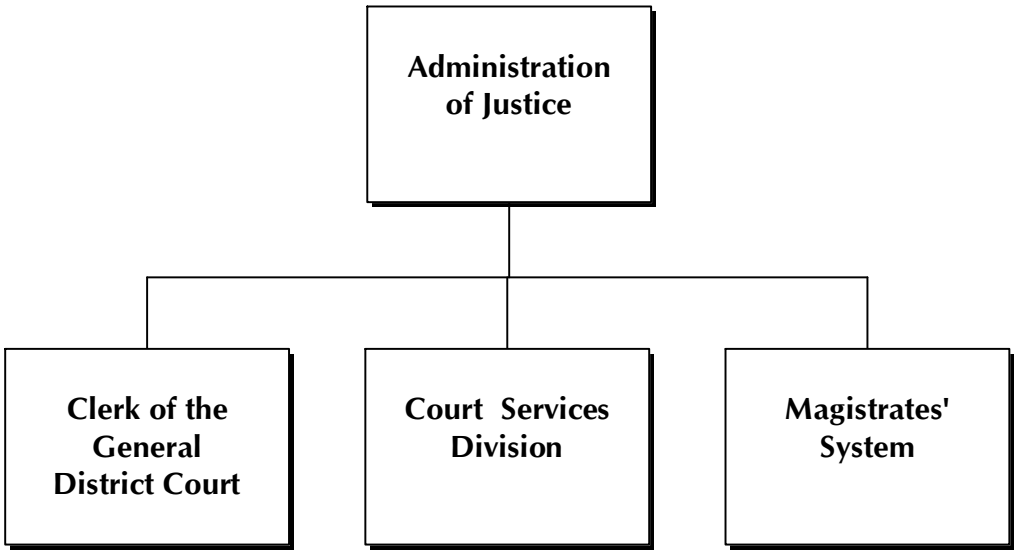
General District Court



Mission

To provide equal access for the fair and timely resolution of court cases. The Court Services Division serves the Courts and the community by providing information, client supervision and a wide range of services in a professional manner 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 three divisions – Civil/Small Claims, Criminal and Traffic Court, as well as the Magistrate's Office and Court Services.

The General District Court is part of the judicial branch of the state government and its clerical office staff is almost entirely state funded. The Court Services Division (CSD), however, is primarily County funded. The CSD provides investigation information on incarcerated defendants to assist judges and magistrates with release decisions; pretrial community supervision to defendants awaiting trial; and, 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 some services to the Circuit and Juvenile and Domestic Relations District Courts.

County and state financial constraints and limited grant funding affect staffing and the level of service that the agency can provide. Increases in caseload and legislative changes 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.

GDC's total caseload (Criminal, Traffic, and Civil new cases) increased nine percent from 309,118 new cases in FY 2007 to 336,771 new cases in FY 2008.

Criminal and traffic caseloads are dependant on law enforcement efforts of the Fairfax County Police Department, State Police, and other local law enforcement agencies. Increased traffic enforcement programs in recent years, while greatly needed, have placed a significant strain on court resources and reduced the court's ability to provide the level of service County citizens expect. Additional funding for staff positions is unavailable through the state and not projected in this difficult fiscal climate.

Criminal new case totals increased eight percent from 26,425 new cases in FY 2007 to 28,519 new cases in FY 2008, a change from the last four fiscal years where numbers remained relatively stagnant.

Another significant increase occurred in FY 2008 as traffic new case totals soared from 239,214 in FY 2007 to 264,099 in FY 2008. The number of traffic cases in future years will likely fluctuate slightly based on police staffing and initiatives.

New civil case totals rose two percent to 44,153 in FY 2008 from FY 2007's new case totals of 43,479.

Type of Case	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Estimate	FY 2010 Estimate
Criminal	26,603	26,425	28,519	28,519	28,519
Traffic	243,946	239,214	264,099	264,099	264,099
Civil	44,415	43,479	44,153	44,153	44,153
TOTAL[1]	314,964	309,118	336,771	336,771	336,771

[1] Statistics are now being reported on a fiscal year basis. Previously, data was reported on a calendar year basis.

The agency has identified four 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 access and fair resolution of court cases while advocating public safety.

Staffing and Resources: The operation of CSD depends on funding received from Fairfax County and state grants from the Department of Criminal Justice Services (DCJS).

The client to Probation Counselor ratio remains high partially due to the need to hold one Probation Counselor II County funded position vacant from FY 2006 until FY 2008 to meet the mandated vacancy rate and two percent cut in personnel funding. A Volunteer Coordinator II position was held vacant for half of FY 2008 through FY 2009, and eliminated in the FY 2010 budget reduction process leaving greater demand on the existing staff to preserve a valuable and cost-saving program that totaled 7,901 volunteer/intern hours in FY 2008.

Supplemental funding from DCJS at Third Quarter that was received in FY 2008 and FY 2009 is not anticipated for FY 2010. The agency will be seeking pre-trial federal grant funding filtered through the state for FY 2010 to increase personnel thereby increasing pre-trial enrollment and services. Despite this, the client to Probation Counselor ratio remains high at 25 pretrial (SRP) cases *and* 93 probation cases per counselor in FY 2008 compared to the state standard of 40 pretrial cases *or* 60 probation cases per counselor.

