

CCCA/PSA

Joint Subcommittee on Public Safety

Presented by

Dan Catley

The Department of Criminal Justice Services

June 16, 2009

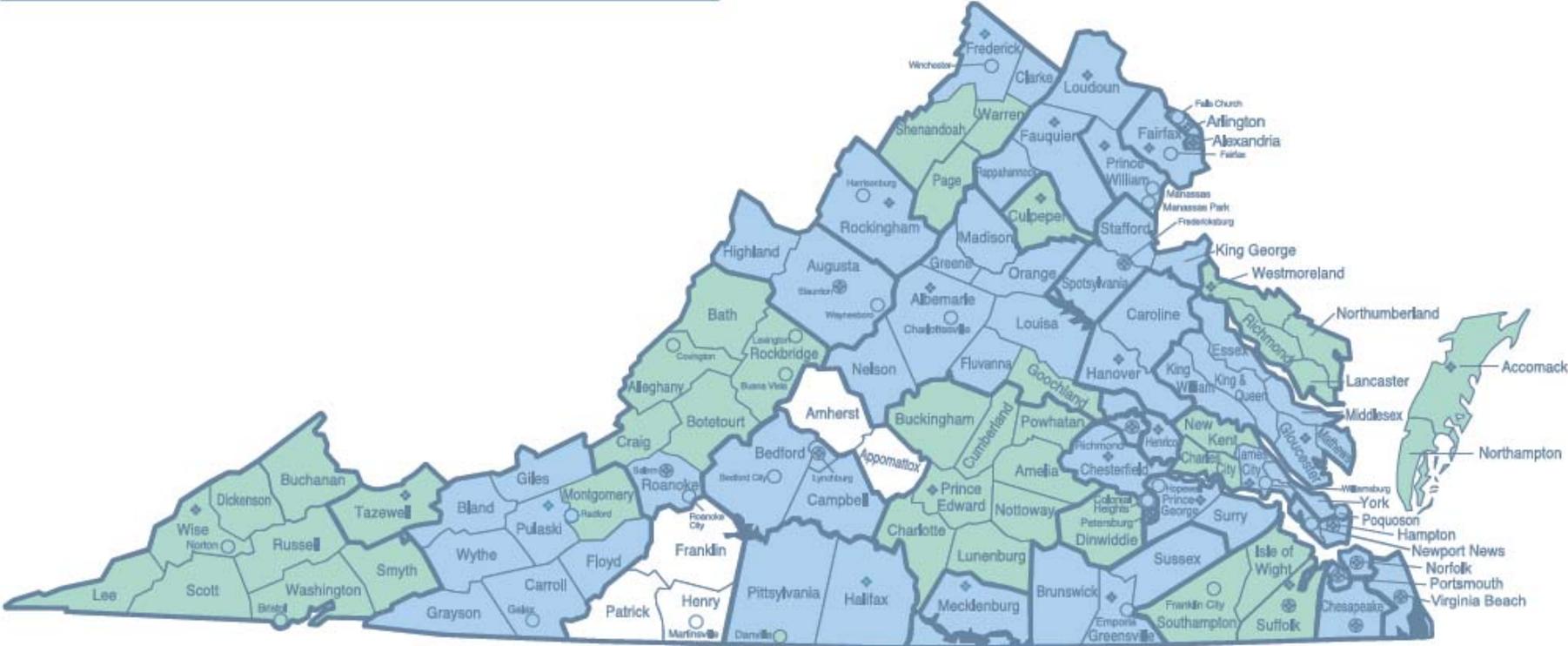


Virginia Department of Criminal Justice Services



Community-Based Probation and Pretrial Services

Administrative Agents and Localities Served



Community-Based Probation Only

Community-Based Probation and Pretrial Services

No Community-Based Probation or Pretrial Services

Administrative and Fiscal Agent



Department of Criminal Justice Services
 Correctional Services Section

Current Alternatives to Incarceration

Prior to conviction:

- Bail/PR release
- **Pretrial**

Post conviction:

- **Local Probation**
- State Probation
- Supervised Release (Parole)
- Unsupervised Release



Purpose of Pretrial Services

- Assist judicial officers in discharging their duties pursuant to Article 1 (§19.2-119 et seq.) of Chapter 9 of Title 19.2
- Provide **better information and services** for use by judicial officers in determining the risk to public safety and the assurance of appearance



