



**VIRGINIA CRIMINAL  
SENTENCING COMMISSION**

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# Virginia's Pretrial Data Project Preliminary Results

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**September 13, 2022**



# Virginia Pretrial Data Project Overview

In 2016, the General Assembly directed the Virginia State Crime Commission to study various aspects of Virginia's pre-trial system.

The original purpose of the study was to answer questions regarding the effectiveness of various pre-trial release mechanisms and conditions of pretrial release in **ensuring public safety and appearance at court proceedings.**



There was a **significant lack of data** readily available.



As a result, the Virginia Pre-Trial Data Project was established.

*The Project was an unprecedented, collaborative effort between numerous state and local agencies representing all three branches of government.*



# Virginia Pretrial Data Project Overview



**Data for the Project was obtained from numerous agencies and the Sentencing Commission acted as the central repository for all of the data.**



**Compiling the data required numerous iterations of data cleaning, merging, and matching to ensure accuracy when linking information from each data system to each defendant in the Project cohort.**



# Virginia Pretrial Data Project Requirements



The information provided by the Pre-Trial Data Project was **well-received by the General Assembly** and there was considerable interest in having the project continue.

The 2021 General Assembly passed legislation directing the **Sentencing Commission to continue this work.**

The Commission's first report is due **December 1, 2022.**

The **final data set** (with personal/case identifiers removed) must be made available on the Commission's website.

An **electronic interactive data dashboard tool** on the website must display aggregated data based on characteristics or indicators selected by the user.



# NEW Virginia Pretrial Data Project Work of Commission in 2021-2022



## NEW COHORT

Commission staff selected individuals with pretrial contact events during CY2018.

This will provide a pre-COVID baseline.

For individuals with more than one contact event during the period, only the first event was selected.

## FOLLOW-UP PERIOD

The same 15-month follow-up period will be used for the new study.

Follow-up period will run through March 2020.



# NEW Virginia Pretrial Data Project Work of Commission in 2021-2022



## E-Magistrate System

- Defendants brought before magistrates



## Pretrial and Community Corrections (PTCC) Case Management System

- Defendants on pretrial services agency supervision
- Defendants on active local probation



## Court Case Management Systems

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Central Criminal Records Exchange

- New in-state arrests
- FTA
- Criminal history



## Circuit Court Case Management System

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Corrections Information System (CORIS)

- Defendants on active state probation

IN  
PROCESS



## Circuit Court Case Management System

- Case dispositions and FTA
- Defendants released on summons or charged by direct indictment



