



Pretrial Services Directors' Meeting

Pretrial Services Study Highlights

March 27, 2018



Overview

- Background
- Summary of Findings
- Recommendations



Background

- The Crime Commission has been studying Pretrial Services for the past 2 years.
- House Bills 774 and 776 (2016 Session) were referred to the Crime Commission for review. Members approved a comprehensive study on pretrial services.
- Due to the voluminous amount of information, the study was extended an additional year into 2017.



Background

- Members requested staff to examine:
 - Statutory authority governing pretrial services;
 - Whether pretrial services agencies are being overused in supervising low-risk offenders;
 - Use of secured bonds in conjunction with pretrial services;
 - Placement of indigent defendants on supervision;
 - Fees associated with pretrial supervision; and,
 - Whether a difference exists between jurisdictions with and without pretrial services.



Background

- Staff completed the following activities:
 - Collected relevant literature and data;
 - Reviewed pretrial statutes in Virginia;
 - Examined pretrial systems in other states;
 - Conducted informal surveys of judges, regional jails, sheriffs, prosecutors, and defense counsel;
 - Surveyed pretrial services agencies;
 - Met with stakeholders;
 - Attended local, state, and national trainings; and,
 - Conducted field visits and court observations.



Background

- Staff focused the study on the statutory mission of pretrial services agencies and the process by which defendants are investigated, assessed, and placed on pretrial supervision.
- Staff did not examine specific elements of supervision activities or practices once a defendant had been placed on pretrial supervision.
- This study did not focus on monetary bail.



Summary of Findings

- Overall, broad support exists amongst many stakeholders for the use of pretrial services.
- Staff identified multiple concerns relating to the administration of pretrial programs that need to be addressed.



Summary of Findings

- Pretrial services agencies are locality-based and therefore practices and resources vary greatly.
 - The overall performance of pretrial services across the Commonwealth is difficult to assess.
 - First appearance procedures vary significantly by locality.
- Anecdotal evidence exists that some agencies are high functioning while others are not.
 - Virginia Code requires DCJS to establish standards and monitor the compliance of agencies; however no formal auditing or policy review process exists to measure compliance with these standards.



Summary of Findings

- A high number of defendants are placed directly on pretrial supervision by judicial officers without an investigation.
 - Magistrates generally do not receive any information from pretrial services agencies.
 - Information provided to judges varies by locality.
- A high number of investigations are conducted that do not result in pretrial placements.
 - Allocation of resources vary by agency due to factors such as overall funding, staffing, and local practices.



Summary of Findings

- There are no regular or consistent reviews of pretrial jail populations by pretrial agencies.
 - DCJS minimum standards require each pretrial agency to develop policies and procedures from the initial appearance through adjudication for defendants who remain in jail.
- Based upon survey responses and field visits, the frequency of reviews of the jail population varies greatly by agency.



Summary of Findings

- A revised risk assessment and new supervision matrix were implemented statewide in September 2017.
 - Provides more objective risk scoring factors.
 - “History of drug abuse” remains subjective.
 - No guidance exists for the use of UNCOPE as a substance use screening tool, which may impact the defendant’s risk level on the VPRAI-R.
 - Affords for the use of differential supervision.
- Due to the timing of implementation, staff could not fully assess the effectiveness and impact of these significant statewide changes.



Summary of Findings

- DCJS does not use a funding formula to determine disbursement amounts of grant funds to pretrial services agencies.
 - Multiple pretrial services agencies have expressed frustration that funding is not allocated based upon needs.
 - Local agencies consistently noted that staffing issues greatly impact their ability to conduct investigations and manage caseloads.



Summary of Findings

- The PTCC case management system is antiquated.
 - Certain data is not readily accessible to individual agencies without the assistance of DCJS.
- During staff analysis of statewide pretrial data, several concerns were identified:
 - Numerous fields in PTCC are not completed.
 - Definitions are not consistently applied by agencies.
 - Regular compliance monitoring does not exist to readily identify and correct data entry errors or omissions, which impacts the integrity of the data.