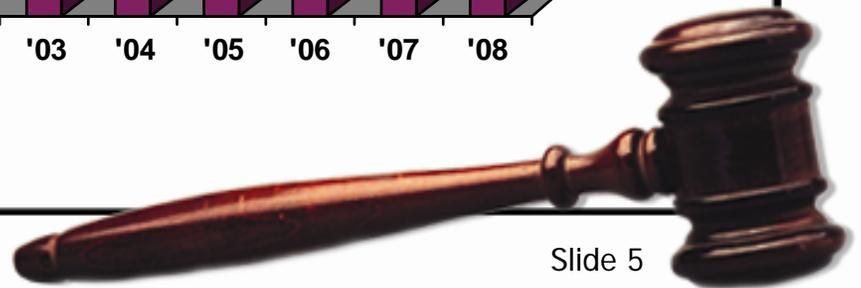
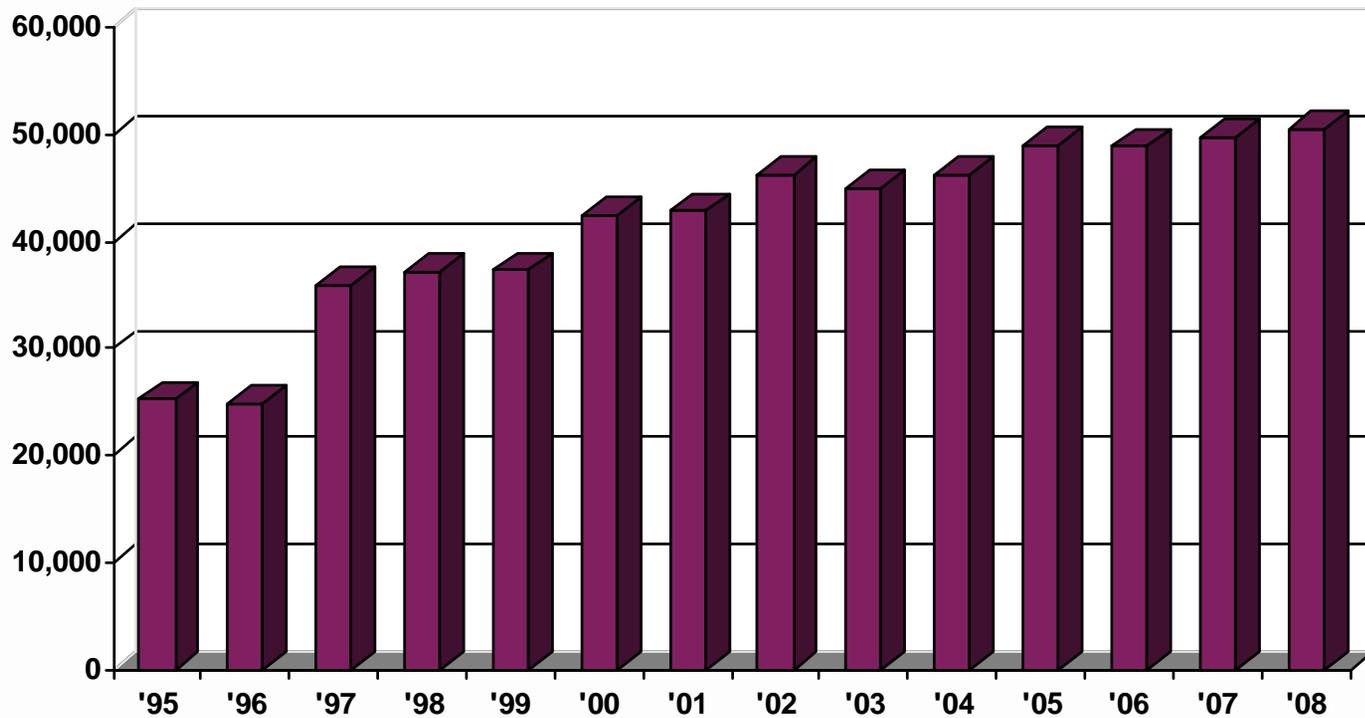
Target Population

Defendants who are:

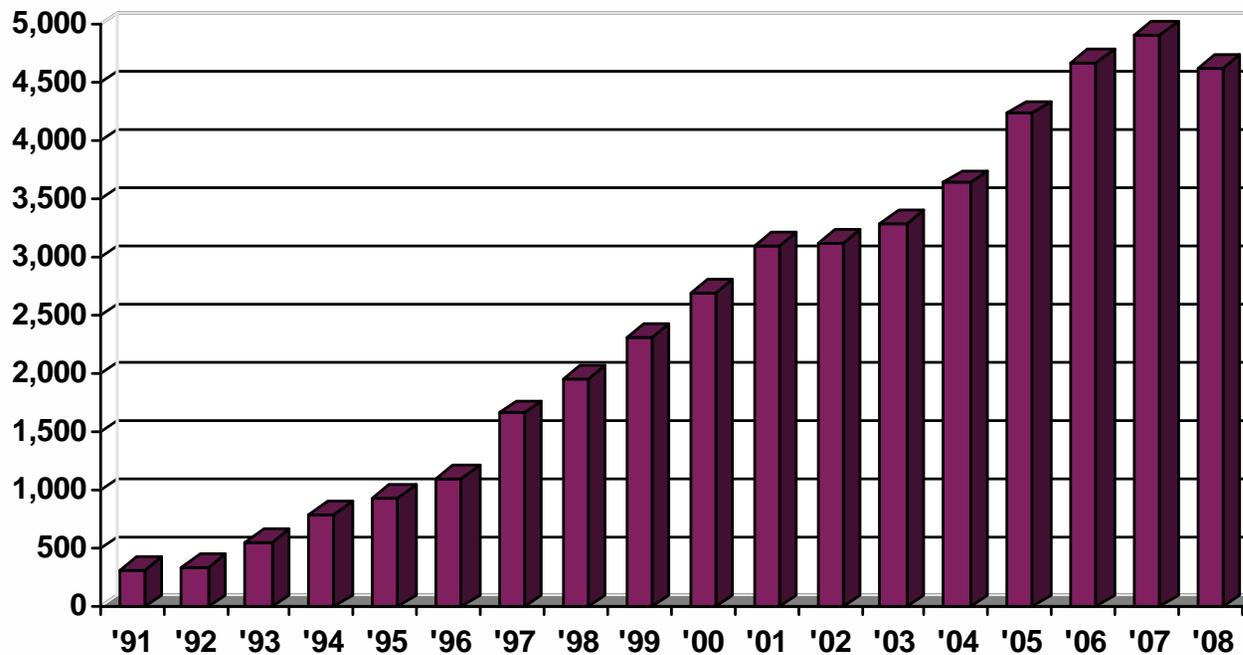
- ⚖ Held in custody in jail who are pending trial or hearing
- ⚖ Charged with a criminal offense, other than one punishable by death
- ⚖ Age 18 or over or, if under age 18, have been transferred for trial as an adult
- ⚖ Residents of Virginia



Pretrial Services Investigations



Pretrial Services Average Daily Caseload (ADC)



Virginia Pretrial Risk Assessment Instrument - VPRAI

- The Pretrial Services Act states “such agencies are intended to provide better information and services for use by judicial officers in determining the risk to public safety and the assurance of appearance of persons... who are pending trial or hearing”



Virginia Pretrial Risk Assessment Instrument - VPRAI

- The Code of Virginia § 19.2-152.3 requires DCJS to develop risk assessment and other instruments to be used by pretrial services agencies in assisting judicial officers with determining bail for pretrial defendants



What is Risk?

- §19.2-120

A person who is held in custody pending trial shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will **not** appear for trial or hearing or at such other time and place as may be directed
2. His liberty will constitute an **unreasonable danger** to himself or the public.



What is Risk?

- **§19.2-120**

D. The court shall consider factors as it deems appropriate in determining purpose of rebuttal of the presumption against bail...that will reasonably assure the appearance of the person as required and the safety of the public



Virginia Pretrial Risk Assessment Instrument - VPRAI

PRETRIAL RISK ASSESSMENT IN VIRGINIA



May 1, 2009

The Virginia Pretrial Risk Assessment Instrument



Sponsored by the Virginia Department of Criminal Justice Services in Partnership with the Virginia Community Criminal Justice Association

Research Conducted and Report Provided by Luminosity, Inc.
Mario VanNostrand, Ph.D.
Kenneth J. Ross



Virginia Department of Criminal Justice Services

Full report is available on
the DCJS website at:

<http://www.dcjs.virginia.gov/corrections/riskAssessment/assessingRisk.pdf>



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VPRAI

Revised and Validated VPRAI (risk factor and value)

- Charged with felony (1)
- Pending charges (1)
- Criminal history (1)
- 2 or more failures to appear* (2)
- 2 or more violent convictions (1)
- Length at residence (1)
- Not employed/primary caregiver* (1)
- History of drug abuse (1)



*Definitions modified

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VPRAI

Revised VPRAI Pretrial Outcome Type by Risk Level

All Defendants Released with Pretrial Supervision

Risk Level	Success	FTA	New Arrest	Technical Violation
Low	92.9%	3.7%	1.2%	2.2%
Below Average	87.5%	5.6%	1.6%	5.3%
Average	82.2%	6.7%	2.7%	8.4%
Above Average	76.3%	7.0%	4.2%	12.5%
High	68.0%	7.8%	6.2%	18.0%
Total Success/Failure Rates	82.0%	6.2%	2.9%	8.9%



N= 7,174

Virginia Department of Criminal Justice Services



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Purpose of Local Community-Based Probation Services

-  To provide the judicial system with sentencing alternatives for certain misdemeanants or persons convicted of felonies that are not felony acts of violence **convicted on or after July 1, 1995**
-  To provide more effective protection of society
-  To hold offenders accountable to society



Purpose of Local Community-Based Probation Services

- **Appropriate Supervision Placement means:**

-  Offenders who are provided a **deferred proceeding** for a “jailable offense” authorized by law

-  Adult offender convicted and sentenced pursuant to §19.2-303.3 to a total sentence of 12 months or less before suspension



Target Population

⚖ Offenders who are convicted of certain misdemeanors or persons convicted of felonies that are not felony acts of violence **convicted on or after July 1, 1995**

⚖ Offenders no younger than 18 years of age or considered an adult at the time of conviction

