



**Virginia Criminal
Sentencing Commission**

September 11, 2023

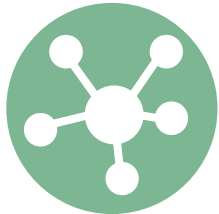
**Virginia Pretrial
Data Project:
Preview of Findings
for 2019 and 2020
Cohorts**



Virginia Pretrial Data Project Overview



The **PRETRIAL DATA PROJECT** was established in 2018 to address the *significant lack of data available* to answer questions regarding various pre-trial release mechanisms, conditions of pretrial release, appearance at court proceedings, and public safety.



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



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

The Commission's first report was submitted December 1, 2022.



Virginia Pretrial Data Project Overview



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



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



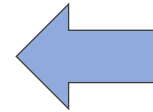
Circuit Court Case Management System

- 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



Data for the Project is obtained from numerous agencies.

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



More than 500 data elements are captured for each defendant.



Virginia Pretrial Data Project Study Cohorts



NEWEST COHORTS

Commission staff selected individuals with pretrial contact events during CY2019 and CY2020.

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

FOLLOW-UP PERIOD

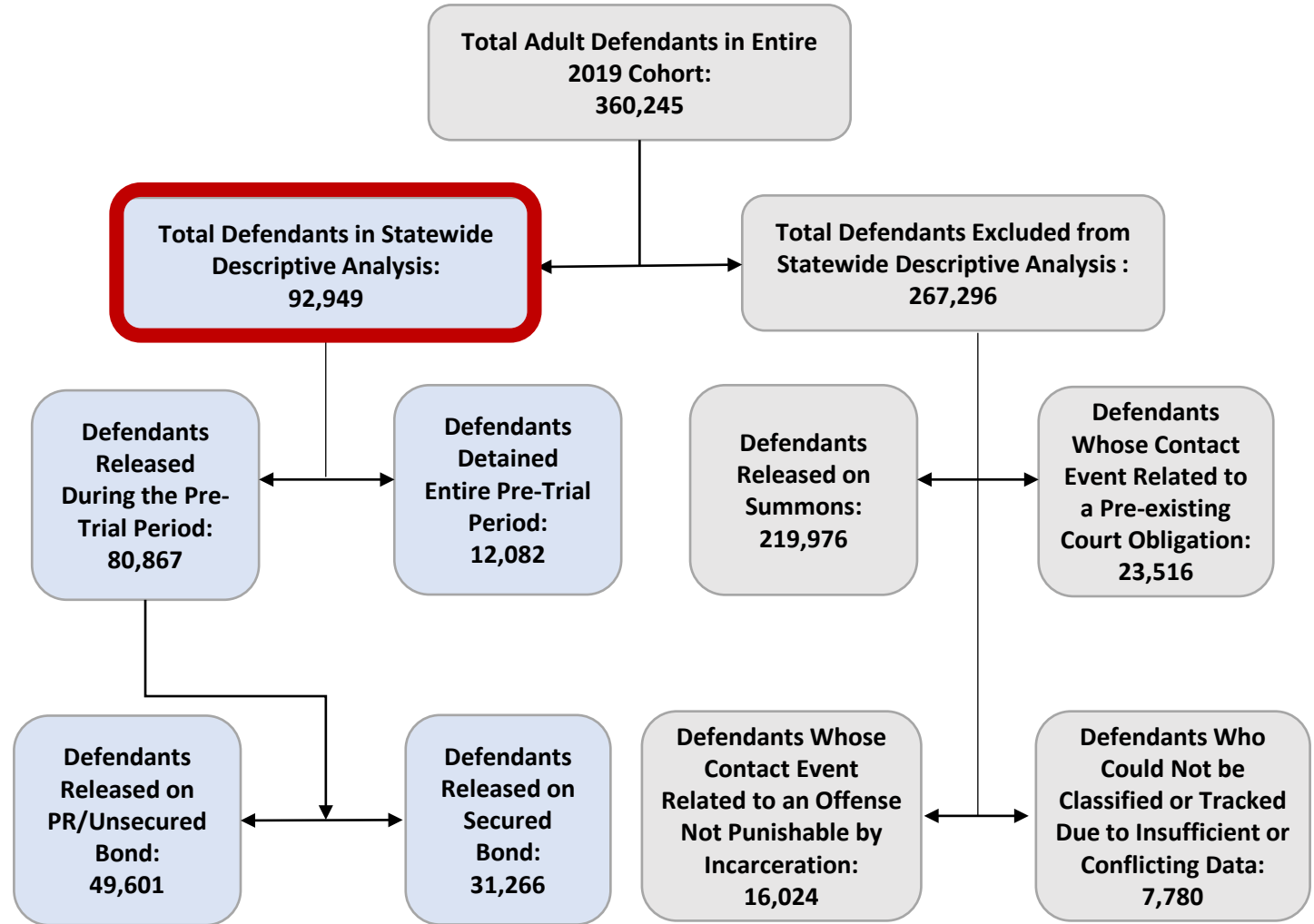
Individuals are tracked for a minimum of 15 months or until disposition of the case, whichever occurs first.

