



**Virginia Criminal  
Sentencing Commission**

**November 7, 2024**

**Virginia Pretrial  
Data Project:**

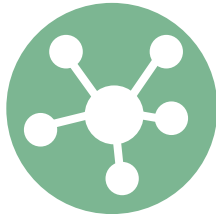
**2021 and 2022  
Cohort Analysis**



# 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



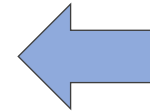
## Circuit Court Case Management System

- 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 CY2021 and CY2022.**

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

## FOLLOW-UP PERIOD

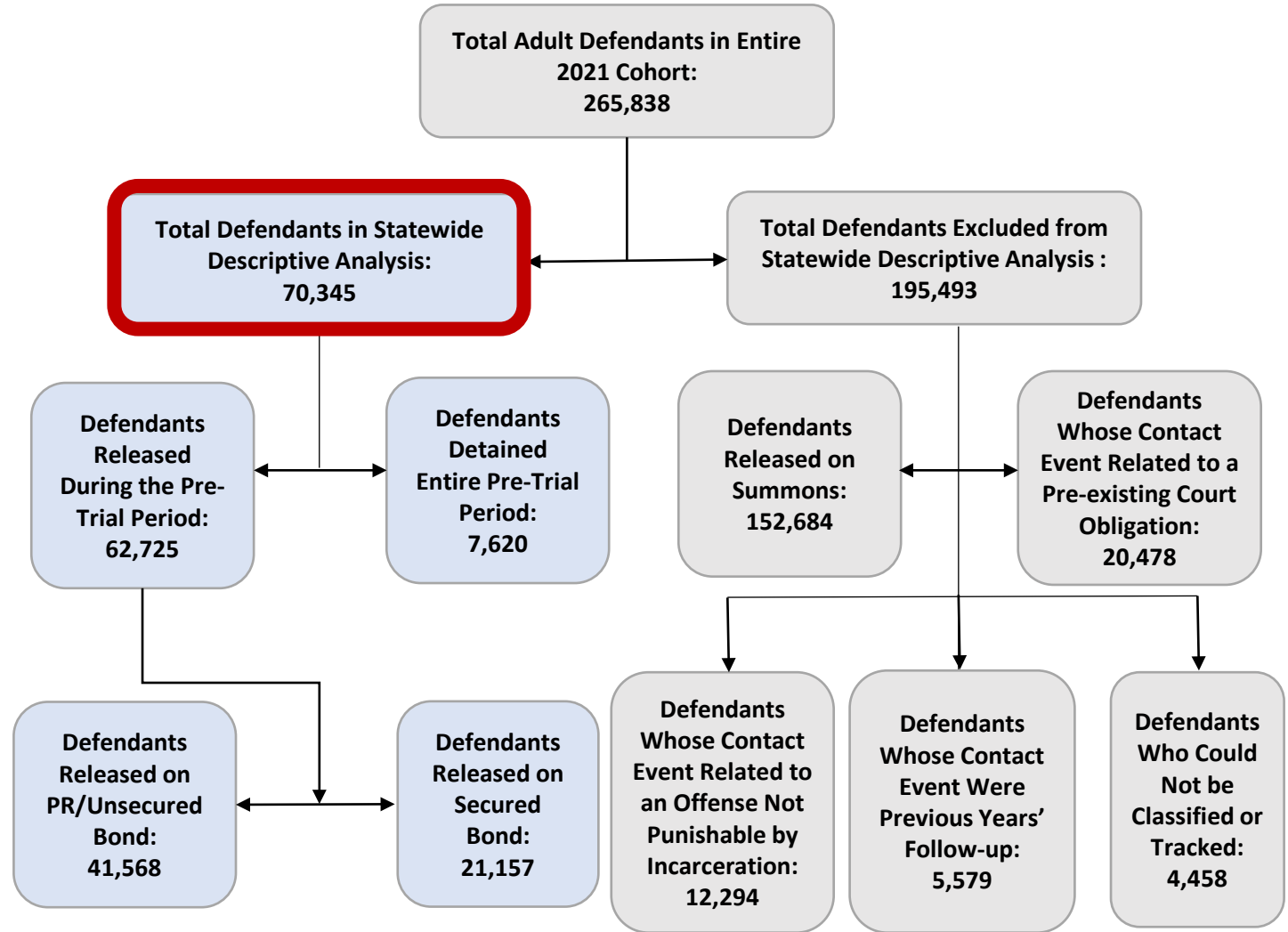
**Individuals are tracked for a minimum of 15 months or until disposition of the case, whichever occurs first.**