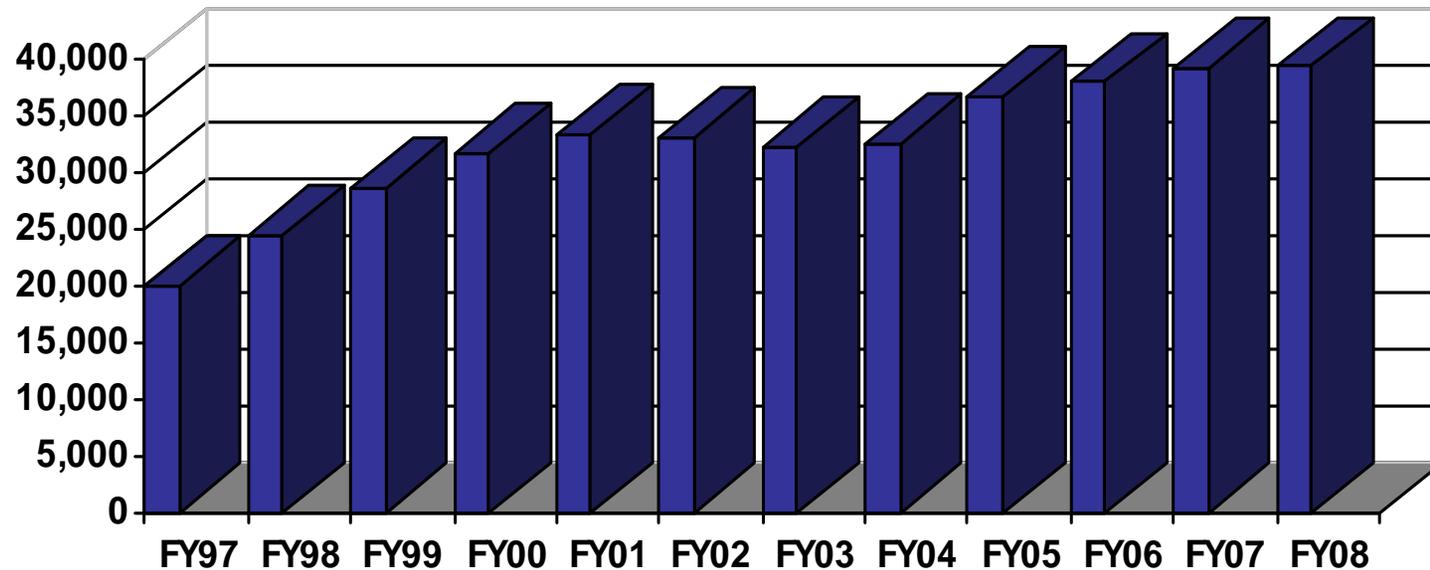


Target Population

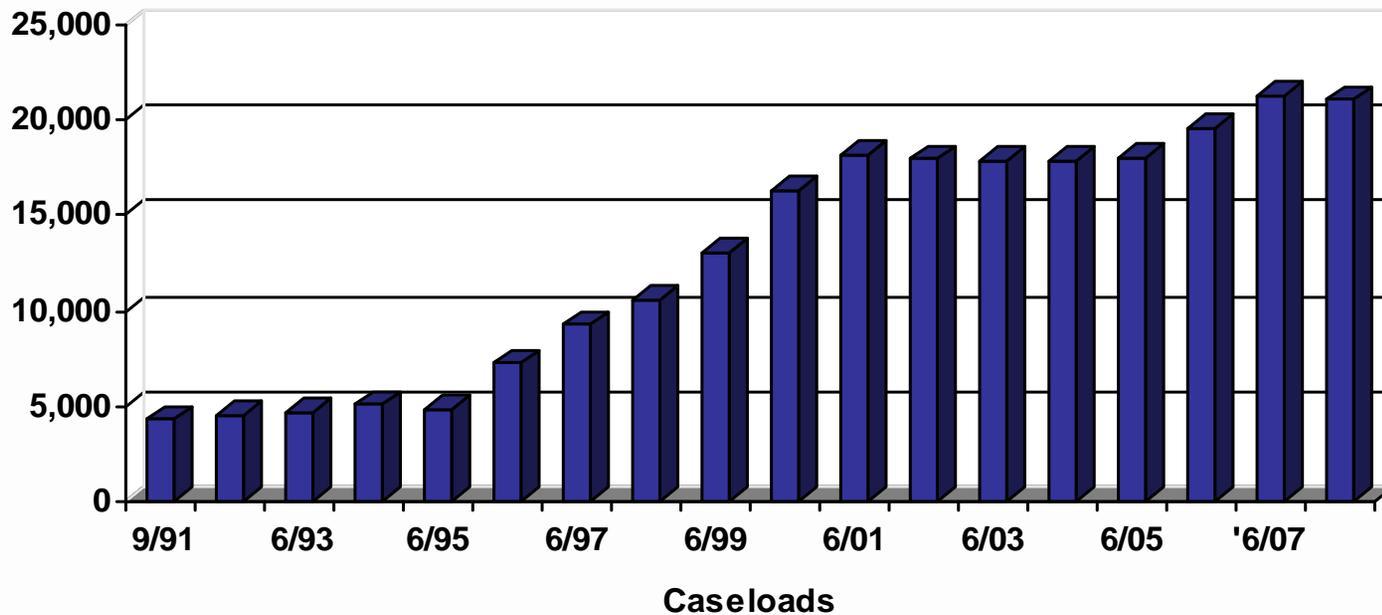
- ⚖ Offenders who are convicted and sentenced pursuant to §19.2-303.3 for whom the court imposes a **total** sentence of twelve months or less, suspended whole or in part, and conditioned upon the successful completion of probation
- ⚖ Offenders who are provided a deferred proceeding for Class 1 or 2 misdemeanor and placed on probation pursuant to the COV