- For the CY2019 cohort, follow-up ended March 2021.
- For the CY2020 cohort, follow-up ended March 2022.



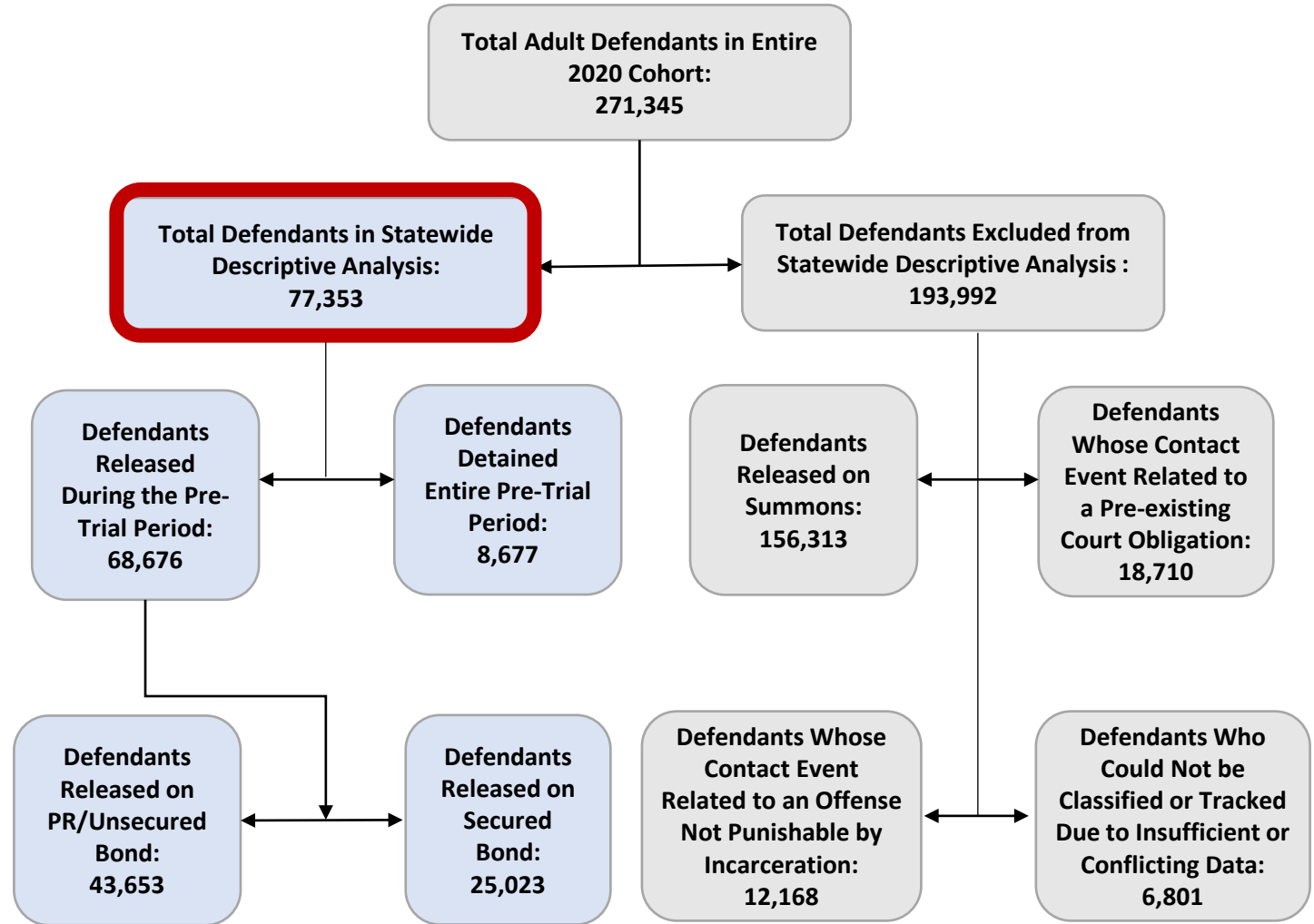
Pretrial Data Project CY2019 Cohort

The analysis focuses on adult defendants whose contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



Pretrial Data Project CY2020 Cohort

The analysis focuses on adult defendants whose contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



CY2018, CY2019 & CY2020 Cohorts Characteristics

Each year, the cohort is mostly male, white, and between the ages of 18 and 35.

Between 56% and 60% of the individuals in each cohort are categorized as indigent.

Indigency status 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 prior to case closure.

	CY2018	CY2019	CY2020
Gender			
Male	71.9%	71.9%	72.5%
Female	27.7%	27.8%	27.2%
Unknown	0.4%	0.3%	0.3%
Race			