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



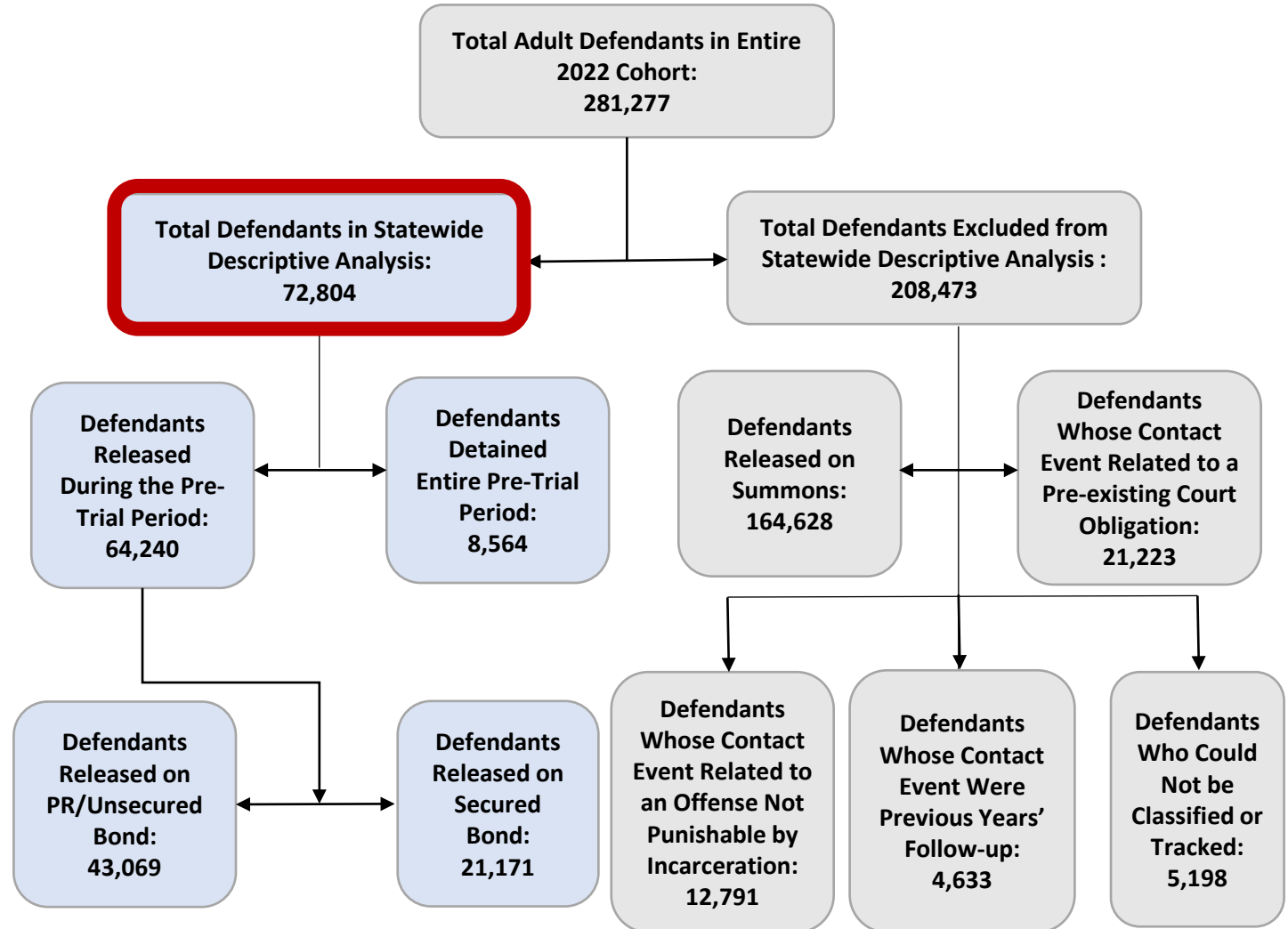
# Pretrial Data Project CY2021 Cohort (UPDATED)

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.