## Compensation Board- Local Inmate Data System (LIDS)

- Jail committals and releases
- Lengths of stay



# Pretrial Data Project - Progress

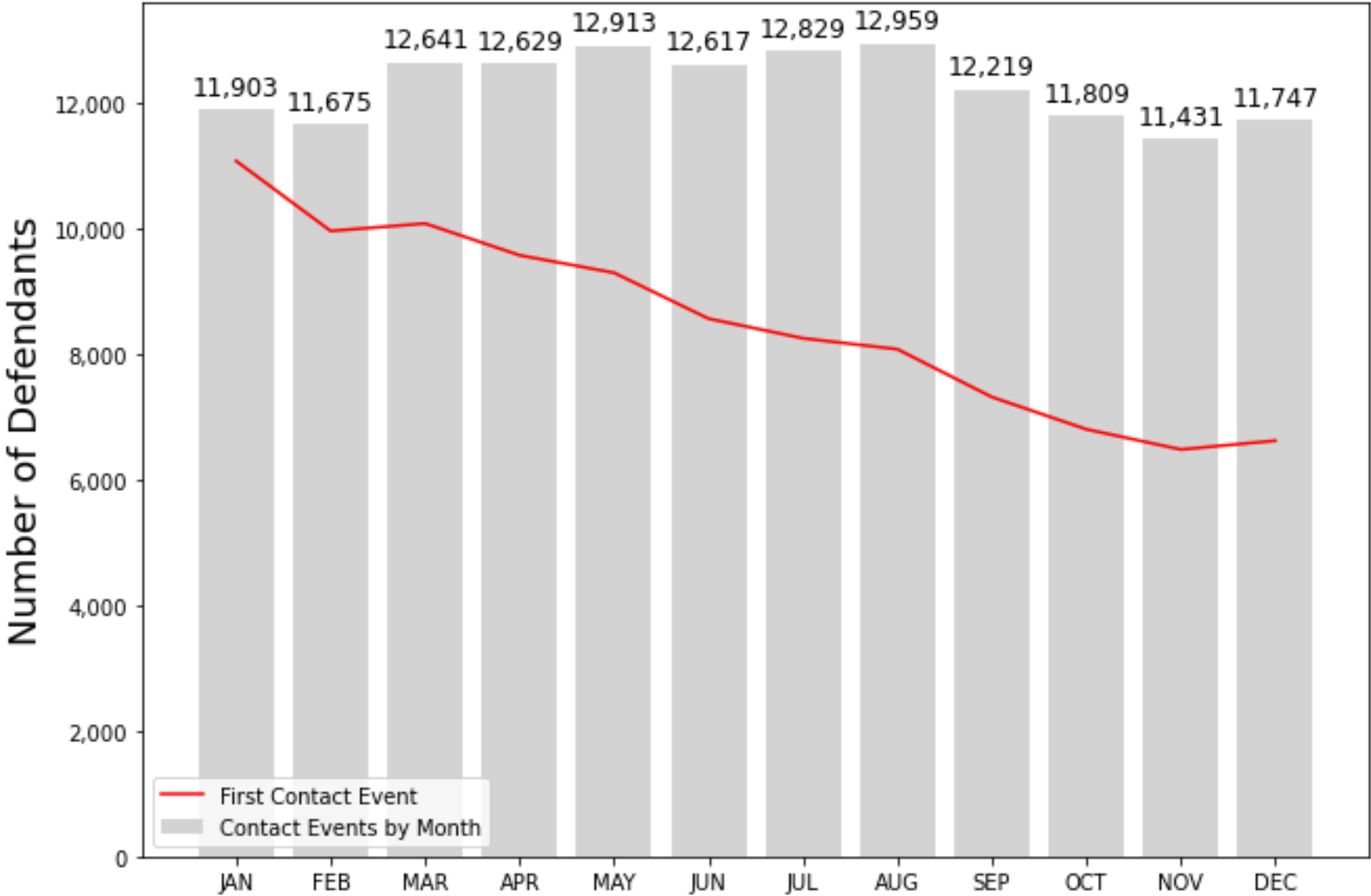
- **Data collection**
  - All are ready except one supervision variable from DOC (expected in a week)
- **Data cleaning and compilation**
  - 98% done
- **Data analysis**
  - 75% finished
- **Report**
  - Initiated
- **Data dashboard**
  - Prototype ready for use

# Pretrial Data Distribution

Total charges	684,820
Total contact events	527,161
First contact events	355,232
Magistrate events	142,922
Direct indictment events	1,023
Summons events	211,287