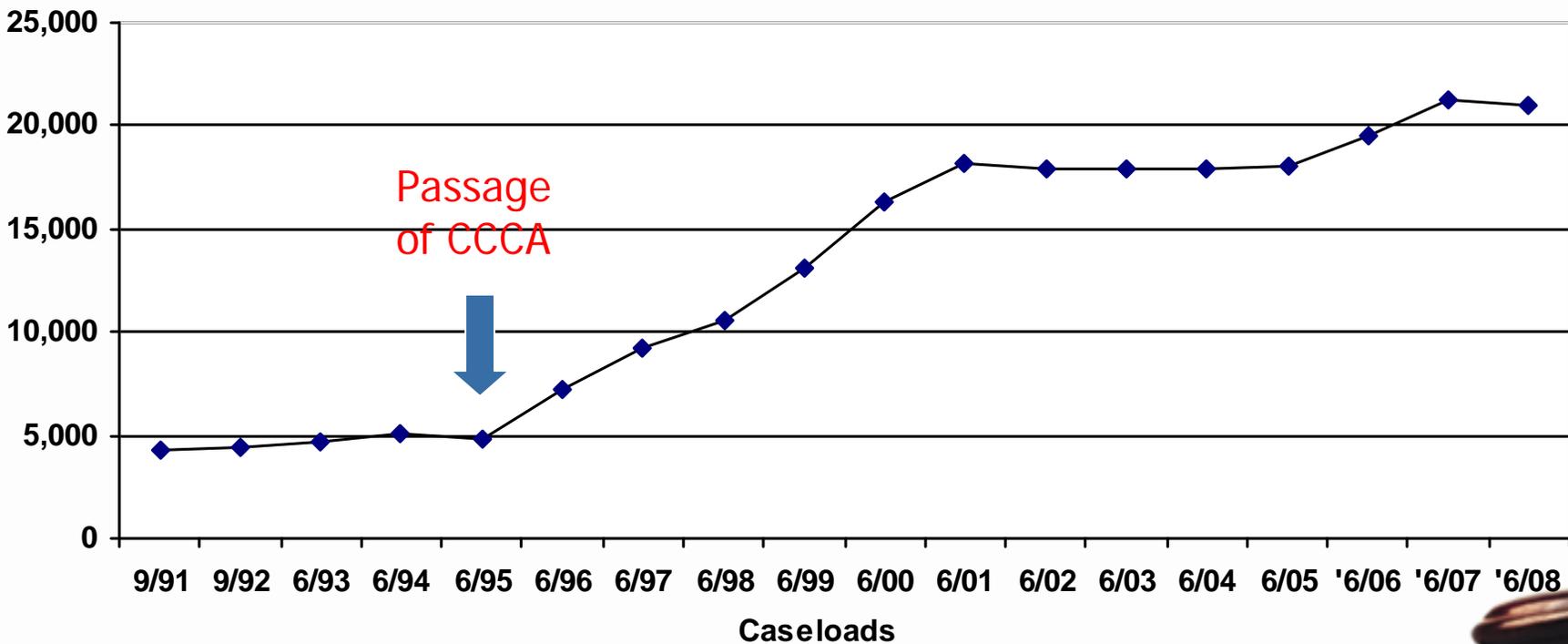
Local Community-based Probation Placements



Local Community-based Probation Caseloads



Caseloads CDI v CCCA



Community Criminal Justice Boards

- Local Community Criminal Justice Boards (CCJB) are the local criminal justice policy development boards
- They are advisory in nature
- They may be multi-jurisdictional
- They are made up of mandatory members, by the Code of Virginia, but may also have additional locally selected members



Community Criminal Justice Boards

Membership

- General District Court Judge
- Juvenile & Domestic Relation Court Judge
- Circuit Court Judge
- Commonwealth's Attorney
- Public Defender/Criminal Defense Attorney
- Chief Magistrate
- Chief of Police
- Sheriff/Jail Administrator
- Local Education Representative
- Local Mental Health/Mental Retardation/Substance Abuse Services Board Representative
- A representative of the governing body