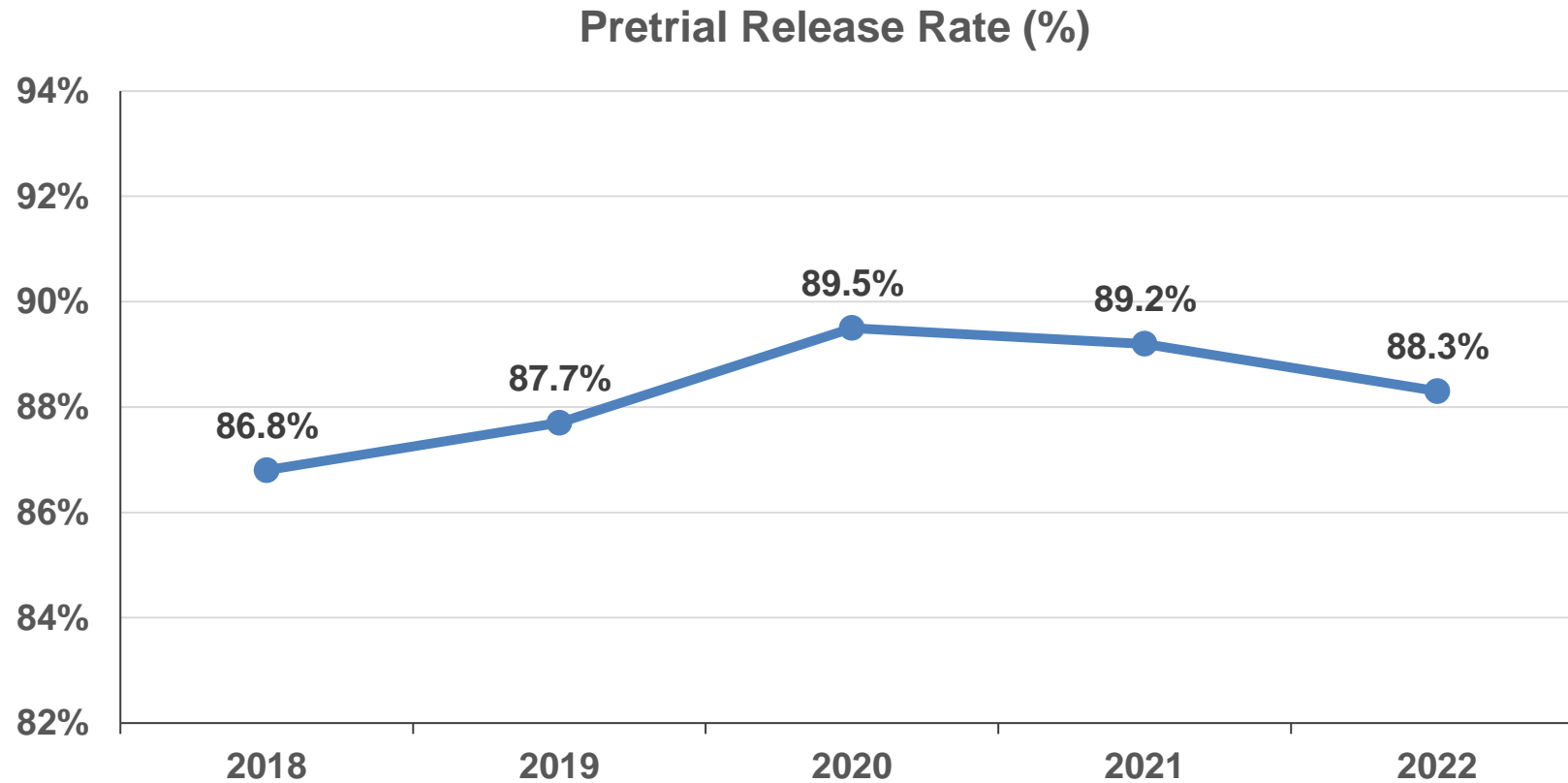


# Pretrial Data Project CY2022 Cohort (UPDATED)

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.