# Number of Defendants Each Month (All Minors, Summons, Pre-existing Cases Excluded)

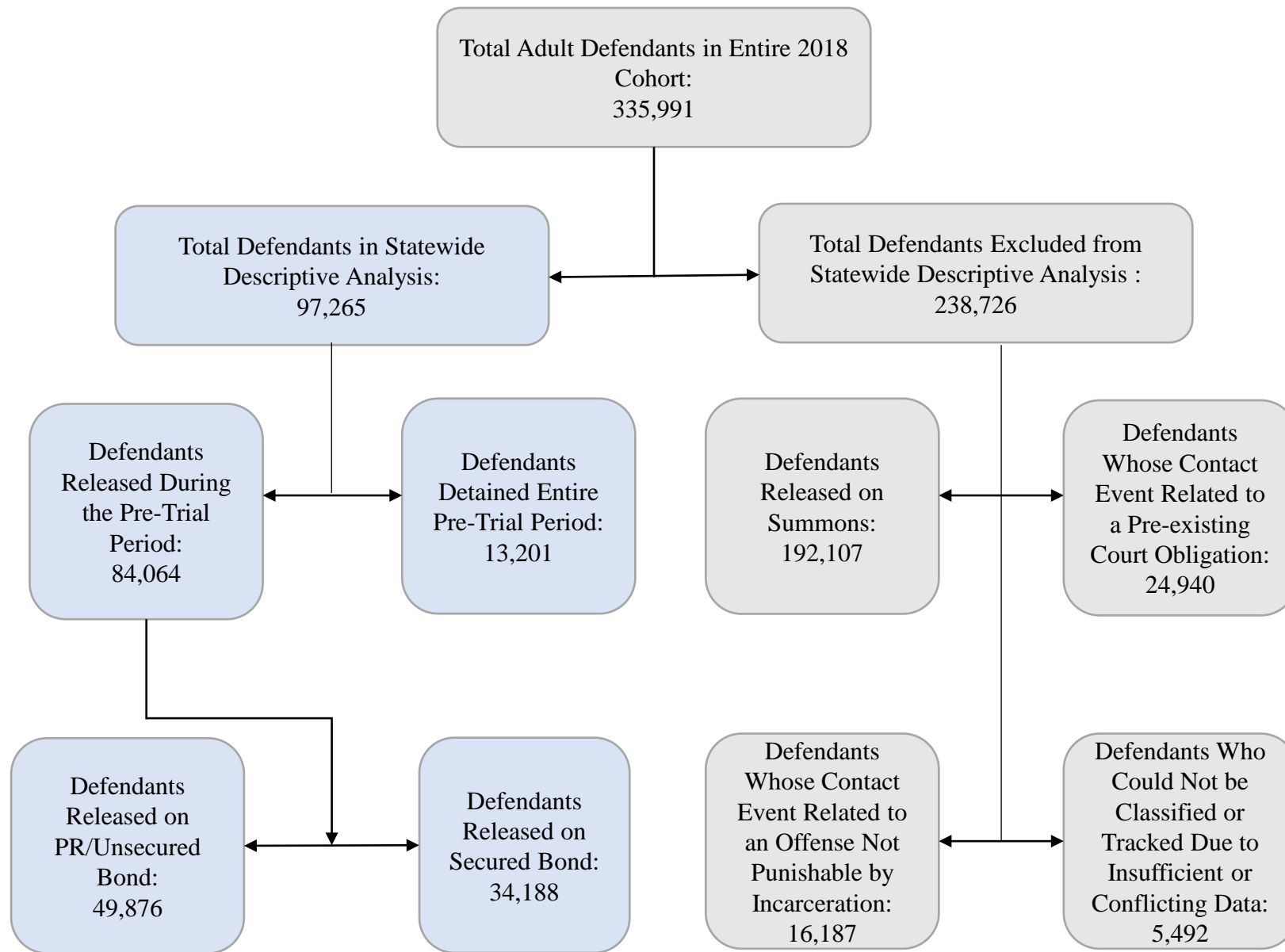


# Minors

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- There are about 19.2k minors in the 2018 cohort
- 99.2% of charges come from summons cases
- Top four or 98.6% of charges are related to driving

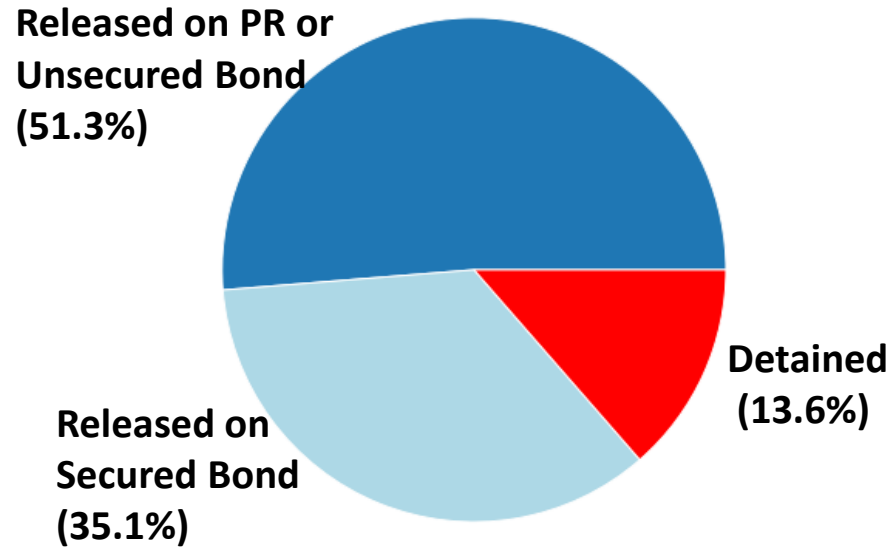
Original VCC	Total charges	Percentage
REC6638M1	12,180	63.1%
REC6649M1	4,165	21.6%
REC6625M1	1,576	8.2%
LIC6809M1	1,128	5.8%