White	56.9%	57.0%	57.2%
Black	38.8%	38.8%	38.9%
Other/Unknown	4.3%	4.2%	3.9%
Age Group			
18-25 years old	25.2%	23.1%	22.8%
26-35 years old	33.2%	33.2%	33.6%
36-45 years old	20.2%	21.4%	21.8%
46-55 years old	13.2%	13.7%	13.1%
>55 years old	8.1%	8.6%	8.6%
Indigency Status			
Indigent	59.2%	56.2%	56.4%
Not Indigent	37.8%	40.5%	40.1%
Undetermined	3.0%	3.3%	3.5%
Total Defendants	96,135	92,949	77,353

This analysis is based on pretrial contact events that included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



CY2018, CY2019 & CY2020 Cohorts Charges

A slightly larger percentage of individuals were charged with felonies in the CY2020 cohort compared to the CY2018 cohort (49.2% v. 45.7%).

Each year, the most common felony charge was a drug offense.

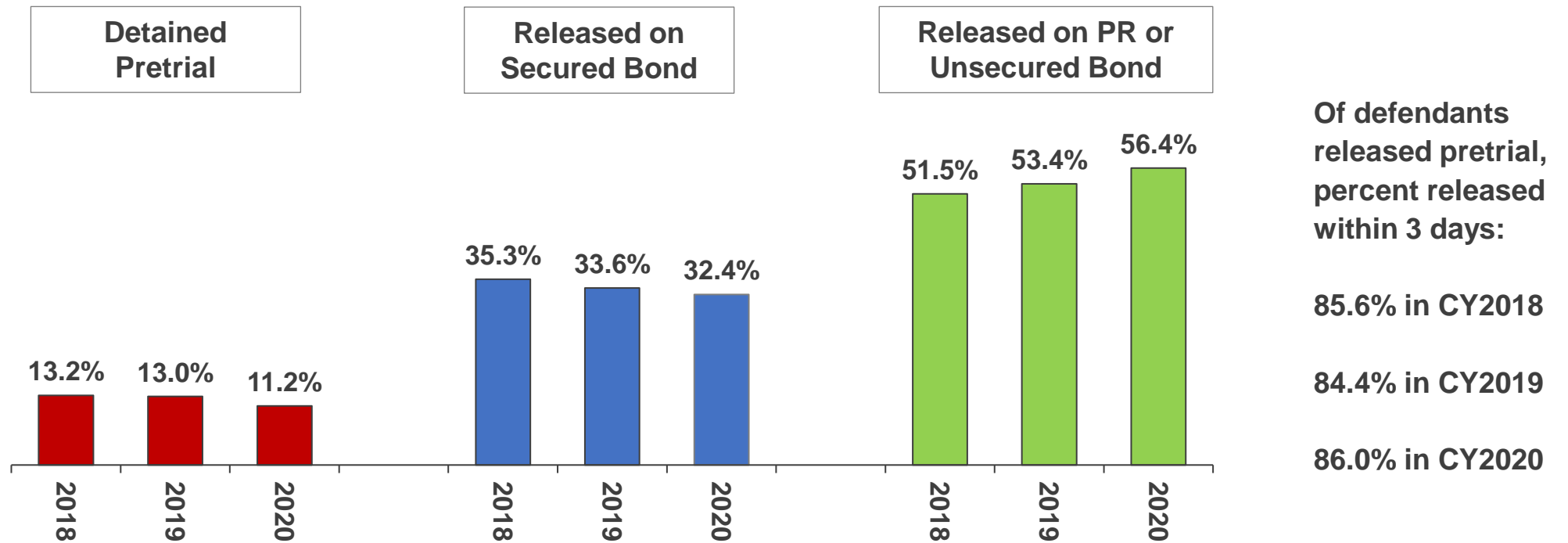
In CY2020, assault became the most common misdemeanor offense.