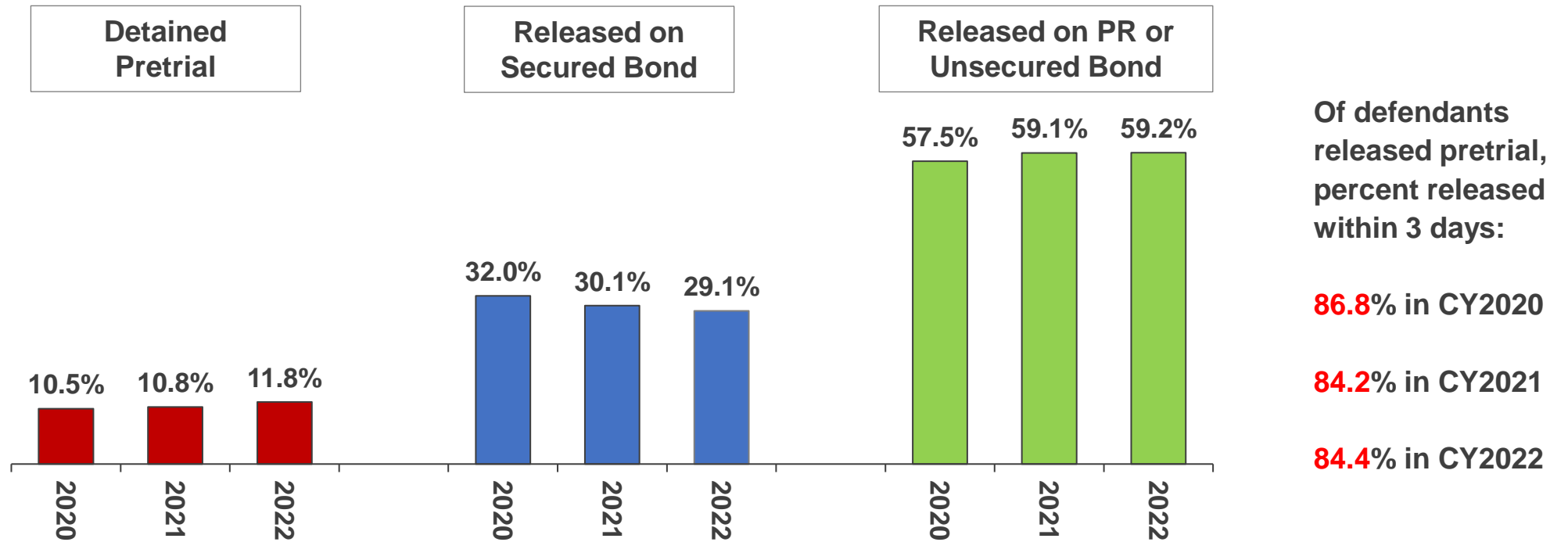
# Pretrial Release of Defendants (CY2018 – CY2022)



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 CY2020, CY2021 & CY2022 Cohorts



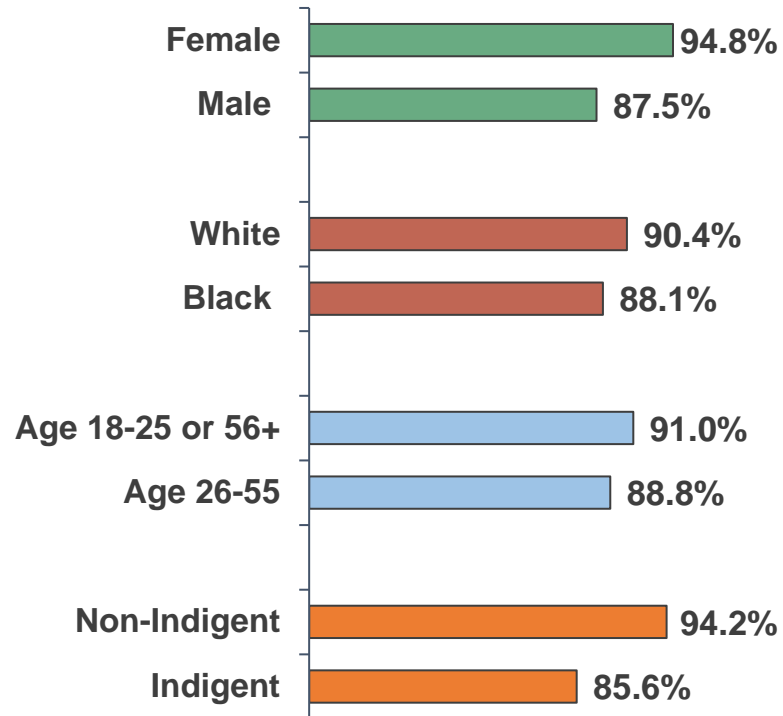
This analysis is based on pretrial contact events that included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer.



