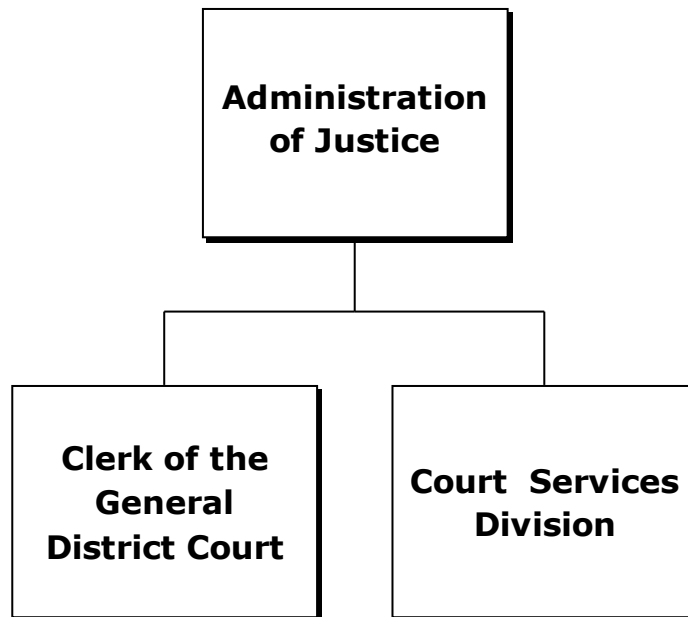


General District Court



Mission

The court's mission is to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law, and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions. The Court Services Division serves the Courts and the community by providing information, client supervision and a wide range of services while advocating public safety.





Focus

The General District Court (GDC) operates under the administrative guidance of the Office of the Executive Secretary of the Supreme Court of the Commonwealth of Virginia and the Committee on District Courts. It administers justice in the matters before the Court. The Court's operations include the County Court Services Division and the State Clerk of the GDC's Office.

The GDC is part of the judicial branch of the state government. Its judges and deputized court staff that comprise the Civil Division, Criminal Division, Traffic Division, and Administration are primarily state

funded and supplemented locally. They provide extensive public service to citizens, are critical to the judicial process, and collect revenue for the County. The Court Services Division (CSD) is funded primarily with County funds and supplemented by state grants, and its positions are County merit positions. The CSD is comprised of four units: the Pretrial Evaluation Unit, the Supervision Unit (Supervised Release Program and Probation Program), the Administrative Unit, and the Volunteer/Intern

General District Court supports the following County Vision Elements:

-  **Maintaining Safe and Caring Communities**
-  **Connecting People and Places**
-  **Maintaining Healthy Economies**
-  **Exercising Corporate Stewardship**

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Unit. The CSD collects and provides information on incarcerated defendants to assist judges and magistrates with release decisions; provides pretrial community supervision to defendants awaiting trial, and supplies probation services to convicted misdemeanants and convicted non-violent felons (Class 5 and Class 6). The CSD also manages court-appointed counsel and interpretation services and provides adult supervision services to the Circuit and Juvenile and Domestic Relations District Courts (JDRDC).

County and state financial constraints and limited grant funding affect staffing and the level of service the agency can provide. Increases in caseload, legislative changes and increases in reporting requirements also have a major impact on how the Court operates. Since all of these factors are outside the Court's control, it is often difficult to anticipate trends and future needs.

The following chart highlights the General District Court's total court caseload from FY 2016 through FY 2020 (estimated).

Type of Case	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Estimate
Criminal	26,197	27,571	27,838	27,202	27,537
Traffic	249,494	239,458	230,699	239,884	236,680
Civil	35,188	35,636	37,676	36,500	36,937
TOTAL	310,879	302,665	296,213	303,586	301,154

The agency has identified key drivers that impact future initiatives and guide the Court Services Division's goals and objectives. All are carefully aligned with the mission of the Court: to provide an independent, accessible, responsive forum for the just resolution of disputes while advocating Public Safety.