Community Criminal Justice Boards

§ 9.1-180 Responsibilities of the CCJB

- Advise on the development and operation of local pretrial services and community-based probation programs and services pursuant to the CCCA and PSA for use by the courts in diverting offenders from local correctional facility placements



Community Criminal Justice Boards

Responsibilities *(cont.)*

- Assist community agencies and organizations in establishing and modifying programs and services for defendants and offenders on the basis of an objective assessment of the community's needs and resources
- Evaluate and monitor community programs, services and facilities to determine their impact on offenders



Community Criminal Justice Boards

Responsibilities *(cont.)*

- Review the submission of all criminal justice grants regardless of the source of funding,
- Facilitate local involvement and flexibility in responding to the problem of crime in their communities, and
- Do all things necessary or convenient to carry out the responsibilities expressly given in the CCCA and PSA.



Community Criminal Justice Boards

Activities

- Governor's Consortium on Mental Health/Criminal Justice
 - Cross Mapping
 - Sequential Intercept Model
 - CIT
- Local Employment and Reentry Services
- Drug Courts
- Instructional Video Development
 - Shoplifting Prevention, Driver Safety, Date Rape, DV Education
- Education Day Reporting Centers
- Restorative Justice

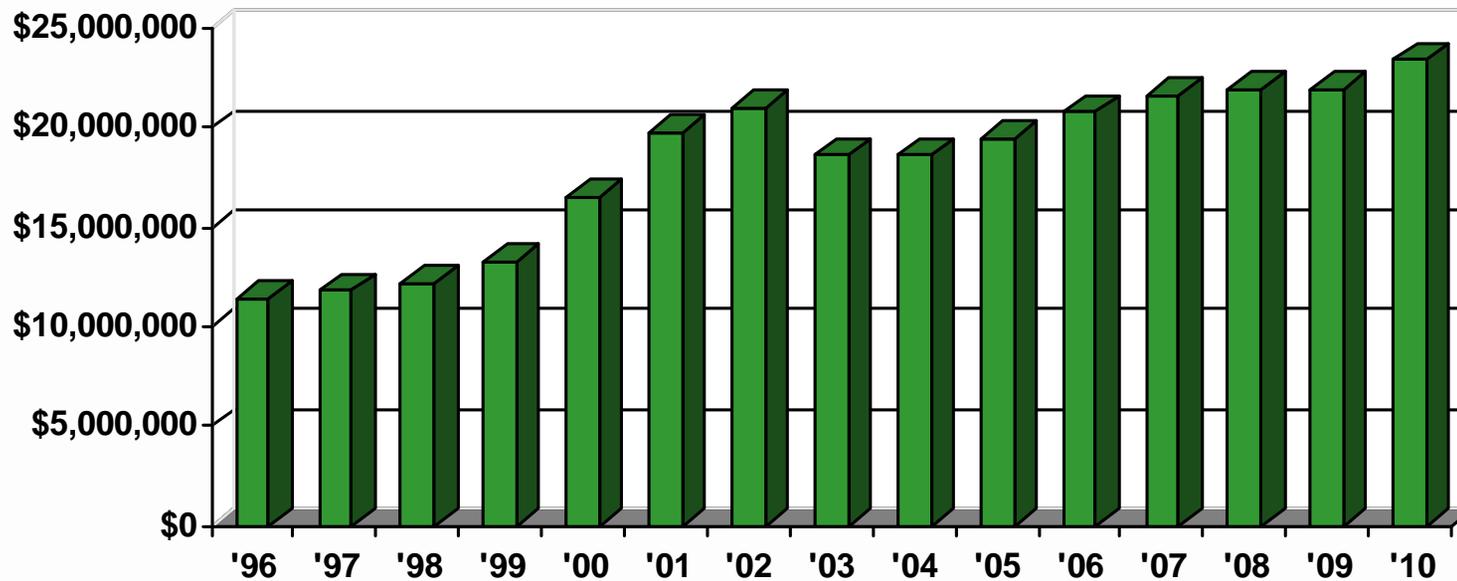


Next Steps

- Need to fully fund and expand the current alternatives
 - Pretrial
 - Local Probation
 - State Probation