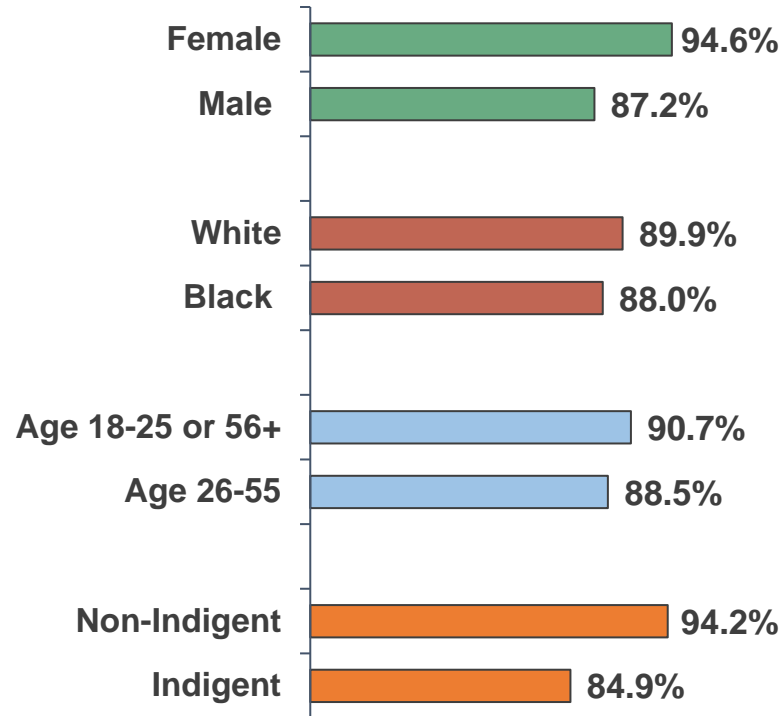


# Pretrial Release Rates and Defendant Characteristics

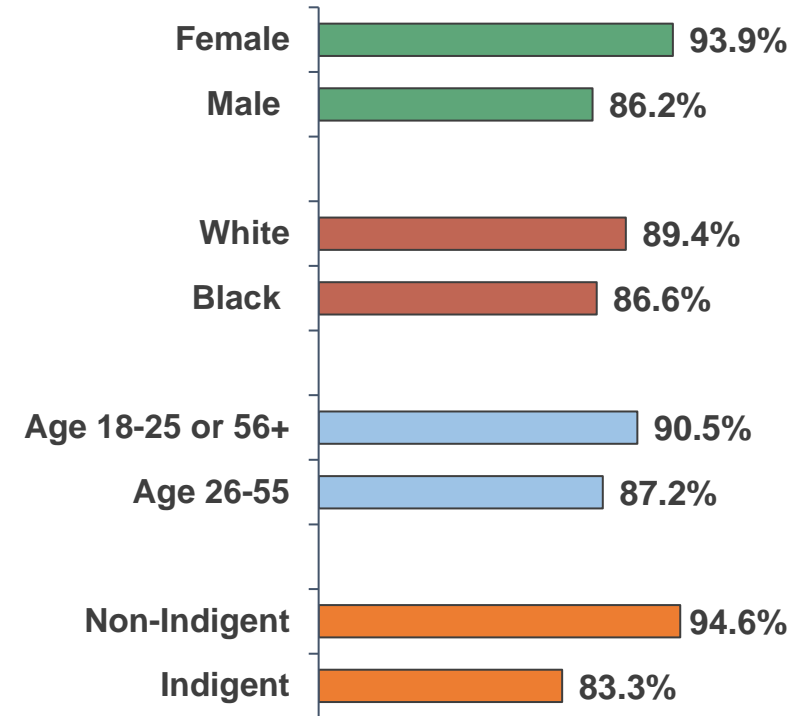
Percent Released Pretrial  
CY2020



Percent Released Pretrial  
CY2021



Percent Released Pretrial  
CY2022

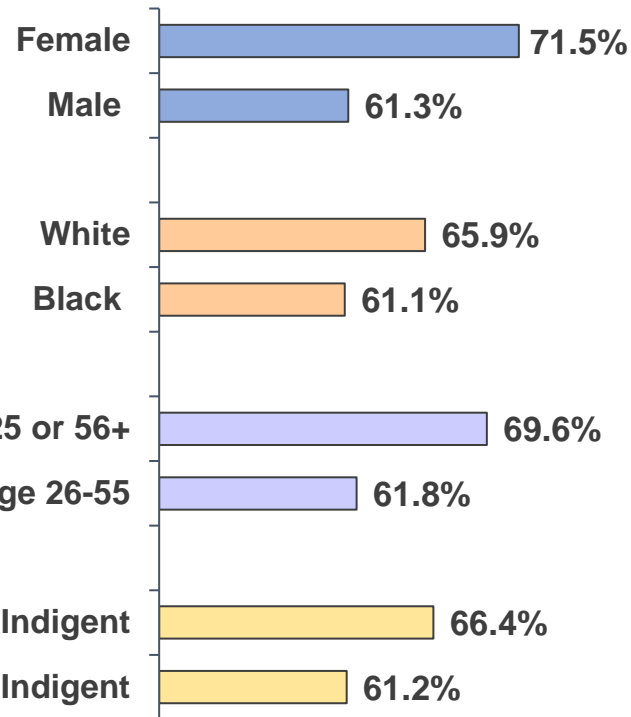


Analysis is based on defendants whose pretrial contact event included a criminal offense punishable by