



# **Risk-Informed Pretrial Decision Making in the Commonwealth of Virginia**

Presentation to the North Carolina  
Commission on the Administration of the Law  
& Justice

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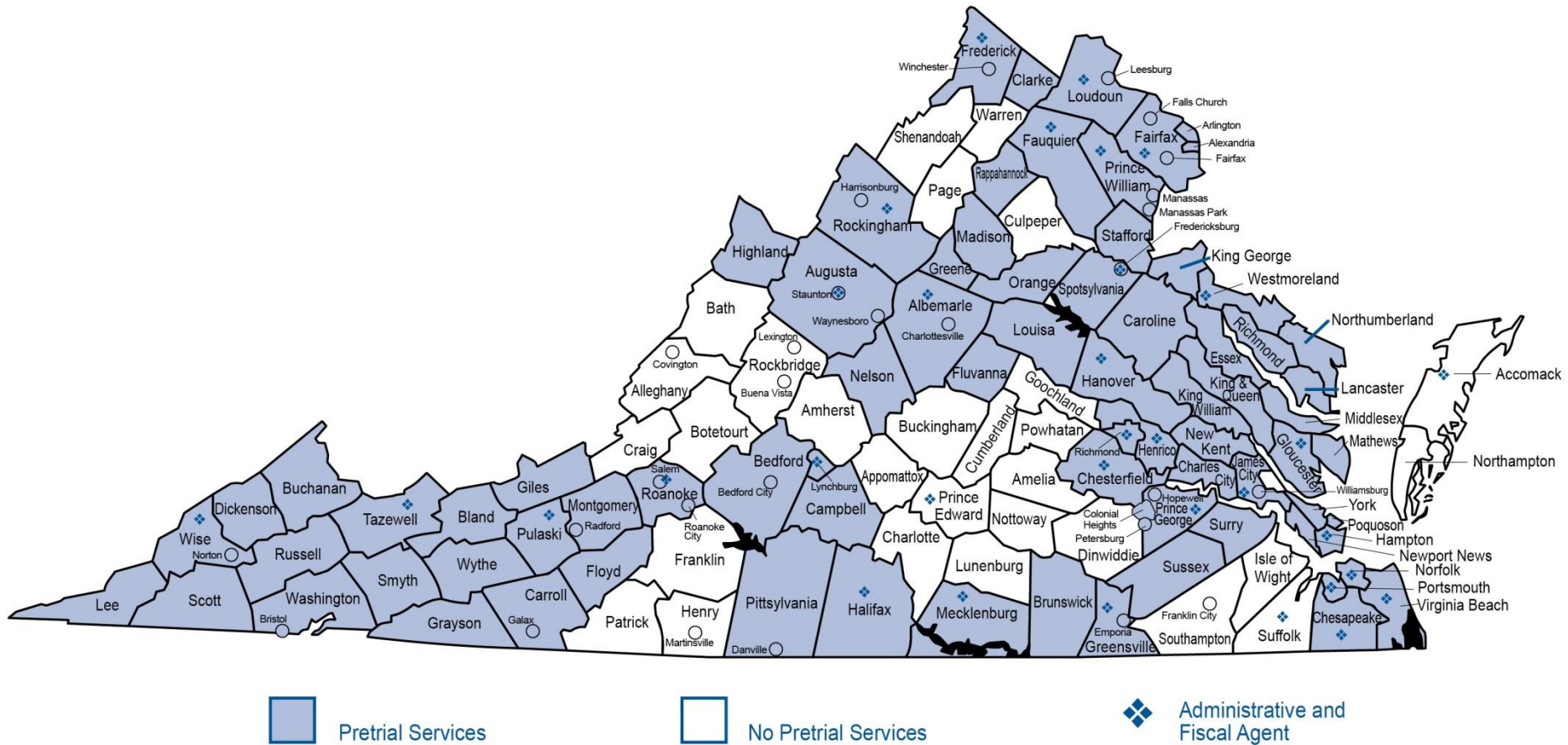


**Virginia Department of  
Criminal Justice Services**

[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

# Pretrial Services

## Administrative & Fiscal Agents and Localities Served



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# Risk Assessment Implementation