	CY2018	CY2019	CY2020
<i>Most Serious Charge</i>			
Felony	45.7%	47.2%	49.2%
Misdemeanor	54.1%	52.7%	50.7%
Special/Undetermined	0.2%	0.1%	0.1%
<i>Felonies</i>			
Drug	32.1%	34.1%	32.8%
Larceny	18.8%	17.7%	16.2%
Assault	10.6%	10.6%	12.5%
Fraud	8.1%	7.0%	5.8%
Weapon/Firearm	4.4%	4.7%	5.8%
Other Felonies	26.0%	26.0%	27.0%
<i>Misdemeanors</i>			
DUI	31.8%	32.7%	31.2%
Assault	31.6%	31.7%	35.8%
Larceny	5.1%	4.1%	3.7%
Obstruction of Justice	3.4%	3.4%	2.9%
Drug	3.3%	3.0%	1.8%
Other Misdemeanors	24.8%	25.1%	24.6%
Total Defendants	96,135	92,949	77,353

This analysis is based on pretrial contact events that included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



Pretrial Release Status of Defendants in CY2018, CY2019 & CY2020 Cohorts

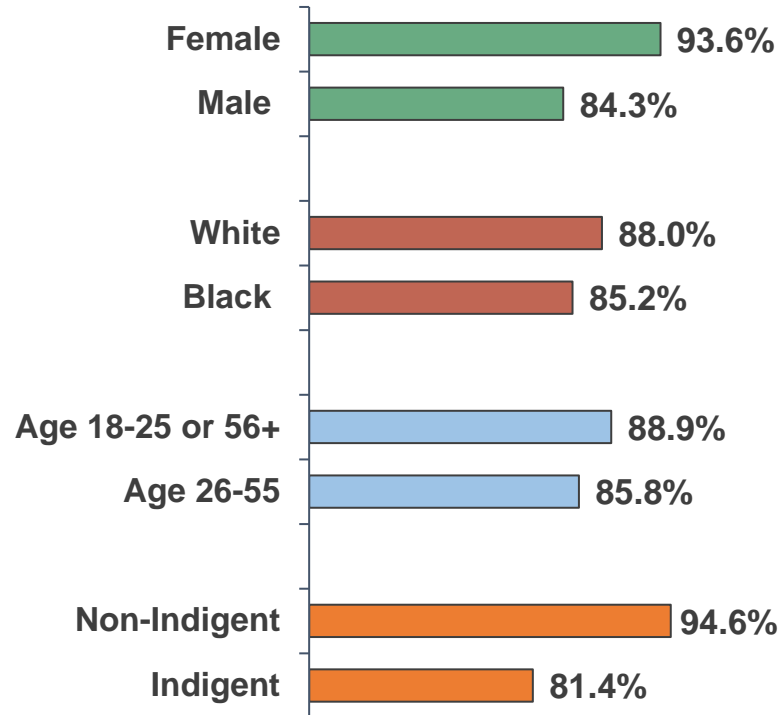


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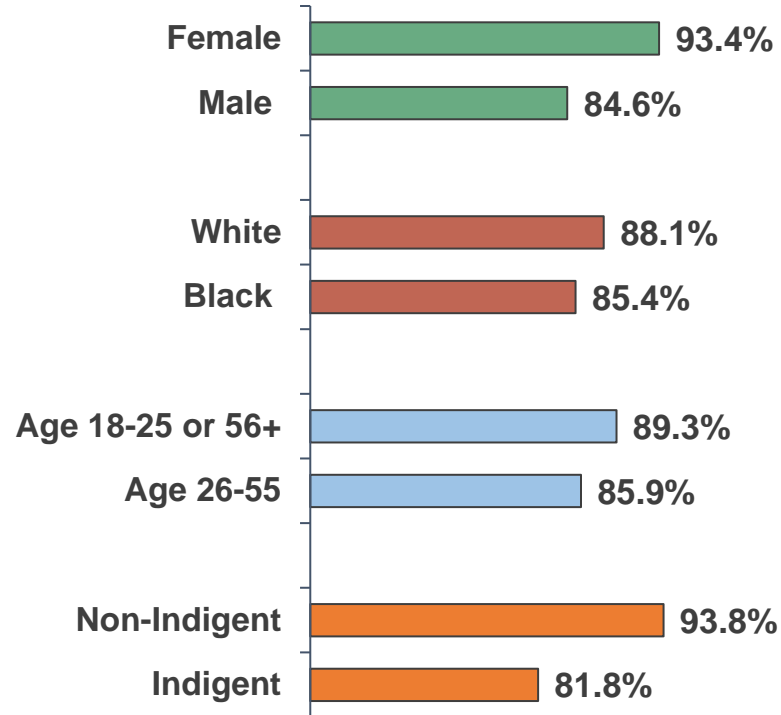