Staffing and Resources: A total of 1/1.0 FTE additional Administrative Assistant position is included as part of the FY 2020 Adopted Budget Plan to support the Diversion First initiative, which is a multiagency collaboration between the Office of the Sheriff, Police Department, Fire and Rescue Department, Fairfax County Court System, and the Fairfax-Falls Church Community Services Board to reduce the number of people with mental illness in local jails by diverting non-violent offenders experiencing mental health crisis to treatment instead of incarceration. This position supported additional intensive supervision services in lieu of incarceration, and administrative case support to GDC, Circuit Court, and JDRDC. These cases involved clients with dual diagnoses requiring intensive supervision, significant coordination, and multiple hearings/status reports.

In addition to County support, the operation of CSD depends on funding from a state grant from the Department of Criminal Justice Services (DCJS).

Caseload: As a result of the additional positions in FY 2017 and FY 2018, the average daily caseload per probation counselor has decreased but still remains above the state benchmark. While the actual number of placements fluctuates each year, this indicator takes into account the actual number of days supervision each placement required. At the close of FY 2018, the average daily caseload per probation counselor was 69 cases total, 30 intensive Supervised Release Program (SRP) cases plus 39 probation cases. The state standard is 40 SRP cases *or* 60 Probation cases, *but not both*, per probation counselor. With the addition of five Probation Counselors in FY 2018, the average caseload per Probation Counselor decreased; however, it was partially offset by an increase in the number of inmates found eligible for

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intensive supervision through Diversion First and from implementation of a new assessment tool in the first quarter of FY 2018 that resulted in more inmates being eligible for release from incarceration on intensive supervision.

Cost-Saving Programs: Community supervision programs, including the Diversion First initiative, save the County an estimated \$10 million per year. The Supervised Release Program (SRP) allows supervision of lower risk defendants awaiting trial in lieu of incarceration. The estimated savings to the County if 15 percent of the inmate population were supervised through the SRP program in lieu of incarceration is \$7 million. Assuming that just five percent of the inmate population after conviction was placed on probation rather than being incarcerated, additional savings to the County are estimated at \$3 million due to the reduction in costs to house inmates in the Adult Detention Center (ADC).

The SRP program also serves Circuit Court and the JDRDC and enables qualified defendants to return to the community and maintain employment and family responsibilities, in addition to alleviating overcrowding in the ADC.

Savings to County (Estimate based on FY 2018 Actuals)	Supervised Release Program	Probation
Number of placements	2,117	1,290
Number of active supervision days	209,928	273,114
Percent of defendants likely to remain incarcerated without SRP	15%	5%
Estimated jail days saved	31,489	13,656
Cost to house inmate for one day	\$222	\$222
Estimated Savings to County	\$6,990,558	\$3,031,632

See Performance Measurements for more detail on Supervised Release Program (SRP) and Probation Program statistics.

The Volunteer Unit recorded 1,288 hours performed by volunteers in FY 2018, equal to a 0.6 full-time position. Volunteer hours have reduced 66 percent since elimination of the Volunteer Coordinator position during an FY 2010 budget reduction process (3,749 hours in FY 2010 to 1,288 hours in FY 2018). In FY 2018, volunteers conducted five percent fewer client interviews for eligibility for court-appointed attorneys compared to the previous year (4,763 in FY 2017 and 4,529 in FY 2018).

The Clerk's Office performs case and financial management, including collection of \$13.8 million in revenue per year for the County. Approximately \$6.9 million is collected for General District Court fines, court costs, interest on local charges, attorney fees and for courthouse maintenance and \$3.3 million is collected for other County agencies such as the Sheriff's Department, Police Department, and the Law Library. The Clerk's Office collects an additional \$3.6 million for the Towns of Vienna and Herndon and for Toll Road and Hot Lanes operators as well as \$18 million in revenue for the State of Virginia. Some County revenue collected offsets expenditures for legal counsel for indigent defendants on County charges and a small fraction of revenue is from postage reimbursement from the state. In FY 2018, there were 297,213 new case filings in the Clerk's Office which is comprised of approximately 83 state employees who support 11 state Judges. The Clerk's Office operates 11-12 courtrooms daily and in three distinct locations, Fairfax on a daily basis and in the Towns of Vienna and Herndon on a weekly basis. The office is the face of the court to the public and serves hundreds of thousands of citizens through its

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over 20 public service counters and demanding telephone call center. It is an integral part of the GDC and is supported by the County according to the Code of Virginia. Previously monitored by the Court Services Division, the Clerk's Office conducts mental health monitoring that provides defense attorneys, the courts, and mental health staff with prompt updates on status and expedites processing of mental health cases.