- VPRAI Background
  - **1995:** The Pretrial Services Act requires the DCJS to develop a pretrial risk assessment instrument
  - **1996 to 1999:** Data collection
  - **2002:** Instrument developed
  - **2005:** VPRAI implemented
  - **2009:** VPRAI validation, implementation, & training
  - Known nationally as the “Virginia Model”

# Risk Assessment Implementation

- VPRAI 8 Risk Factors
  1. Primary charge type is a felony (1 pt)
  2. Pending charge (1 pt)
  3. Criminal history (1 pt)
  4. 2 or more failures to appear (2 pts)
  5. 2 or more violent convictions (1 pt)
  6. Length at residence less than 1 year (1 pt)
  7. Not Employed 2 years/Not a primary caregiver (1 pt)
  8. History of drug abuse (1 pt)

# Risk Assessment Implementation

- VPRAI Risk Levels

Risk Level	Risk Score
Low	0, 1
Below Average	2
Average	3
Above Average	4
High	5-9

# Lesson Learned

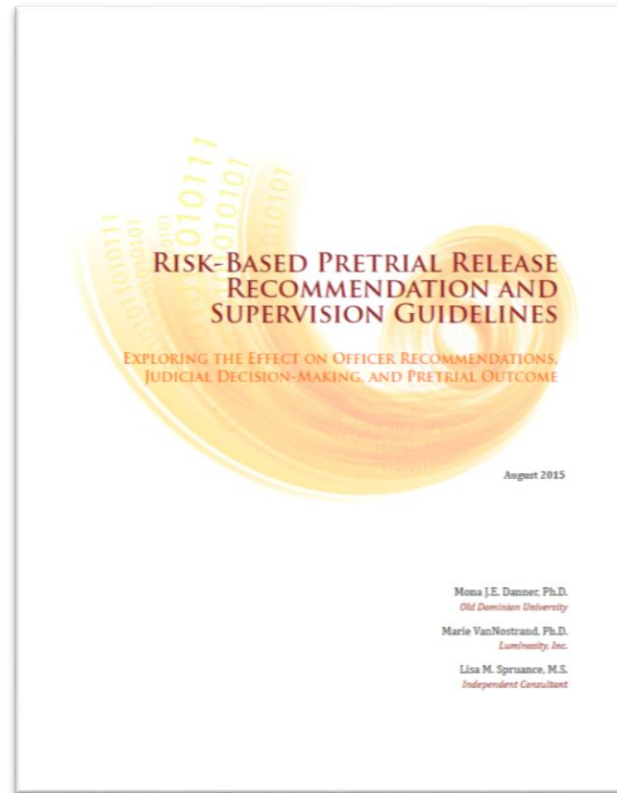
- Lack of stakeholder involvement in the development and implementation plans
- Lack of role specific training
- We know the pretrial risk, but now what?
  - Pretrial services recommendations still subjective
  - Impact on judicial decision making not improved

# Lesson Learned

- Quality assurance/fidelity
- Institutionalizing staff training and coaching
- Data collection
- Outcome and data sharing

# New Research Highlights...

- Bureau of Justice Assistance/Laura and John Arnold Foundation
  - Praxis/STEPS





# Project Partners

- Partners
  - Virginia Department of Criminal Justice Services
  - Pretrial Advisory Committee
  - Luminosity, Inc. (Project Management)
  - Center for Effective Public Policy & The Carey Group (Praxis Implementation)
  - Core Correctional Solutions (STEPS Implementation)
  - Old Dominion University (Research)
- Financial Supporters
  - Bureau of Justice Assistance
  - Laura and John Arnold Foundation



# Project Goals

- Explore the effect of risk-based release recommendation & supervision guidelines (Praxis)
- Explore the effect of “**ST**ratégies for **E**ffective **P**retrial **S**upervision” (**STEPS**) on supervision outcomes
- 29 Pretrial Services Agencies were randomly assigned to one of four groups: 1) Control, 2) Praxis only, 3) STEPS only or 4) Praxis + STEPS

# Project Timeline

- Preparation (October – December 2012)
- Training (January – March 2013)
- Full implementation (July 2013 – June 2014)
- Cases matured (July 2014 – December 2014)
- Constructed dataset, analyze data, drafted and finalized research report (January 2015 – June 2015)