Pretrial Release Rates and Defendant Characteristics

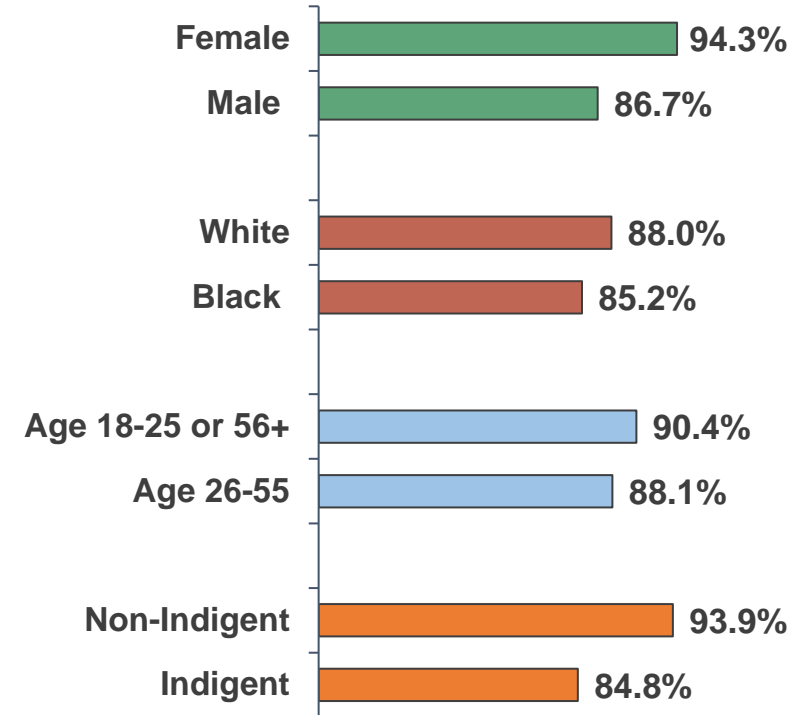
Percent Released Pretrial
CY2018



Percent Released Pretrial
CY2019



Percent Released Pretrial
CY2020

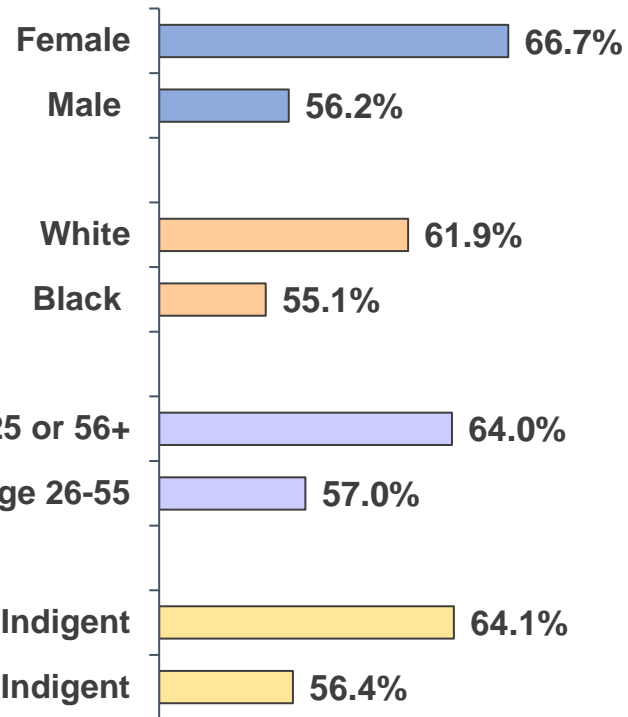


Analysis is based on defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer; however, defendants