The County provides a 15 percent local salary supplement for eligible Clerk's Office deputized staff. The salary supplement for the Clerk's Office assists with employee retention, provides more equitable compensation, provides comparable salaries to surrounding jurisdictions, improves service delivery, and reduces the risk that citizens' civil liberties are negatively impacted. A local salary supplement was also approved for eligible state positions in the Office of the Public Defender (OPD) in order to raise their salaries to be consistent with their counterparts at the Office of the Commonwealth's Attorney. The Administrative Unit of the Court Services Division administers the salary supplement for the Clerk's Office and the Office of the Public Defender; however, it has no authority or oversight responsibilities for those offices.

Shared Resources: Criminal Record Specialists in the Pretrial Evaluation Unit are the primary providers of mandated criminal record checks, rather than the arresting officer, which allows police to return to their public safety duties more quickly. Criminal record checks are also provided to the judiciary of the GDC, Circuit Court, and JDRDC to assist with bond determination, and to the Alcohol Safety Action Program (ASAP), the Opportunities, Alternatives & Resources Program (OAR), and the Court Services Supervision Unit who determine eligibility for placement into various programs and monitor that no further criminal activity occurs. Criminal Record Specialists provided 28,543 criminal record checks in FY 2018, up nearly four percent compared to 27,518 record checks in FY 2017, mainly for police seeking criminal arrest warrants.

The agency's only Network Telecommunications Analyst II position continues to be part of a shared Court Department of Information Technology (Court DIT) team in order to improve efficiencies.

Community Resources: Additional critical and effective CSD programs for the community include the Alcohol Diversion Program (ADP), the Driving on Suspended Program (DOS), the Veterans Treatment Docket (VTD), and Diversion First. Fluctuations in referrals, enrollments, and totals collected are not synonymous with changes in caseload per probation officer. The highly effective DOS program served 270 clients in FY 2018, similar to 268 clients in FY 2017. The program assists participants in preparing for and navigating the requirements of license reinstatement.

The ADP program clients increased 29 percent from the previous year, serving 45 clients in FY 2018 up from 35 clients in FY 2017. In recent years, with the exception of this year, overall program participation typically has declined due to fewer underage drinking charges, often issued at concerts attended by college students and the institution of on-campus diversion programs.

The VTD program screened 243 Veterans for program eligibility and provided active supervision to 22 Veterans in FY 2018. There were four total closures with two successful graduates after roughly 13-22 months of intensive program participation to address issues such as substance abuse, post-traumatic stress disorder, mental health issues, and traumatic brain injury. At the beginning of FY 2019, there were 16 Veteran participants, and program administration shifted to the Community Services Board (CSB), with continued collaboration with the CSD.

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In collaboration with the CSB, the Diversion First program identifies and screens incarcerated individuals for mental health needs with the aim of diverting qualified individuals to treatment in lieu of incarceration while under intensive court supervision. In FY 2018, 569 defendants were placed in the Diversion First Program based on a positive screen and/or were ordered to have a mental health evaluation and/or treatment. Of the 376 clients administered an advanced screening, 62 percent indicated a need for a more in-depth mental health evaluation. In the end, 363 defendants were formally referred for an in-depth mental health evaluation, 77 percent of whom were not already engaged in treatment. The number of intensive supervision participants is growing, in turn reducing the jail population, as clients are supervised in the community with access to treatment. In February 2019, the Court will have submitted an application to the Supreme Court of Virginia to request authorization to establish a Mental Health Docket.

Restitution collections totaled \$471,522 in FY 2018, a 26 percent increase from \$374,648 in FY 2017 and community service hours performed decreased 16 percent to 2,667 hours in FY 2018 compared to 3,173 hours in FY 2017.