# 2018 Pretrial Data Project

## Pretrial Release Status and Offense Type

Pre-Trial Release Status of Defendants in Cohort



Classification of Most Serious Offense	Pretrial Release Status		Defendants
	Released	Detained	
Felony	75.1%	24.9%	36,028
Misdemeanor	93.2%	6.8%	61,056
Special	47.5%	52.5%	181
<b>Total Defendants</b>	<b>86.4%</b>	<b>13.6%</b>	<b>97,265</b>

Of the 84,064 defendants released pretrial, 78.6% were released within 3 days.



This analysis is based on the 97,265 contact events that included a new criminal offense punishable by incarceration where a bail determination was made by a judicial officer.

# Indigency Status

- **The indigency status variable is a proxy measure, calculated based upon whether the attorney type at case closure in the court case management system (CMS) was noted as a public defender or court-appointed attorney.**
- **This measure does not capture any changes to the attorney type that occurred before case closure.**

# Pre-Trial Release Status and Defendant Demographics

This analysis is based on the 97,265 contact events that included a new criminal offense punishable by incarceration where the bail determination was made by a judicial officer.

	Pretrial Release Status		Total	Defendants
	Released	Detained		
<b><i>Gender</i></b>				
Male	83.9%	16.1%	100%	69,912
Female	93.2%	6.8%	100%	26,969
Undetermined	78.1%	21.9%	100%	384
<b><i>Race</i></b>				
White	87.7%	12.3%	100%	55,335
Black	84.7%	15.3%	100%	37,699
Other/Unknown	85.60%	14.4%	100%	4,231
<b><i>Indigency Status</i></b>				
Indigent	80.9%	19.1%	100%	57,741
No Indigent	94.4%	5.6%	100%	36,618
Undetermined	96.0%	4.0%	100%	2,906
<b>Total Defendants</b>	<b>86.4%</b>	<b>13.6%</b>	<b>100%</b>	<b>97,265</b>

# Bond Type at Release and Defendant Demographics

Of the 97,265 contact events that included a new criminal offense punishable by incarceration where a bail determination was made by a judicial officer, **84,064** defendants were released during the pretrial period.

	Bond Type at Release		Total	Defendants
	PR or Unsecured Bond	Secured Bond		
<b>Gender</b>				
Male	56.2%	43.8%	100%	<b>58,641</b>
Female	66.6%	33.4%	100%	<b>25,123</b>
Undetermined	64.0%	36.0%	100%	<b>300</b>
<b>Race</b>				
White	61.8%	38.2%	100%	<b>48,519</b>
Black	55.0%	45.0%	100%	<b>31,922</b>
Other/Unknown	63.8%	36.2%	100%	<b>3,623</b>
<b>Indigency Status</b>				
Indigent	54.5%	45.5%	100%	<b>46,689</b>
No Indigent	64.1%	35.9%	100%	<b>34,585</b>
Undetermined	79.9%	20.1%	100%	<b>2,790</b>
<b>Total</b>	<b>59.3%</b>	<b>40.7%</b>	<b>100%</b>	<b>86,064</b>

# Indigency Status and Case Type of Most Severe Charge

Case Type	Not indigent	Indigent	Unknown	Total	Defendants
<b>Felony</b>	29.8%	69.2%	1.0%	100%	36,028
<b>Misdemeanor</b>	42.3%	53.5%	4.2%	100%	61,056
<b>Special</b>	20.2%	63.8%	4.8%	100%	181
<b>Total</b>	<b>37.6%</b>	<b>59.4%</b>	<b>3.0%</b>	<b>100%</b>	<b>97,265</b>