in other categories or who have missing information are excluded from the chart.

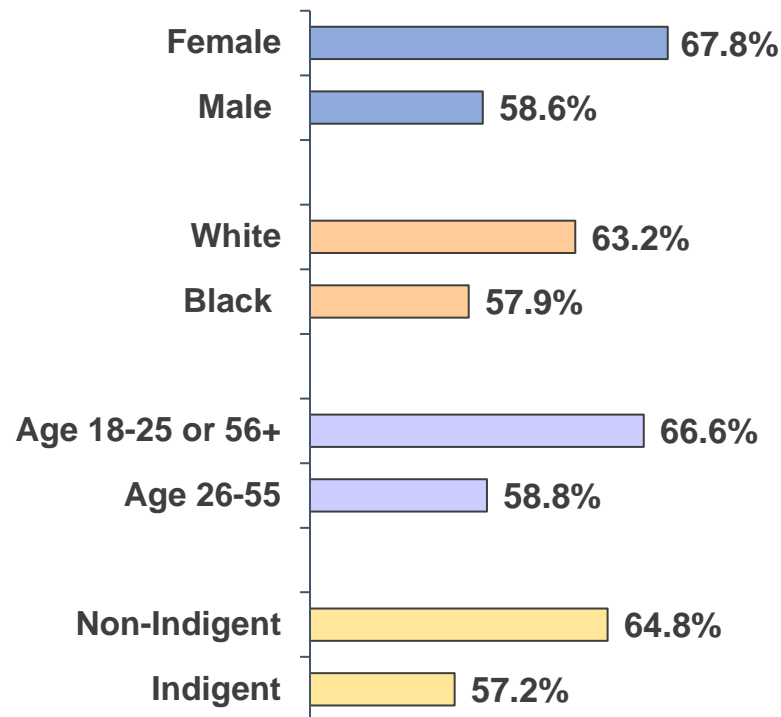
Indigency status is a proxy measure based upon whether the attorney type at case closure in the Court Case Management System (CMS) was noted as a public defender or court-appointed attorney.

