

Old Dominion Community Criminal Justice Board  
Meeting of Members  
Minutes  
October 20, 2015

The Old Dominion Community Criminal Justice Board meeting was called to order at the Holiday Inn Express, 111 Hospitality Drive, Front Royal, VA 22630 on Tuesday, October 20, 2015 at 6:40 p.m.

**Present:**

Tim Coyne, Vice Chairman  
Beverly Brown Schulke, PhD  
Brenda Garton  
Nancy Haden  
The Honorable W. Dale Houff  
Brian Madden  
Capt. Rusty McCoy  
Sheriff Tony Roper  
Chief Neal White

**Absent:**

Chief Monica Martin  
Stephen M. Gyurisin, Chairman  
Chief Tessie Lam  
The Honorable Dennis L. Hupp  
The Honorable William Sharp  
The Honorable Ian Williams

**Staff Present:**

Trish Lowery  
Sheila Harden  
Kim Chmura  
Rebecca Dotson

**I. Call to Order**

Mr. Coyne called the meeting to order at 6:40 p.m. Introductions were made. Chief Chmura welcomed everyone.

**II. Approval of the Agenda**

There was unanimous approval of the agenda.

**III. Approval of the Minutes**

The members reviewed the meeting minutes from July 21, 2015. A motion to approve the minutes from July 21, 2015 was made by Ms. Garton and seconded by Sheriff Roper. The minutes were approved unanimously.

**IV. Old Business**

Board Membership is current. In 2016, Chief Lam and Sheriff Roper will need to be reappointed.

**V. New Business**

A. Personal Changes: Rebecca Dotson has joined the staff of ODCS. She is the administrative assistant. Chief Chmura advised the members that Ms. Dotson has done a great job thus far.

B. Updated Standard Operating Procedures: SOP 4.6, Defendant Management, has been approved by Ms. Garton.

### C. Pretrial

1. Video Arraignment: Risk Assessment Completion is 62%, up from FY 15. Order of release by Judges: 80% although, 70% of those ordered released required secure bond. This is 12 points higher than FY 15. Chief Chmura will continue to monitor this.
2. Performance Measures:
  - a. Overall Success: Misdemeanants 88%, Felons 77%. It is expected that felony percentage will increase over the course of the year.
  - b. Court Appearance Rate: Misdemeanants: 95%, Felons 92% which is in line with the statewide rates for FY 14.
  - c. Public Safety Rate: Misdemeanants 96%, Felons 92% which is slightly lower than statewide rates. First quarter closures totaled 162 placements.
3. Closure Rates within Risk Level: Regardless of misdemeanor or felony charges, requiring a secure bond or not; the best indicator of compliance is the VPRAI risk level. As the risk level increases so does the non-compliance.

D. Probation – Performance Measures: Overall success: Misdemeanants 82%, Felons 58% (total of 24 closures in 1<sup>st</sup> Quarter).

### E. Research: *Risk-Based Pretrial Release and Recommendations and Supervision Guidelines*<sup>1</sup>

1. All pretrial agencies were split into 4 research groups: Control, STEPS (ODCS), Praxis, STEPS/Praxis. STEPS is an acronym – Strategies for Effective Pretrial Supervision. Praxis is a decision grid which uses the VPRAI risk level and the charge category to recommend release/detain decision and, if release, level of supervision required.
2. Results:
  - a. VPRAI was validated for third time. All eight risk factors were statistically significant.
  - b. Charge category was statistically significant. Defendants pending trial with drug or theft/fraud charges are the least likely to be successful if released.
  - c. Defendants in the Praxis sites were 1.2 times less likely to experience any failure. They are also 1.3 times less likely to fail to appear in court or experience a new arrest. Both of which are statistically significant.
  - d. Defendants in the Praxis sites were not any more likely or less likely to experience technical violations.
  - e. Basically, the Praxis grid works and increases our already good statewide performance measures with the VPRAI alone.