# Indigency Status and Case Classification of Most Severe Charge

Class	Not indigent	Indigent	Unknown	Total	Defendants
F1	30.4%	69.6%	0	100%	23
F2	27.2%	72.5%	0.4%	100%	556
F3	27.0%	71.8%	1.2%	100%	1,715
F4	31.5%	67.9%	0.6%	100%	1,901
F5	41.9%	57.3%	0.8%	100%	6,583
F6	28.9%	70.0%	1.1%	100%	12,176
F9	24.8%	74.2%	1.1%	100%	13,074
M1	41.1%	54.5%	4.4%	100%	57,432
M2	65.3%	33.9%	0.7%	100%	271
M9	61.3%	38.5%	0.2%	100%	3,353
S9	21.0%	74.6%	4.4%	100%	181
<b>Total</b>	<b>37.6%</b>	<b>59.4%</b>	<b>3.0%</b>	<b>100%</b>	<b>97,265</b>

**Defendant with Indigency Status**  
**Top Ten Offense Type for Most Serious Charge Regardless of Final Disposition**

<b>Offense type</b>	<b>Count</b>	<b>Percentage</b>
Assault	13,337	23.1%
Drug	9,202	15.9%
Larceny	8,840	15.3%
Traffic - Driving While Intoxicated	5,458	9.5%
Fraud	3,111	5.4%
Traffic - All Others	2,306	4.0%
Weapon/Firearm	2,169	3.8%
Burglary	1,456	2.5%
Obstruction Of Justice	1,147	2.0%
Trespass	1,097	1.9%

**Defendant without Indigency Status**  
**Top Ten Offense Type for Most Serious Charge Regardless of Final Disposition**

<b>Offense type</b>	<b>Count</b>	<b>Percentage</b>
Traffic - Driving While Intoxicated	11,857	32.4%
Assault	5,891	16.1%
Drug	4,756	13.0%
Larceny	2,480	6.8%
Traffic - All Others	1,804	4.9%
Weapon/Firearm	1,486	4.1%
Traffic - Reckless Driving	1,224	3.3%
Fraud	1,081	3.0%
Obstruction Of Justice	677	1.8%
Trespass	617	1.7%

# Outcome Indicators

- **1) Fail to appear (FTA)**
- **2) New Criminal Activity (NCA)** – new in-state offense punishable by incarceration that excludes FTA or Probation related violation
- **Note:** both new arrest and offense date are between the first contact event date and final disposition date

# Public Safety Assessment (PSA) Risk Levels

- **The risk tool includes nine major legal factors that are empirically proven to have significant predictive powers of pretrial outcomes.**
- **The calculation is based on the defendants' criminal history**
- **It does not require an interview with the defendant, in contrast to VPRAI**

# PSA FTA and NCA Risk Level

## ■ **PSA risk level of FTA (failure to appear)**

- Risk factors: pending charge at the time of the offense, prior felony or misdemeanor convictions, prior failure to appear pretrial in past 2 years, and prior failure to appear pretrial older than 2 years.

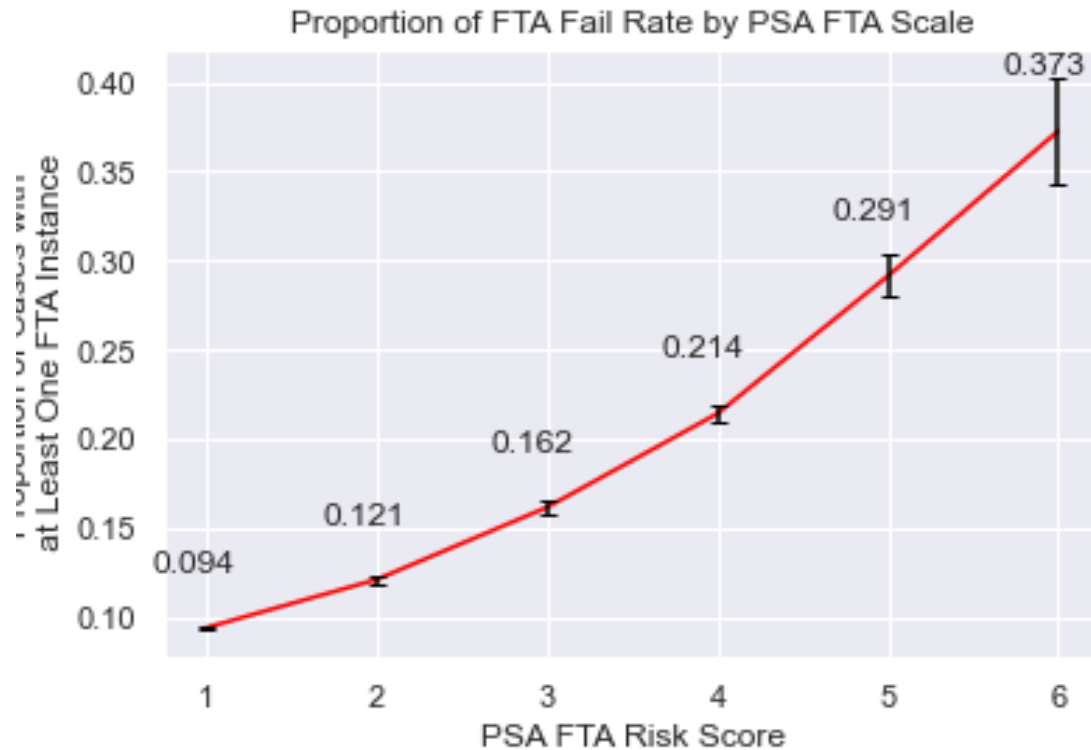
## ■ **PSA risk level of NCA (new criminal activity)**