incarceration where a bail determination was made by a judicial officer; however, defendants in other categories or who have missing information are excluded from the chart.

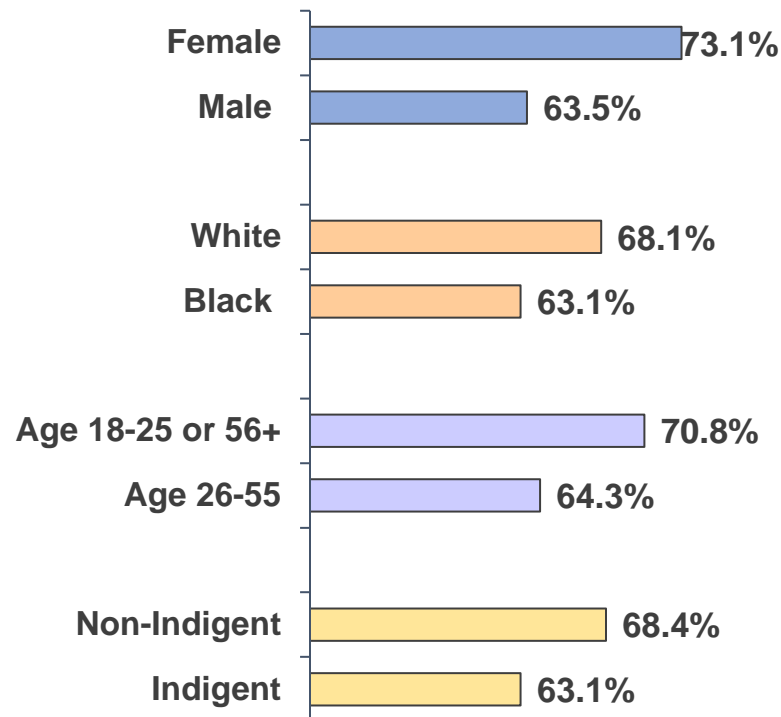
Indigency status is a proxy measure based upon whether the attorney type at case closure in the Court Case Management System (CMS) was noted as a public defender or court-appointed attorney.