CCCA/PSA Appropriation History



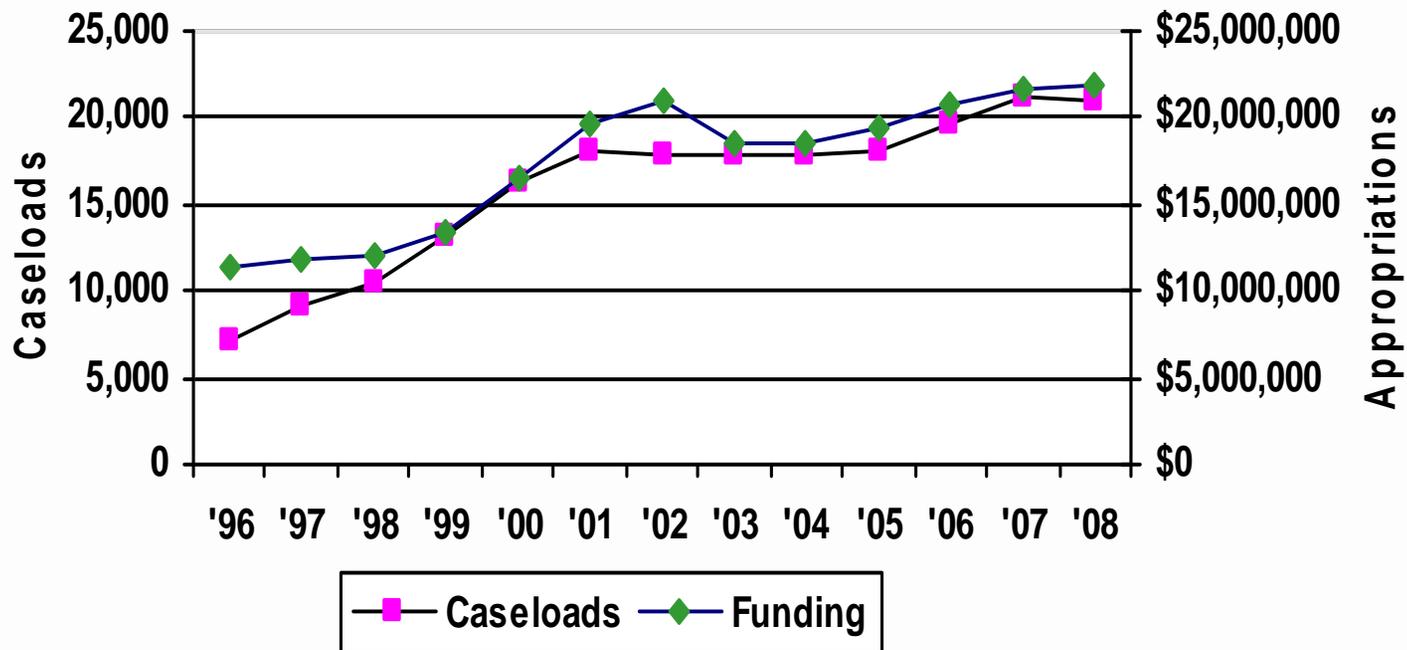
FY2010 Appropriations

- FY2010 includes an additional \$1.5 million for additional pretrial officers in existing agencies
- DCJS is awarding 24 FTEs to 22 pretrial agencies around the Commonwealth in order to increase pretrial placements by 3,000



CCCA/PSA Appropriation History

CCCA Caseloads



Funding

COV § 9.1-182

- Counties and cities shall be required to establish a local community-based probation services agency under this article only to the extent funded by the Commonwealth through the general appropriation act.



Next Steps

- Identify and address the specialized populations needing services
 - Mentally Ill
 - Substance Abusers
 - Domestic Violence
 - Recidivists and Technical Violators
 - Re-entry



Next Steps

- Make sure that the current alternatives to incarceration are basing practices on evidence and research that has been shown to reduce recidivism
- Evidence-based Practices (EBP)



Evidence Based Practices

- EBP in local probation is implementing practices that have been proven through evidence-based research to reduce recidivism. EBP is not a single program but a layered process that includes:
 - Enhancing Offender Motivation using Effective Communication and Motivational Interviewing
 - Assessing offender risk/need levels using actuarial instruments
 - Targeting appropriate interventions