- Risk factors: age at current arrest, pending charge at the time of the offense, prior misdemeanor conviction, prior felony conviction, prior violent conviction, prior failure to appear pretrial in past 2 years, and prior sentence to incarceration.

# PSA Risk Scale

- **For both FTA and NCA: 1, 2, 3, 4, 5, 6**
  - 1 indicates lowest risk, while 6 the highest
- **Fail rate**
  - The ratio of failure for each PSA risk level

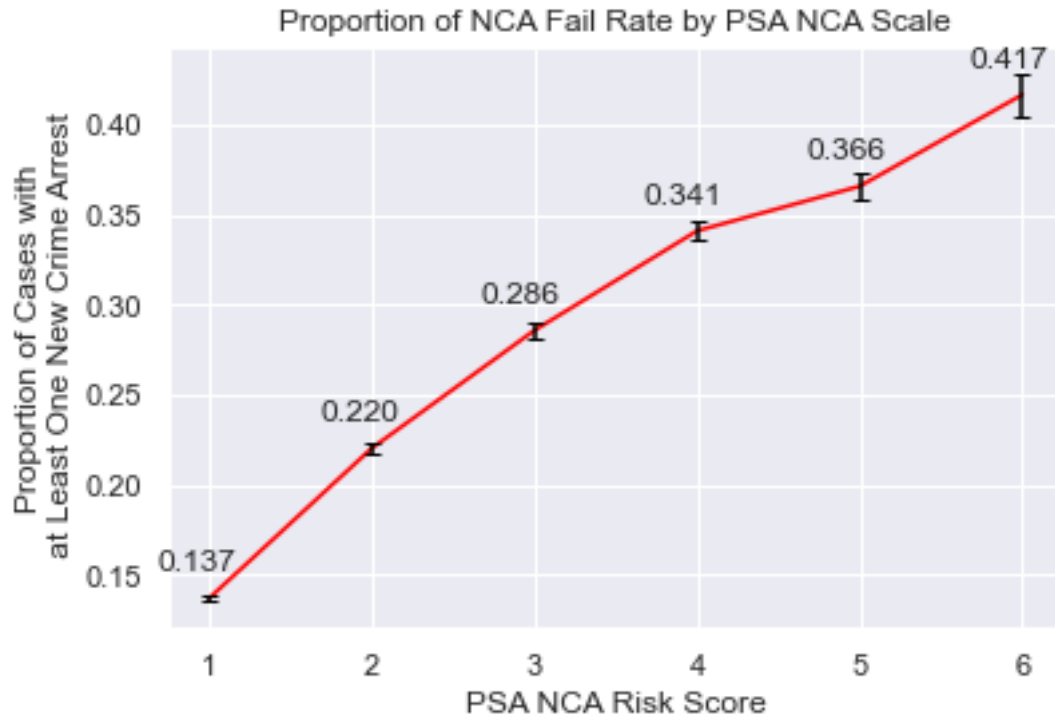
# PSA FTA Risk Scale and FTA Fail Rate



- The ratio of people who have at least one FTA during the pretrial period is calculated for each PSA risk level



# PSA NCA Risk Scale and NCA Fail Rate



**Note:** New criminal activity (NCA) includes only those in-state offense punishable by incarceration during the pretrial period.



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## Questions

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