# Bond Type at Release and Defendant Characteristics

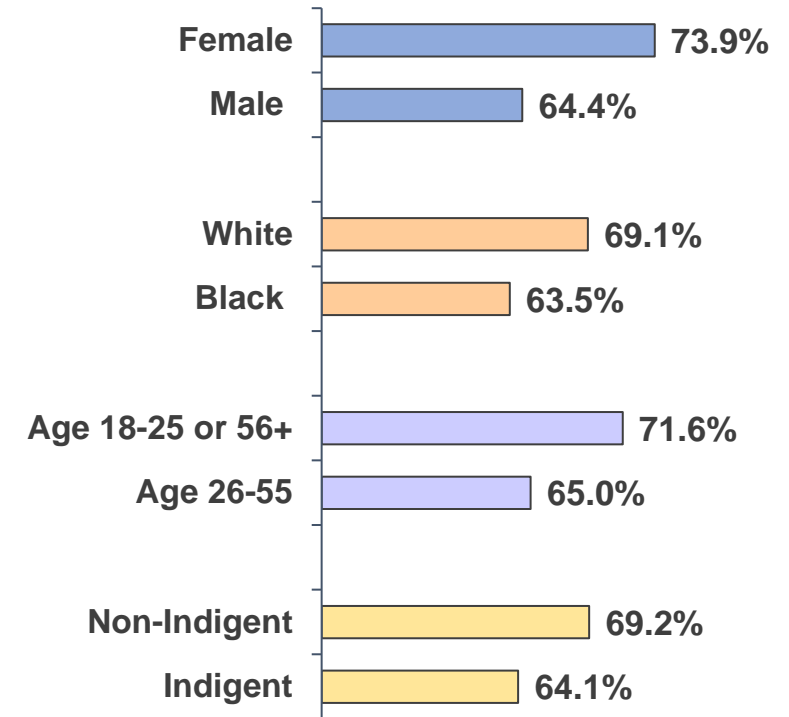
Percent Released on PR or Unsecured Bond  
CY2020



Percent Released on PR or Unsecured Bond  
CY2021



Percent Released on PR or Unsecured Bond  
CY2022



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 Risk Assessment

Risk assessment tools are commonly used at various stages within the criminal justice system.

Studies have consistently found that validated actuarial risk assessment tools combined with professional judgement produce better outcomes than subjective professional judgement alone.

The Public Safety Assessment (PSA) is a pretrial risk assessment tool developed by Arnold Ventures that has been validated in a number of states/ localities outside of Virginia.

Unlike other tools, the PSA does not require an interview with the defendant.



## RELATIONSHIP BETWEEN RISK FACTORS AND PRETRIAL OUTCOMES

Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		X	
2. Current violent offense			X
<i>Current violent offense &amp; 20 years old or younger</i>			X
3. Pending charge at the time of the offense	X	X	X
4. Prior misdemeanor conviction		X	
5. Prior felony conviction		X	
<i>Prior conviction (misdemeanor or felony)</i>	X		X
6. Prior violent conviction		X	X
7. Prior failure to appear in the past two years	X	X	
8. Prior failure to appear older than two years	X		
9. Prior sentence to incarceration		X	

*Note: Boxes where an "X" occurs indicate that the presence of a risk factor increases the likelihood of that outcome for a given defendant.*

# CY2020, CY2021 & CY2022 Cohorts Release Rate by Assigned PSA FTA and NCA Scores

As PSA Scores increase, the percentage of defendants released pretrial decreases for both FTA (Failure to Appear) or NCA (New Criminal Arrest) measures.

Since CY2020 (during COVID), proportionally fewer defendants assigned with higher PSA Scores (5 or 6) have been released.

