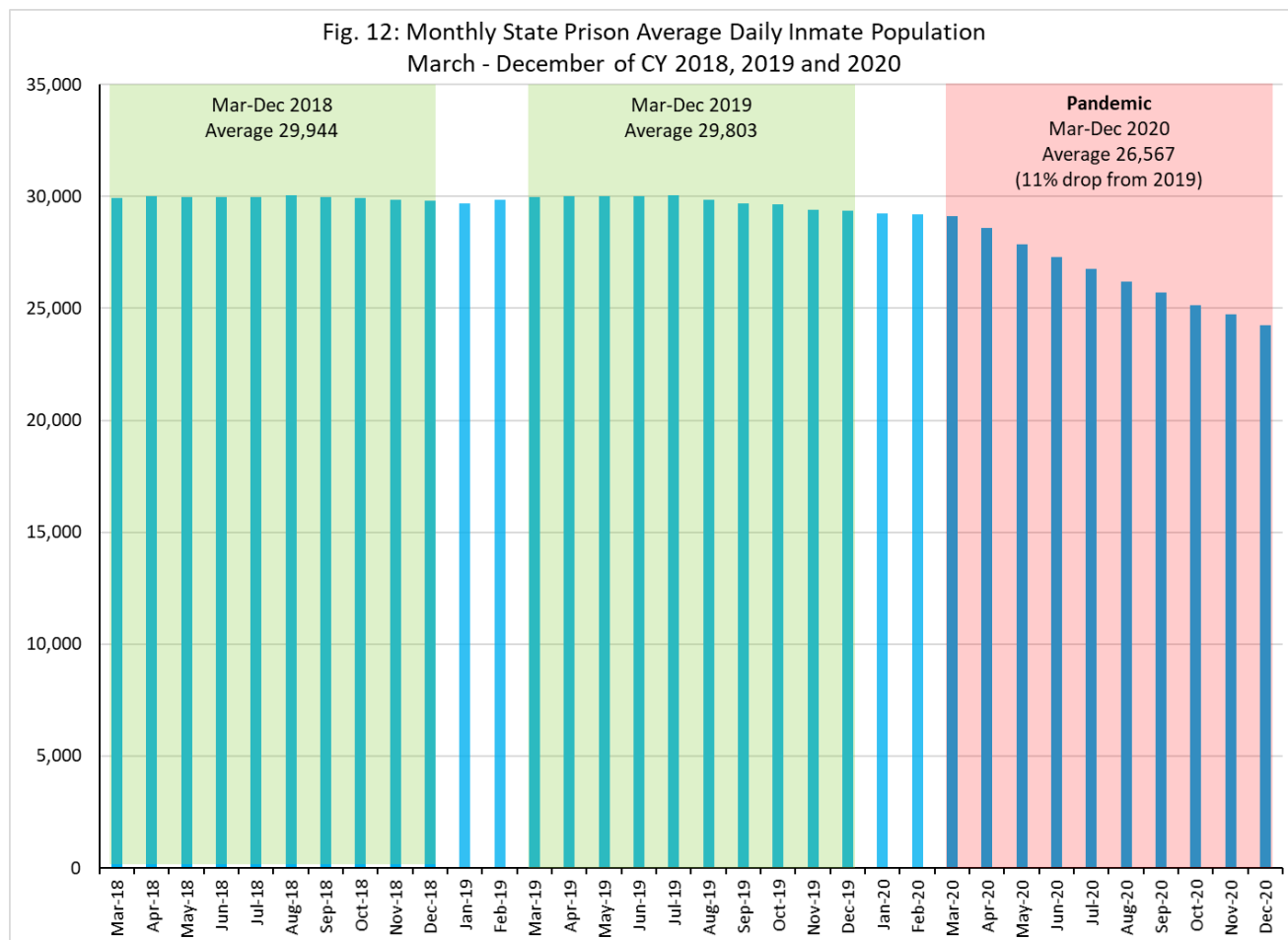
Compared to April of 2019, in April of 2020 misdemeanor admissions dropped by 53%, violent felonies by 27%, drug felonies by 50%, and other felonies by 47%. 2020 admissions for all types of offenses generally rose between May and October, but then dropped again in November and December of 2020 as Covid-19 cases began to rise again in late fall and winter.

Figure 11 below shows the total number of monthly local-responsible commitments to Virginia jails for the three-year period January 2018 through December 2020.



The number of local-responsible (not state-responsible) inmates committed to local jails averaged about 14,300 per month during March through December in 2018 and 2019, but dropped to only 10,167 per month in 2020. The monthly average jail population for March-December of 2020 dropped by 29% from the March-December 2019 population.

Figure 12 below shows the monthly state prison average inmate population for 2018, 2019 and 2020.



The monthly average state prison population remained at just under 30,000 in March through December of 2018 and 2019, but continuously dropped through every month during March – December of 2020. Overall, the prison population dropped by 11% from March – December of 2019 compared to the same period in 2020.

Unlike trends seen earlier in the report, the prison population dropped in January and February of 2020, prior to Covid-related actions. Additionally, unlike the previous trends, the prison population continued to drop throughout the remainder of 2020. It did not show the brief “recovery” in May – October as the pandemic restrictions were eased.