Diversity: Interpreter assignments have increased 94 percent since FY 2010 (714 assignments in FY 2010 to 1,388 assignments in FY 2018) due to increasing diversity of clients and increased access and awareness about language services. The CSD staff manages interpretation services for languages other than Spanish, including sign-language. Recruitment of bilingual probation counselors allows for effective management of the caseload of Spanish-speaking clients and ensures equitable services are provided.

Court appointed attorneys are assigned to indigent defendants to ensure they have adequate legal representation when conviction could result in jail time. Attorney assignments decreased four percent from 15,608 assignments in FY 2017 to 15,009 assignments in FY 2018.

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Budget and Staff Resources ^{1, 2}

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$2,829,214	\$3,322,251	\$3,322,251	\$3,449,610	\$3,474,942
Operating Expenses	985,584	909,165	1,273,402	910,559	910,559
Total Expenditures	\$3,814,798	\$4,231,416	\$4,595,653	\$4,360,169	\$4,385,501
Income:					
Courthouse Maintenance Fees	\$365,520	\$355,953	\$365,730	\$365,730	\$365,730
General District Court Fines/Interest	155,160	147,649	147,649	147,649	147,649
General District Court Fines	6,351,883	6,540,684	6,540,684	6,606,091	6,606,091
Recovered Costs - General District Court	80,271	84,552	80,271	80,271	80,271
State Reimbursement - General District Court	74,904	85,265	85,265	85,265	85,265
Total Income	\$7,027,738	\$7,214,103	\$7,219,599	\$7,285,006	\$7,285,006
NET COST TO THE COUNTY	(\$3,212,940)	(\$2,982,687)	(\$2,623,946)	(\$2,924,837)	(\$2,899,505)
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	33 / 33	33 / 33	33 / 33	34 / 34	34 / 34
State	117 / 114.1	117 / 114.1	117 / 114.1	117 / 114.1	117 / 114.1

<u>Administration of Justice</u>	<u>Clerk of the General District Court²</u>	<u>Court Services Division</u>
1 Chief Judge S		1 Manager, Gen. Dist. Court Services
10 General District Judges S	1 Clerk of the General District Court S	1 Probation Supervisor II
	1 Chief Deputy Clerk S	3 Probation Supervisors I
	15 Supervising Deputy Clerks S	13 Probation Counselors II
<u>Office of the Public Defender¹</u>	66 Deputy Clerks S, 7 PT	5 Probation Counselors I
1 Public Defender S		1 Network/Telecom. Analyst II
1 Chief Dep. Public Defender S		1 Management Analyst II
4 Sr. Asst. Public Defenders S		1 Administrative Assistant V
8 Attorney II Public Defenders S		3 Administrative Assistants III (1)
7 Entry Level Public Defenders S		5 Administrative Assistants II
1 Office Manager S		
1 Assistant Office Manager S		

TOTAL POSITIONS	() Denotes New Position
151 Positions (1) / 148.1 FTE (1.0)	S Denotes State Positions
	PT Denotes Part-time Positions

This department has 8/8.0 FTE Grant Positions in Fund 50000, Federal-State Grants.

¹ In FY 2017, 23/23.0 FTE Office of the Public Defender (OPD) positions were added to the state position count only to administer the pay supplement for state employees approved as part of the FY 2017 Adopted Budget Plan. The County does not provide any other support for OPD positions.

² It should be noted that Personnel Services-related costs for Clerk of the General District Court state positions are primarily funded by the state; however, the County does provide a salary supplement as well as miscellaneous operating support for these positions.

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FY 2020 Funding Adjustments

The following funding adjustments from the FY 2019 Adopted Budget Plan are necessary to support the FY 2020 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 7, 2019.

