

**Virginia Pretrial Services Stakeholder Group  
Work Group A: Magistrate Bail Decision/Static PRAI  
Meeting Summary**

**Date of Meeting:** March 26, 2018

**In attendance**

Mason	Byrd	Office of the Executive Secretary of the Supreme Court of Virginia
Sheriff	Morgan	Newport News Sheriff's Office
Steven	Austin	Prince William Office of Criminal Justice Services
Judge	Duncan	Judge, 27th Judicial District of Virginia, General District Court
Mike	Herring	Richmond Commonwealth's Attorney
Kristen	Howard	Virginia State Crime Commission
Jacob	Lubetkin	Indigent Defense Commission
David	Malakouti	Office of the Attorney General
Dorena	Murray	Dee's Bail Bonds /Virginia Bail Association President
Erik	Smith	Department of Criminal Justice Services
Andy	Warriner	Department of Criminal Justice Services
Patti	Watson	Commonwealth's Attorney
Nathan	Hittle	Virginia State Crime Commission

**Meeting overview 3/26/2018**

**I. “Provide information to assist with bail determinations at the magistrate level; implement or develop a static risk assessment instrument to be used in assisting with bail determinations at the magistrate level.”**

Questions that need answering:

1. What are the benefits of using a static risk assessment?
  - a. Is the current magistrate bail checklist weighted?
  - b. “If individuals are held in rural areas... their stay can be up to 7 days, whereby a valid tool could allow determinations to be made that would allow decisions to be made before court.”
  - c. “Individuals may be high risk (likely failure-to-appear, and could be a danger to community), but don’t get assessed due to current procedures”
  
2. Should a static risk assessment instrument be incorporated by magistrates to help determine bail?
  - a. Will this added information be helpful to judges at subsequent hearings?
  - b. Can this be done within the current code without need for change?
    - i. § 19.2-121, (x) says *any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings*, which may allow a magistrate to consider a static risk assessment when determining bail.

- c. Will adding a static risk assessment at the magistrate level create a backlog for magistrates at busy times, if the magistrate completes the assessment?
  - d. If performed by the magistrate, will the questions on the tool conflict with ethical standards (questions about substance use)?
  - e. Can a static risk assessment be incorporated into the current magistrate database?
  - f. What if the risk of the static risk assessment does not match the risk assessment produced later by pretrial services?
  - g. If a magistrate goes against the static risk assessment will there be negative repercussions for the magistrate?
3. If the static risk assessment cannot be completed by the magistrate, who then can do it?
    - a. Do jails have the capability statewide to conduct a static risk assessment at the magistrate level?
    - b. Do pretrial services agencies have the capability statewide to conduct a static risk assessment or a full pretrial investigation and report at the magistrate level?
      - i. If not, is there a way to modify the current pretrial model to accomplish this? For example, rather than conducting investigations at the individual pretrial agencies, create regional pretrial hubs to conduct investigations remotely.
  4. Does a static risk assessment at the magistrate level take the place a pretrial services risk assessment and report?

<b>Assignments</b>		
<b>Action</b>	<b>Assigned To</b>	<b>Due</b>
Research Code of Virginia 19.2-121 (x), can a pretrial risk assessment that addresses public safety be considered.	Mason Byrd	May 15, 2018
Research static risk assessments and provide feedback to the group, e.g., the PSA-Court (Arnold).	Andy Warriner, Steve Austin, Mason Byrd	May 15, 2018
Research how much time it takes to complete a static risk assessment instrument with automation, and without. Calculate time and cost to perform static risk assessment instrument on all those who come before a magistrate state-wide.	Andy Warriner, Mason Byrd	May 15, 2018
Determine the logistics of integrating the instrument into the magistrate computer system, and find out if the current magistrate bail checklist is weighted.	Mason Byrd	May 15, 2018
*Poll Jails to see if they have the capability to conduct a static risk assessment instrument at the magistrate level. Could this be part of the mental health screen?	Sheriff Morgan (staff)	May 15, 2018
Poll pretrial agencies to see if they have the capability to conduct a static risk assessment instrument or a full pretrial investigation and report at the magistrate level.	Steve Austin/enlist other pretrial directors/officers	May 15, 2018

<b>Next Meeting</b>		
<b>Date</b>	<b>Time</b>	<b>Location</b>
May 15, 2018	9:00 a.m. to 12:00 p.m.	Patrick Henry Building in Richmond, VA

June 13, 2018	9:00 a.m. to 12:00 p.m.	Patrick Henry Building in Richmond, VA
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