Summary of Findings

- Staff attended various DCJS trainings on pretrial services and the VPRAI-R and Praxis implementation and had concerns about the uniformity of the instruction provided.
- Staff surveyed pretrial services agencies during the study and found that comments on the quality of training were mixed; however, there was a general agreement that the quality of training has improved in recent years.



Summary of Findings

- Training was a concern of many stakeholders.
- Recent efforts have been made by DCJS and others to educate stakeholders on the role and purpose of pretrial services agencies, however:
 - Prior to August 2017, there had not been a pretrial presentation to sitting judges in at least 5 years;
 - The last pretrial presentation at a Commonwealth's Attorneys' statewide conference was in April 2013; and,
 - There has not been a pretrial presentation at an IDC statewide conference in at least 5 years.



Recommendations

This is a summary of recommendations presented to Crime Commission members.

All recommendations were unanimously endorsed by the Crime Commission in December 2017.



Recommendations

Recommendation #1: Va. Code § 19.2-152.7 should be amended to require DCJS to report annually on the status of each pretrial services agency.

- **Status:** HB 996 (Delegate Gilbert) and SB 783 (Senator Peake) introduced identical bills during the 2018 Session.
 - Both bills passed the General Assembly as introduced.
 - The Governor signed SB 783 on March 5th.



Recommendations

Recommendation #2: DCJS should conduct a formal needs assessment of stakeholders to identify the strengths and weaknesses of pretrial services programs.

Recommendation #3: DCJS should convene a group of stakeholders to develop specific recommendations to improve pretrial services.

- This led to the formation of the Pretrial Services Stakeholder Workgroup.



Recommendations

Recommendation #3: The DCJS stakeholder group should consider the following issues:

- Reviewing the findings of the needs assessment;
- Comparing pretrial outcomes in jurisdictions with pretrial services and jurisdictions without pretrial services;
- Providing information to assist with bail determinations at the magistrate level;
- Implementing or developing a static risk assessment instrument to be used in assisting with bail determinations at the magistrate level;



Recommendations

Recommendation #3: The DCJS stakeholder group should consider the following issues (cont.):

- Developing strategies to ensure that investigations of all detained defendants who are eligible for pretrial services are completed and information is provided to the courts;
- Identifying staffing and resource needs of local pretrial agencies, as well as what is required from DCJS to provide adequate support to those local pretrial agencies;



Recommendations

Recommendation #3: The DCJS stakeholder group should consider the following issues (cont.):

- Analyzing the impact of pretrial services programs on local jail populations;
- Ascertaining methods to better define and track statewide appearance, public safety, and success rates;
- Continuing to educate stakeholders on the role, duties, and appropriate uses of pretrial services agencies;



Recommendations

Recommendation #3: The DCJS stakeholder group should consider the following issues (cont.):

- Determining guidelines for the use of the UNCOPE (substance use screening tool);
- Establishing uniform vocabulary and definitions for data entry and tracking; and,
- Any other improvements to pretrial services.



Recommendations

Recommendation #4: DCJS should monitor the implementation of the VPRAI-R and Praxis over the next year to examine the effectiveness of these instruments and identify any issues or unintended consequences in the application of these tools.

Recommendation #5: DCJS should work with localities, pretrial directors, and any other stakeholders to determine a funding formula for grant disbursements to pretrial services agencies.



Recommendations

Recommendation #6: DCJS should explore options for improving or replacing the case management system used by pretrial services agencies (PTCC).

Recommendation #7: DCJS should monitor the use of the case management system (PTCC) by pretrial services agencies to ensure that comprehensive definitions are developed and data is entered.

DCJS will report to the Crime Commission on the status of Recommendations #2-7 by Nov. 1, 2018.



Discussion

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