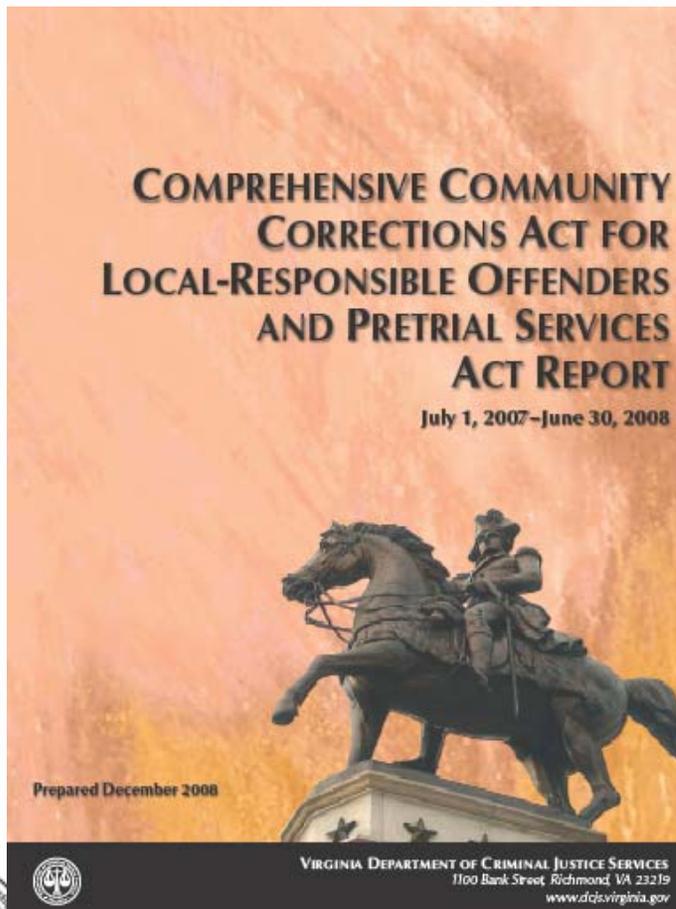
Evidence Based Practices

EBP process *(continued)*

- Using positive reinforcement for positive offender behavior change
- Providing skill training for staff and monitor their delivery of services
- Engaging ongoing support in natural communities
- Measuring relevant processes/practices
- Providing measurement feedback



CCCA/PSA Report



Full report is available on
the DCJS website at:

<http://www.dcjs.virginia.gov/corrections/pretrial/annualReportFY2008.pdf>



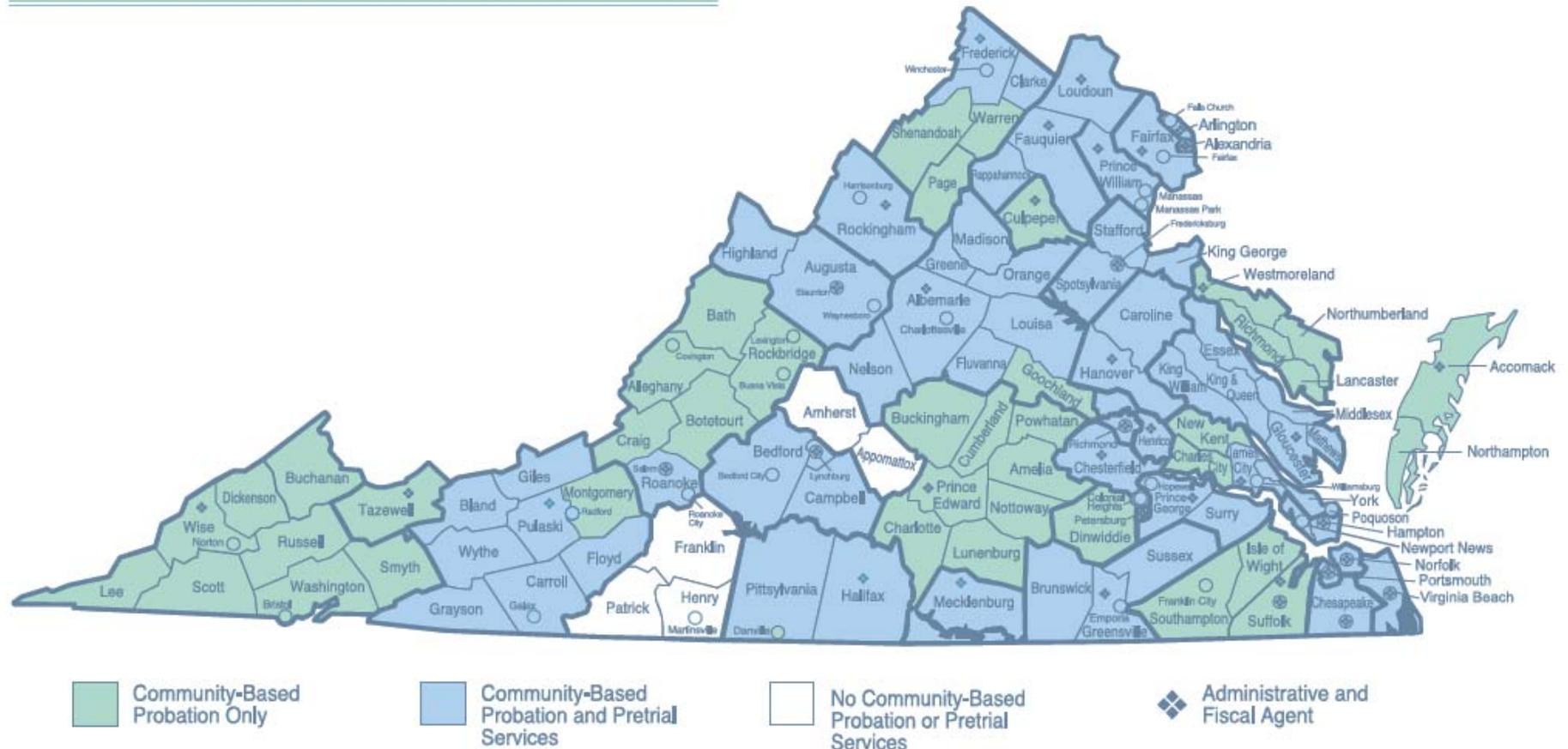
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Community-Based Probation and Pretrial Services

Administrative Agents and Localities Served



Department of Criminal Justice Services
Correctional Services Section