



Applying Evidence-Based Practices to Pretrial Services

The Virginia Experience

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INTRODUCTION

- In 2005, Virginia began piloting EBP with state and local probation organizations.
- In 2006, the Virginia Community Criminal Justice Association (VCCJA) formed an EBP Committee to focus on EBP issues unique to local probation and more specifically to include Pretrial Services.
- There are 37 local probation programs and 30 pretrial service programs operating in VA. A majority of programs are under the same agency (all are pretrial release services.)



INTRODUCTION - Continued

- Ten pilot sites identified that represented all geographical areas, CCCA/PSA agency size and had both pretrial and post trial operations
- VCCJA in partnership with the Virginia Department of Criminal Justice Services requested technical assistance from NIC to help us identify and address unique issues of developing legal and evidence-based practices for pretrial service programs.



Technical Assistance Process

- Objective: To facilitate an action planning process to produce an action plan with concrete steps and timelines to implement legal and evidence-based practices for pretrial services.
- To develop evidence-based procedures and practices that don't conflict with the legal principles of pretrial



Why EBP?

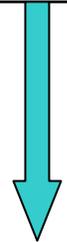
- Can we mitigate risk without compromising the legal status?
- A large number of defendants placed on pretrial supervision with a secured bond
- A large number of high risk defendants unsuccessful due to technical violations

Case Closure Status

Pretrial Supervision: Closed Cases FY05

Risk level (per VPRAI)	FTA	New Arrest	Technical Violation	Successful
1	5%	1%	3%	90%
2	6%	1%	5%	88%
3	5%	3%	8%	84%
4	5%	4%	10%	80%
5	7%	8%	15%	69%

Services that address failure to appear and danger to public	The "gray middle ground"	Services that address risk reduction and risk management
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"Risk reduction" services determined by court order

A No risk reduction services provided	B Refer to services if client initiates and volunteers Stay clear of situations requiring disclosure	C Use pre-trial as a "gateway" to criminogenic needs. Use MI techniques to increase awareness and motivation to address issues voluntarily
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Pretrial Legal Foundation

- There are six critical principles found in the law that serve as the framework for the operation of pretrial services programs:
 1. Presumption of Innocence
 2. Right to Counsel
 3. Right Against Self-Incrimination
 4. Right to Due Process of Law



Critical Principles - Continued

5. Right to Equal Protection Under the Law
6. Right to Bail That is Not Excessive



TA Discussion Results

- Legal principles of pretrial required caution around programming referrals.
- Program referrals should be clearly voluntary and initiated by the defendant.
- Program should not require disclosure of the alleged offense or details surrounding the alleged offense lest it compromise the individual or pending case.



TA Discussion Results - Continued

- Legal and evidence-based principles for pretrial were consolidated into five areas (goals) and used for action planning purposes.



Goals for the Pretrial EBP Action Plan

- Goal 1: Apply actuarial risk tools to predict the likelihood of risk of flight and danger to the community.
- Objectives: DCJS and VCCJA to enter into contract with Luminosity to re-validate the Virginia Pretrial Risk Assessment Instrument (VPRAI). All ten pilot sites provided sample selection, developed data collection instrument and in process of collecting data. Develop and implement pretrial bail/release recommendation guidelines based on VPRAI.



Goals for the EBP Pretrial Action Plan

- Goal 2: Provide the least restrictive supervision necessary to effectively monitor compliance of bail conditions.
- Objectives: Review current mission statements statewide. Develop consensus on concepts that should be included in mission statements related to EBP. Use VPRAI for case classification/differential supervision strategies.



Goals for EBP Pretrial Action Plan

- Goal 3: Report violations of bail conditions which indicate an increased risk of pretrial failure to the court with a recommendation for modified bail conditions to mitigate risk.
- Objectives: Align local practice w/ this principle. Encourage differential response based on type of case and severity of violation.



Goals for EBP Pretrial Action Plan

- Goal 4: Use evidence-based techniques to gain compliance and increase defendant engagement and motivation through strength based and motivational interviewing techniques.
- Objectives: Review and modify motivational skill training for use in pretrial consistent w/ legal principles. Align organizational culture w/engagement, use of affirmation, and social learning techniques.



Goals for EBP Pretrial Action Plan

- Goal 5: Use fidelity measures, data, and evaluation to ensure quality and effectiveness of services and guide decision-making.
- Objectives: Develop statewide outcome and process measures. Ensure statewide adherence to EBP core practices according to validated model.



Next Steps