## Pretrial Release Rate by PSA FTA Score

	Pretrial Release Rate		
	2020	2021	2022
PSA FTA Scale 1	94.1%	94.1%	93.7%
PSA FTA Scale 2	89.7%	89.5%	88.3%
PSA FTA Scale 3	85.8%	83.8%	81.7%
PSA FTA Scale 4	80.0%	77.5%	76.8%
PSA FTA Scale 5	71.5%	70.3%	65.9%
PSA FTA Scale 6	69.6%	65.8%	60.1%
<b>Total</b>	<b>73,537</b>	<b>70,345</b>	<b>72,804</b>

## Pretrial Release Rate by PSA NCA Score

	Pretrial Release Rate		
	2020	2021	2022
PSA NCA Scale 1	94.3%	94.2%	93.7%
PSA NCA Scale 2	94.6%	94.3%	93.7%
PSA NCA Scale 3	88.1%	87.1%	85.4%
PSA NCA Scale 4	78.5%	77.2%	75.9%
PSA NCA Scale 5	77.3%	75.4%	74.2%
PSA NCA Scale 6	70.7%	67.5%	63.6%
<b>Total</b>	<b>73,537</b>	<b>70,345</b>	<b>72,804</b>

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.

Defendants whose contact event was a follow-up to a contact event during the previous year were excluded for CY2020 - CY2022.



# 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.)**

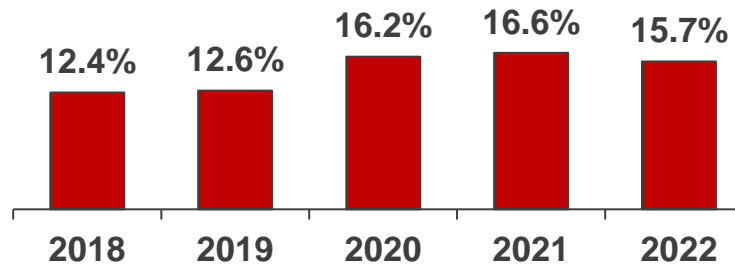
**Both offense date and arrest date must be between the first contact event date and final disposition date.**



# Pretrial Outcome Measures

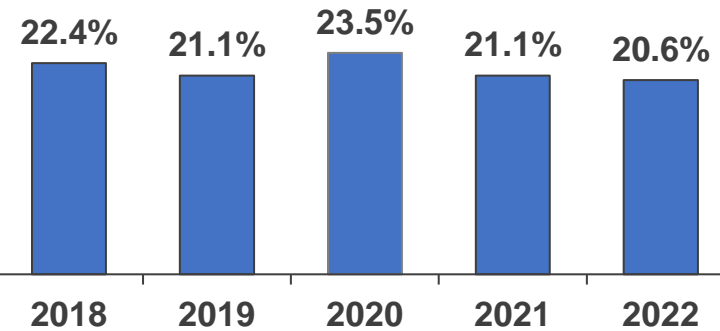
## COURT APPEARANCE Outcomes for Released Defendants

### 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.



# CY2020, CY2021 & CY2022 Cohorts Pretrial Outcomes by Assigned PSA Scores for new FTA & NCA.

In general, the rate for new FTA or NCA increases along with the level of PSA Scores, showing upward stair-step patterns.

In general, since CY2020 (during the COVID), proportionally fewer defendants assigned with higher PSA Scores (5 or 6) have been re-arrested (NCA). However, there was an increase in new FTA for the score same group.

Note: Defendants whose contact event was a follow-up to a contact event during the previous year were excluded for CY2021 & 2022.

## New FTA Rate by PSA FTA Score

	New FTA Rate		
	2020	2021	2022
PSA FTA Scale 1	12.3%	12.4%	11.8%
PSA FTA Scale 2	15.4%	16.2%	15.0%
PSA FTA Scale 3	20.4%	22.1%	21.3%
PSA FTA Scale 4	26.2%	28.2%	27.5%
PSA FTA Scale 5	36.6%	35.0%	38.1%
PSA FTA Scale 6	41.9%	43.9%	47.1%
<b>Total Released</b>	<b>65,808</b>	<b>62,725</b>	<b>64,240</b>

## New Criminal Arrest by PSA NCA Score

	New Arrest Rate		
	2020	2021	2022
PSA NCA Scale 1	13.8%	13.0%	12.8%
PSA NCA Scale 2	21.9%	20.2%	20.0%
PSA NCA Scale 3	28.8%	26.4%	25.5%
PSA NCA Scale 4	37.1%	33.5%	32.4%
PSA NCA Scale 5	38.9%	36.0%	36.4%
PSA NCA Scale 6	45.1%	41.8%	41.2%
<b>Total Released</b>	<b>65,808</b>	<b>62,725</b>	<b>64,240</b>

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, 2024**.

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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