Bond Type at Release and Defendant Characteristics

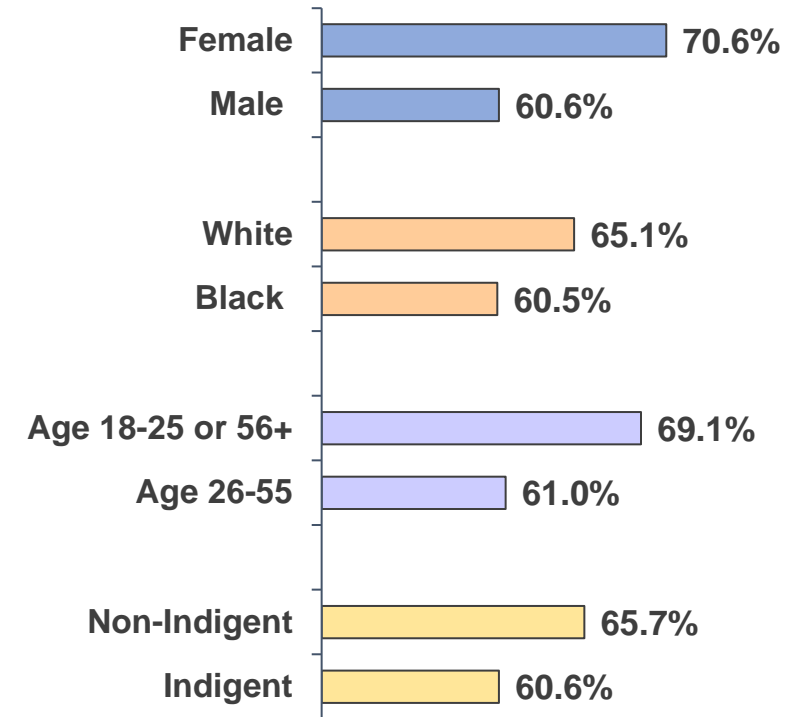
Percent Released on PR or Unsecured Bond
CY2018



Percent Released on PR or Unsecured Bond
CY2019



Percent Released on PR or Unsecured Bond
CY2020



Analysis is based on defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.

Indigency status is a proxy measure 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.

Pretrial Data Project Outcome Measures

COURT APPEARANCE OUTCOME

Whether the released defendant was charged with failure to appear (FTA) or contempt of court for failure to appear during the pretrial period

PUBLIC SAFETY OUTCOME

Whether the released defendant had a new in-state arrest for an offense punishable by incarceration during the pretrial period (excluding FTA and probation violations, etc.)

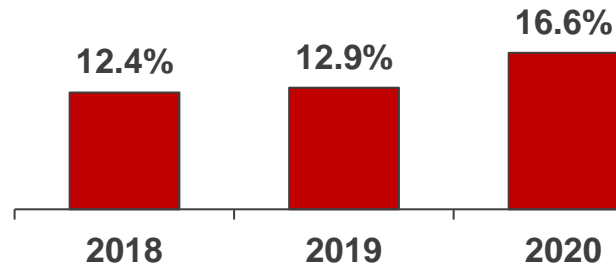
Both offense date and arrest date must be between the first contact event date and final disposition date.



Pretrial Outcome Measures

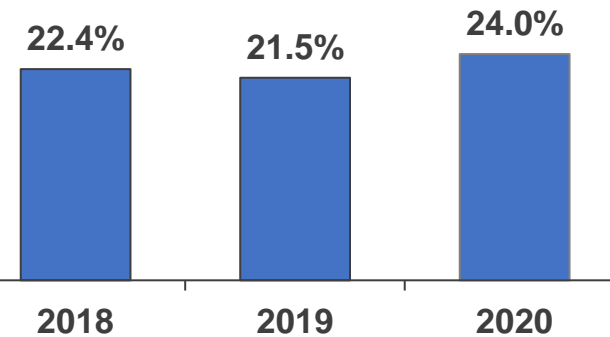
COURT APPEARANCE Outcomes for Released Defendants

Percent Charged with
Failure to Appear



PUBLIC SAFETY Outcomes for Released Defendants

Percent with New In-State Arrest
for Offense Punishable by
Incarceration



This analysis is based on the defendants who were charged with a criminal offense punishable by incarceration and, following a bail determination made by a judicial officer, were released during the pretrial period.



Pretrial Data Project Reporting and Deliverables (§ 19.2-134.1)

The Commission's next report is due to the General Assembly on **December 1, 2023**.

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.





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