# Praxis

Risk Level / Charge Category	Traffic: Non-DUI	violent Misd.	Theft Fraud	Traffic: DUI	Drug	Failure to Appear	Firearm	Violent
<b>Low Risk</b>								
PR or UA Bond	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pretrial	No	No	No	No	No	Yes	Yes	Yes
Supervision Level	N/A	N/A	N/A	N/A	N/A	I	II	II
<b>Below Average Risk</b>								
PR or UA Bond	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pretrial	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Supervision Level	N/A	N/A	I	I	I	II	III	III
<b>Average Risk</b>								
PR or UA Bond	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Pretrial	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Supervision Level	I	I	II	II	II	III	N/A	N/A
<b>Above Average Risk</b>								
PR or UA Bond	Yes	Yes	Yes	Yes	Yes	No	No	No
Pretrial	Yes	Yes	Yes	Yes	Yes	No	No	No
Supervision Level	I	I	II	III	III	N/A	N/A	N/A
<b>High Risk</b>								
PR or UA Bond	Yes	Yes	Yes	No	No	No	No	No
Pretrial	Yes	Yes	Yes	No	No	No	No	No
Supervision Level	II	II	III	N/A	N/A	N/A	N/A	N/A



# Supervision Levels

- Three levels of supervision – all levels include
  - Court date reminder for every court date
  - Criminal history check before court date
  - Special conditions compliance verification
- Level I
  - Face-to-face contact once a month
  - Alternate contact once a month (telephone, e-mail, text, or others as approved locally)
- Level II
  - Face-to-face contact every other week
  - Alternate contact every other week (telephone, e-mail, text, or others as approved locally)

# Supervision Levels

- Level III
  - Face-to-face contact weekly
- Monitoring
  - Circumstances when active supervision is not feasible
  - Defendants may be placed in monitoring status
  - Monitoring varies from all levels of supervision as there is no face-to-face contact requirement
- Non-Praxis Sites Description of Supervision
  - Same frequency & types of contacts for all defendants, or
  - Supervision levels w/ varying freq. & types of contacts, and
  - Supervision level assigned using officer discretion

# STEPS Overview

- Evidenced-Based Supervision Techniques
  - Based on existing supervision models used in post-conviction supervision and pretrial supervision – adaptation of existing models, e.g., EPICS-II, STARR
  - Supervision techniques involve a shift in focus of typical staff/defendant interaction from conditions compliance to criminogenic needs and eliciting prosocial behavior

# STEPS Skills

- STEPS – Description Four Components
  - Court appearance plan
  - Risk mitigation plan
  - Thinking-action model
  - Event worksheet



# STEPS Skills

- STEPS – Description Eight Skills
  - Reinforcement
  - Disapproval
  - Problem solving
  - Effective use of authority
  - Time out
  - Motivation
  - Role clarification
  - Supervision alliance

# Summary of Findings

- The VPRAI performs well and reliably predicts success or failure pending trial
- The charge category is statistically significantly related to pretrial outcome
- Agencies using Praxis increased nonfinancial release recommendations 2.3 times compared to agencies not trained in the use of the Praxis

# Summary of Findings

- Judges that were informed by the Praxis were 1.9 times more likely to release defendants on nonfinancial conditions at first court appearance
- Judges' decisions to release defendants on nonfinancial conditions increased 8.8 times when pretrial officers recommend release, when controlling for risk level, charge category, and demographic characteristics

# Summary of Findings

- Praxis group followed the supervision level recommendation 84% of the time
- Praxis supervision level outcomes:
  - 1.2 times less likely to experience any failure
    - » 1.3 times less likely to fail to appear
    - » 1.3 times less likely to experience a new arrest
    - » No more likely and no less likely to have pretrial release revoked due to technical violation

# Summary of Findings

- Defendants who are supervised by staff who received STEPS training and reported using skills at least 5 times are:
  - 2.2 times more likely to appear for court
  - No more likely and no less likely to have any failure, experience a new arrest, or have pretrial release revoked due to technical violation
  - Training alone resulted in no differences in any type of pretrial outcome

# Next Steps

- Modify the VPRAI to enhance predictive validity
- Modify the Praxis
  - Adjust charge categories
  - Expand Level I supervision category
  - Modify recommendations to eliminate option for secured bonds
- STEPS—long range implementation plans

# Questions?



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