- ◆ **Employee Compensation** **\$101,408**
 An increase of \$101,408 in Personnel Services includes \$48,360 for a 2.10 percent market rate adjustment (MRA) for all employees and \$53,048 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2019.
- ◆ **Diversion First** **\$52,677**
 An increase of \$52,677 and 1/1.0 FTE position is required to support the fourth year of the County's successful Diversion First initiative. Diversion First is a multiagency collaboration between the Police Department, Office of the Sheriff, Fire and Rescue Department, Fairfax County Court System, and the Fairfax-Falls Church Community Services Board to reduce the number of people with mental illness in the County jail by diverting low-risk offenders experiencing a mental health crisis to treatment rather than bring them to jail. This position will allow the General District Court to address caseload growth. It should be noted an increase of \$25,908 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of \$78,585 in FY 2020. For further information on Fringe Benefits, please refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

Changes to FY 2019 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2019 Revised Budget Plan since passage of the FY 2019 Adopted Budget Plan. Included are all adjustments made as part of the FY 2018 Carryover Review, FY 2019 Third Quarter Review, and all other approved changes through April 30, 2019.

- ◆ **Carryover Adjustments** **\$364,237**
 As part of the FY 2018 Carryover Review, the Board of Supervisors approved funding of \$364,237, including \$353,134 in encumbered funding in Operating Expenses and \$11,103 in unencumbered carryover in Operating Expenses associated with the Incentive Reinvestment Initiative.

Key Performance Measures

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimate/Actual	FY 2019	FY 2020
General District Court					
Percent of staff recommendations accepted by the Judiciary	97%	96%	96%/91%	91%	91%
Percent of SRP cases successfully closed	81%	76%	76%/74%	74%	74%
Percent of probation cases successfully closed	80%	73%	73%/73%	73%	73%

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2020-adopted-performance-measures-pm>

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Performance Measurement Results

All services provided by the Court Services Division (CSD) address the agency mission. CSD provides information on incarcerated defendants, provides pretrial and post-trial community supervision, manages the court-appointed attorney system for indigent defendants, manages interpretation services for the non-English speaking and hearing impaired population, manages volunteer services, and answers questions about the judicial process for the public.

Pretrial Investigations

The Pretrial Evaluation Unit provides critical information about defendants to the judiciary (magistrates and judges) in order to assist them in making informed decisions about defendants' release/detention status. The investigation process has several components: defendant's interview, phone calls to references (family, employers, neighbors, etc.), and extensive record checks to include the National Crime Information Center (NCIC), the Virginia Crime Information Network (VCIN), local criminal records, DMV, and court records throughout the Commonwealth for pending charges. In FY 2018, 4,748 pretrial investigations were conducted, a decrease of less than one percent from FY 2017 where 4,769 investigations were conducted, attributed to a decrease in referrals and magistrates releasing individuals earlier in the process so that investigations were not required. The percent of staff bond recommendations accepted by the Judiciary was 91 percent in FY 2018 below the 96 percent target after the implementation of new risk assessment tools.

Supervised Release Program (SRP) and Probation Program

SRP placements increased 29 percent from 1,646 placements in FY 2017 to 2,117 placements in FY 2018, following an increase of 35 percent the previous year. This significant increase is mainly due to the implementation of Diversion First, an intensive supervision program for mental health clients, who are supervised in the community in lieu of incarceration. The implementation of a recommendation instrument for pretrial supervision eligibility in early FY 2018 increased the number of those eligible for pretrial supervision.

Referrals, both SRP and Probation, are primarily by magistrates or General District Court judges and from mental health screenings and evaluations. The program provides intensive supervision and monitoring of lower risk defendants who might otherwise remain in the jail while awaiting trial in addition to serving higher needs clients through Diversion First. In FY 2017, the percent of SRP cases successfully closed was 74 percent, lower than the target measure of 80 percent. This is due to an increase of higher needs clients who typically have lower success rates.

Probation counselors in the Probation Unit supervise both SRP clients and those referred to probation at the final court date by court order. Probation counselors are required to see defendants either bi-monthly or weekly and must conduct weekly telephone check-ins and random drug testing. With each contact, it is strongly reinforced to the defendant that, to successfully complete the program, there must be no new violations of the law and that they must appear for all court dates. Probation caseloads increased 20 percent in FY 2018, 1,290 cases in FY 2018 compared to 1,076 in FY 2017, partially attributed to an increase in criminal arrests. Caseloads in the Supervised Release Program (SRP) and Probation vary from year to year based on the number and types of arrests. An increase in SRP cases has a far greater impact on staffing than an increase in standard probation cases. The percent of probation cases successfully closed was 73 percent, equal to the target of 73 percent.