



**VIRGINIA CRIMINAL
SENTENCING COMMISSION**

Virginia's Pretrial Data Project Status Update

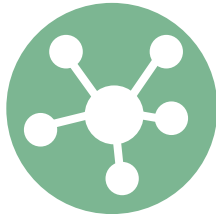
June 10, 2024



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 Study Cohorts



NEWEST COHORTS

For this year, Commission staff selected individuals with pretrial contact events during CY2021 and CY2022.

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 CY2021 cohort, follow-up ended March 2023.**
- **For the CY2022 cohort, follow-up ended March 2024.**



Virginia Pretrial Data Project

Work of Commission in 2024 (for CY 2021 & 2022 Cohorts)



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

IN PROCESS



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



Virginia Pretrial Data Project CY2021 & CY2022 Cohort

PRELIMINARY

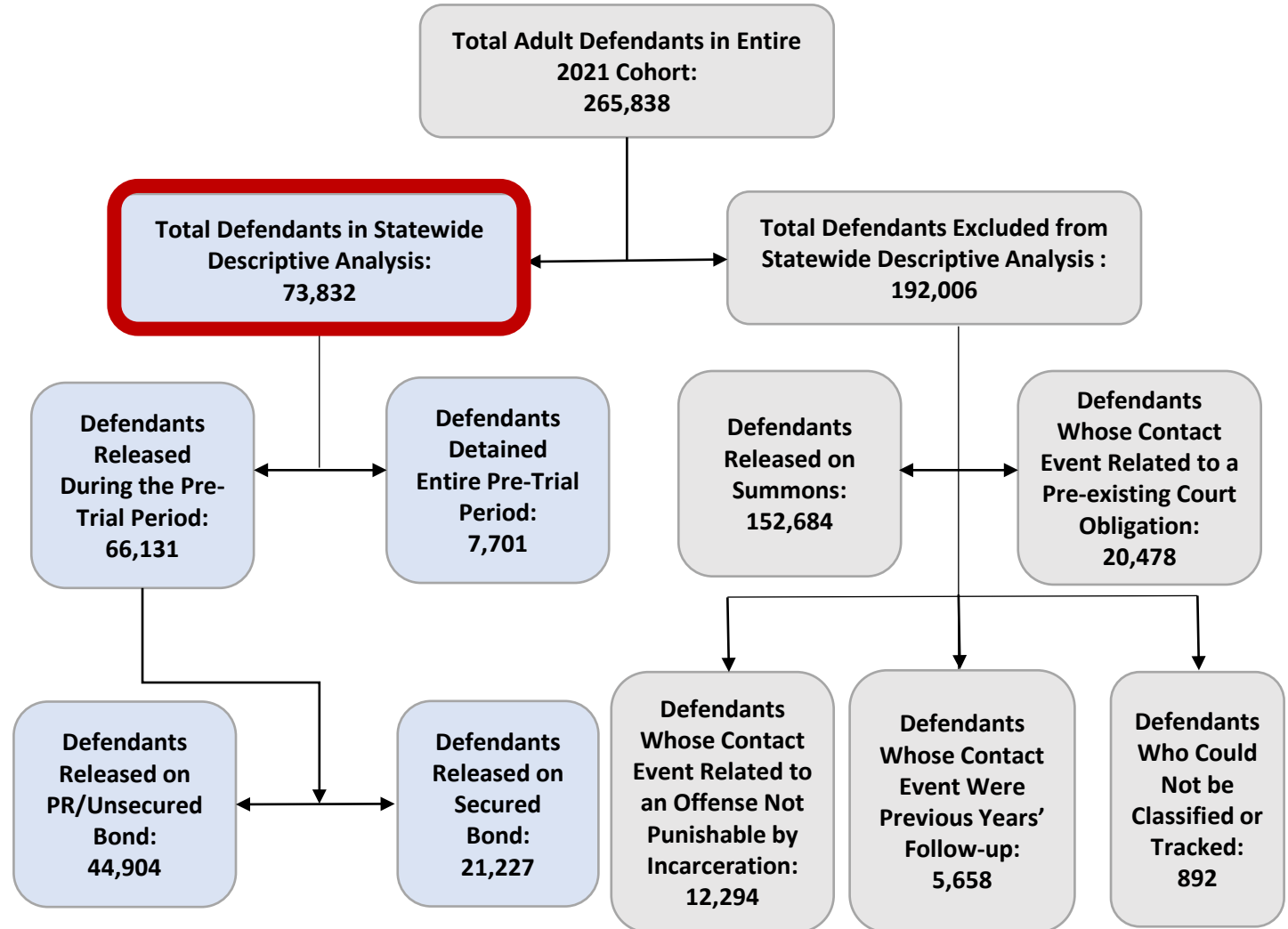
	2021	2022
Total charges*	527,474	565,798
Total contact events	365,855	389,389
First contact events	265,926	281,371
Magistrate events	112,242	115,758
Direct Indictment events	791	919
Summons events*	152,744	164,694