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<sup>1</sup> Danner, M., VanNostrand M., Spruance, L. (2015). *Risk-Based Pretrial Release and Recommendations and Supervision Guidelines*: Luminosity, Inc. for the Virginia Department of Criminal Justice Services.

- f. STEPS sites did not have statistically significant impact on performance measures.
3. DCJS/VCCJA response:
    - a. Praxis will be implemented statewide. The Implementation Team has been established but if anyone would like to be a member, please advise Chief Chmura. The team consists of pretrial directors, General Court Judges, Commonwealth Attorneys and one Public Defender. ODCS will begin making recommendations for release or detain during video arraignment based on the present Praxis grid and will supervise defendants in accordance with its recommendation as well.
    - b. Regional training will probably be conducted for Judges, CA and defense attorneys when Praxis is implemented statewide.
    - c. While STEPS will not be implemented, the VCCJA training committee, in conjunction with the DCJS Training Group, will change basic skills to include some effective communication and specific skill training to increase “meaningful” staff interaction with defendants. ODCS already seeks to have meaningful exchanges with defendants; provide positive feedback and refer to community resources.
  4. Ms. Garton inquired about whether the research was statewide. It was. The VPRAI was validated with 14,382 cases. Praxis research included 32,760 cases statewide over a 14 month period.
- F. Research: *Virginia Local Probation Recidivism Results 2005-2011*<sup>2</sup>
1. National Center for State Courts reviewed data across 7 years, 2005 – 2011.
  2. Definition for **Post Supervision Recidivism**: a conviction for a new criminal offense that occurred anytime between the exit date from probation and 3 years.
  3. Statewide recidivism rate for FY 11 was 28%. ODCS recidivism rate for FY 11 was 38%.
  4. The report described probationer demographics as:
    - a. Mostly male (72%)
    - b. Between the ages of 21-30 (36%)
    - c. Majority white (53%)
    - d. 31% of charges of drugs/alcohol; 2<sup>nd</sup> highest charge type was misdemeanor assault (28%).
  5. ODCS probationer demographics:
    - a. Mostly male (74%)

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<sup>2</sup> Kunkel, T., Cheeseman F., Graves, S., White, M. (2015). *Virginia Local Probation Recidivism Results 2005-2011*: National Center for State Courts.

- b. Age under 21 (50%)
  - c. Majority white (86%)
  - d. 70% of charges of drugs/alcohol; 2<sup>nd</sup> highest charge type was property (12%).
6. Recidivist Demographics were described as male, non-white, under the age of 21. Those who exited probation unsuccessfully had increased odds of re-offending. Probationers who were placed on probation for technical offenses were most likely to recidivate (39%).
  7. As expected, risk level plays a role in predicting the probationers' rate of recidivism. As the risk increases, so does the rate of recidivism. Low risk offenders recidivate 24% of the time, medium risk 43% and high risk 58%. Overall, ODCS probationers have a higher risk level than the statewide risk level.
  8. The factors that may contribute to ODCS recidivism rate being 10 points higher than the statewide average could be impacted by the age of our clients, types of charges, and the risk level. While ODCS may not be able to change those factors, it is important that skill development and EBP be monitored and evaluated. Now that 2011 recidivism rate is established, it is the goal that the recidivism rate for 2016, which would be available in 2019, would be less than 38%.
  9. Dr. Schulke suggested that our rate may be higher due to LE clearance rates. Chief White and Sheriff Roper indicated it could be a factor and that data is maintained by the VSP.
  10. Mr. Coyne asked for more clarification about ODCS risk factor being 5.32 out of 8. A risk factor of 5.32 is still considered medium risk, but a higher medium risk as opposed to the statewide average.

**VI. Adjourn**

The next CCJB meeting will be held on January 19, 2016 at 6:30 p.m. at the Holiday Inn.

Being no further business, the meeting was adjourned at 7:14 p.m.

Respectfully submitted,

S. K. Chmura