* Excludes infractions



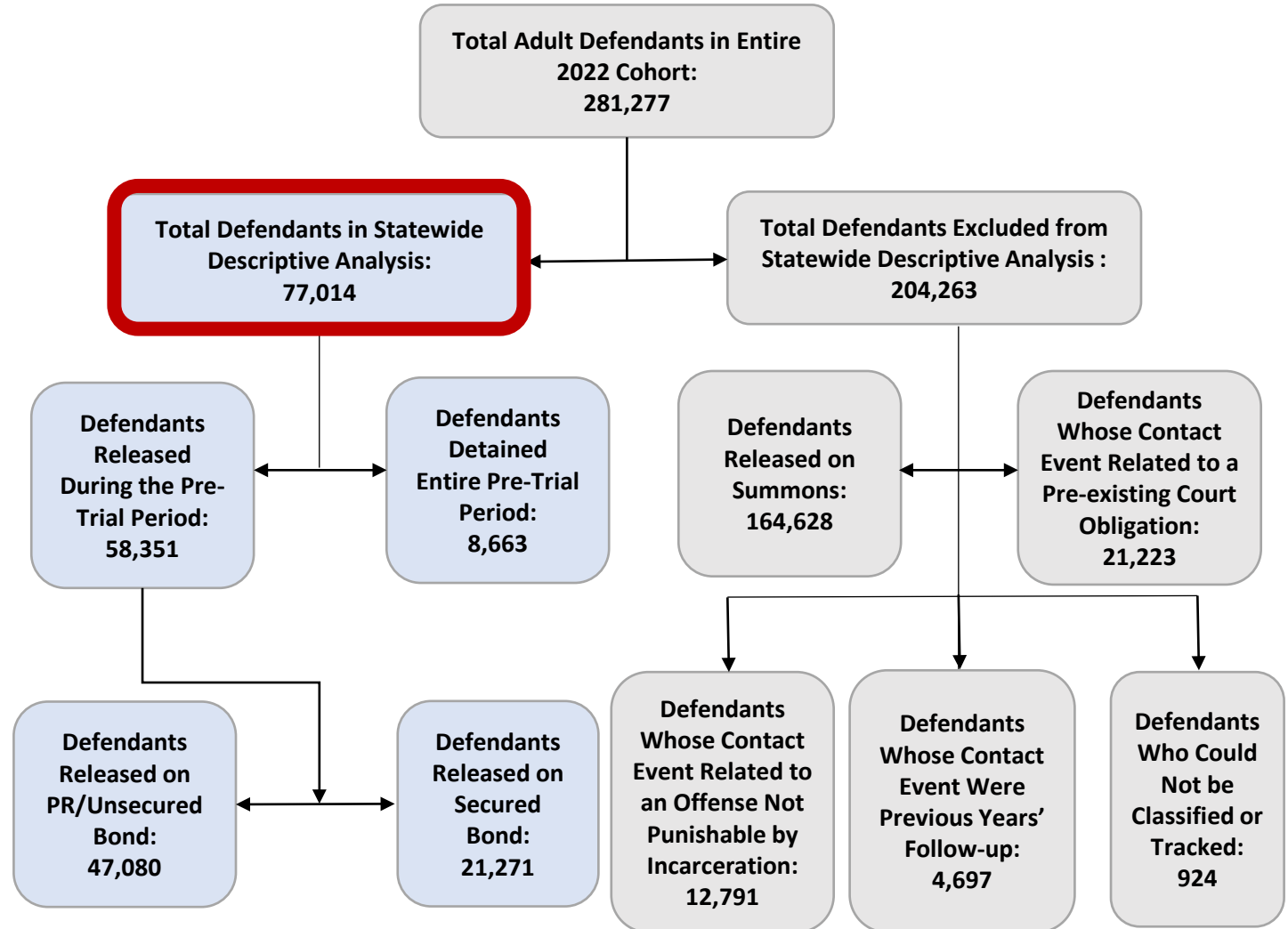
Pretrial Data Project CY2021 Cohort (Preliminary)

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 CY2022 Cohort (Preliminary)

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.



CY2020, CY2021 & CY2022 Cohorts Characteristics (Preliminary)

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.

	CY2020	CY2021	CY2022
Gender			
Male	72.5%	73.0%	73.0%
Female	27.2%	26.5%	26.5%
Unknown	0.3%	0.5%	0.5%
Race			
White	57.2%	56.6%	55.6%
Black	38.9%	38.9%	39.8%
Other/Unknown	3.9%	4.5%	4.6%
Age Group			
18-25 years old	22.8%	20.9%	20.6%
26-35 years old	33.6%	33.1%	32.5%
36-45 years old	21.8%	23.5%	24.1%
46-55 years old	13.1%	13.0%	12.8%
>55 years old	8.6%	9.5%	9.9%
Indigency Status			
Indigent	56.4%	55.3%	57.3%
Not Indigent	40.1%	40.8%	39.0%
Undetermined	3.5%	3.8%	3.8%
Total Defendants	77,353	73,832	77,014

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.



CY2020, CY2021 & CY2022 Cohorts Charges (Preliminary)

Percentage of individuals charged with misdemeanor increased in CY21 and CY22, when compared to CY20.

The most common felony charge continues to be a drug offense but the percentage has declined.

Assault remained the most common misdemeanor offense.

	CY2020	CY2021	CY2022
Most Serious Charge			
Felony	49.2%	47.1%	46.0%
Misdemeanor	50.7%	52.9%	53.9%
Special/Undetermined	0.1%	0.0%	0.0%
Felonies			
Drug	32.8%	30.5%	28.4%
Larceny	16.2%	11.2%	12.3%
Assault	12.5%	14.7%	14.6%
Fraud	5.8%	5.3%	5.4%
Weapon/Firearm	5.8%	8.0%	7.9%
Other Felonies	27.0%	30.3%	31.4%
Misdemeanors			
Assault	35.8%	37.2%	35.8%
DUI	31.2%	32.7%	31.8%
Larceny	3.7%	3.5%	4.8%
Obstruction of Justice	2.9%	3.0%	3.3%
Drug	1.8%	0.8%	0.6%
Other Misdemeanors	24.6%	22.9%	23.8%
Total Defendants	77,353	73,832	77,014

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.



Virginia Pretrial Data Project

Next Steps

Update database as remaining data is received from other agencies

- **Adding more variables related to defendant's criminal history and pretrial outcomes (e.g., Virginia State Police Criminal History Records)**
- **Determine whether a defendant was on state supervision at time of pretrial contact (data from Department of Corrections)**

Continue to improve data quality, accuracy and completeness

- **Update missing or typos in personal information: birthdate, names, and SSN**
- **Update missing and type of offense in VCC information**
- **Update missing or wrong information for jail commitment, pretrial release and bail type**



Virginia Pretrial Data Project

Next Steps (Continued)

Continue to conduct research based on the completed pretrial data

- **Analyze the effects of recent bail reform (repealing presumptive denial of bail under § 19.2-120) on pretrial system in Virginia**
- **Attend the major conference in Criminology to present research findings and inform researchers of the availability of Virginia Pretrial Data.**





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