Caseload: The CSD evaluates and balances counselor caseload of Supervised Release Program (SRP) referrals and Probation referrals. SRP referrals can be somewhat controlled through CSD staff recommendations to the Judge, whereas Probation referrals are assigned solely by the Judge, causing sudden variations in the number of probation referrals. Significant growth in FY 2008 prompted CSD to reduce SRP enrollment to successfully manage the program, maintain its integrity, and safeguard the public. Growth in probation was mainly due to referrals to the Alcohol Diversion Program (ADP) and longer enrollment periods.

Probation enrollment increased over 6 percent in FY 2008 (1,369 in FY 2007 to 1,455 in FY 2008). However, the SRP caseload was reduced 18 percent in FY 2008 (880 in FY 2007 to 723 in FY 2008) as a means to offset workload increases generated from Probation referrals.

Evidence Base Practice (EBP), a method of probation case management being piloted by DCJS and a trend in the state and nation, is expected to be mandated in FY 2009 or FY 2010 although funding has delayed the process. Under this method, the number of cases assigned per Probation Counselor is determined by the intensity of supervision and the risk factors involved while also assigning more experienced staff the most difficult cases.

Community Resources: Specific CSD programs include the Volunteer/Intern Program, Alcohol Diversion Program (ADP), Driving on Suspended Program (DOS), Mental Health Competency/Sanity Monitoring Service, and Preliminary Protective Order Tracking Service.

In FY 2008, the Volunteer/Intern Program utilized 41 volunteers and interns and provided 7,901 hours of service. This was a 21 percent decrease in the number of volunteers (52 in FY 2007 to 41 in FY 2008) and a 51 percent increase in the hours of service provided (5,232 in FY 2007 to 7,901 in FY 2008). Volunteers and interns play a vital role in providing direct assistance to the public and reducing the public wait time for interviewing for eligibility of court appointed counsel for indigent defendants. Great emphasis has been placed on preserving this cost saving program despite the elimination of the Volunteer Coordinator II position as part of the FY 2010 budget reduction process.

ADP referrals increased 197 percent in FY 2008 (93 in FY 2007 to 276 in FY 2008) significantly increasing probation caseloads. The ADP is designed to provide education and probation supervision for adults (age 18 to 20) charged with Underage Possession of Alcohol.

The DOS Program provides probation supervision and services for those whose driver's license has been suspended for administrative reasons. Referrals to the DOS program had a slight increase of 5 percent in FY 2008 (264 in FY 2007 to 277 in FY 2008).

Mental Health Monitoring continues to provide a liaison between defense attorneys, the courts, and mental health staff to ensure a timely completion of mental health/sanity evaluations.

Preliminary Protective Order Tracking ensures that the court is advised of information regarding preliminary protective orders authorized for victims of stalking or other violent crimes and victim impact statements to ensure public safety.

Diversity: Overcoming language, cultural, and disability barriers is crucial in providing equitable quality services to a diverse population. The CSD staff manages the interpretation services for languages other than Spanish as well as recruiting bilingual probation counselors to effectively manage the caseload of Spanish speaking clients.

Bilingual staff must continue to be hired and retained. Similar to 2007, FY 2008 statistics show 29 percent (57 of 200) of clients in the Supervised Release Program (SRP) and 18.2 percent (108 of 593) of probation clients spoke little to no English and required Spanish language services.

Challenge of FY 2010 Budget Reductions

In order to address the challenge of FY 2010 budget reductions, the agency selected those reduction options that allowed the court to continue providing state mandated services while also supporting the County's mission of maintaining safe and caring communities. Alternatives to the reduction option presented would fail to support the County mission, violate due process, reduce or eliminate state mandated services, and increase costs to the County.

The elimination of a Volunteer Coordinator II position in FY 2010 will leave the court with no full-time dedicated position to recruit, train, manage, and analyze volunteer and intern resources which is projected to lead to a decrease in community volunteers/interns, a decline of a cost-saving program, decreased public assistance and longer public wait times to complete financial interviews.

The court will utilize its existing administrative support staff in lieu of the Volunteer Coordinator II position to oversee the volunteer/intern program so as to limit the negative impact to the community.

General District Court

Budget and Staff Resources

Agency Summary					
Category	FY 2008 Actual	FY 2009 Adopted Budget Plan	FY 2009 Revised Budget Plan	FY 2010 Advertised Budget Plan	FY 2010 Adopted Budget Plan
Authorized Positions/Staff Years[1]					
Regular	22/ 22	22/ 22	22/ 22	21/ 21	21/ 21
State	124/ 117.5	124/ 117.5	123/ 116.5	123/ 116.5	123/ 116.5
Expenditures:					
Personnel Services	$1,387,220	$1,494,739	$1,491,817	$1,151,959	$1,429,696
Operating Expenses	881,974	863,263	1,029,599	863,263	863,263
Capital Equipment	0	0	0	0	0
Total Expenditures	**$2,269,194**	**$2,358,002**	**$2,521,416**	**$2,015,222**	**$2,292,959**
Income:					
Courthouse Maintenance Fees	$398,802	$385,152	$385,152	$385,152	$385,152
General District Court Fines/Interest	82,645	94,118	94,118	94,118	94,118
General District Court Fines	7,016,495	10,217,877	7,993,032	8,072,962	8,072,962
Recovered Costs - General District Court	116,993	128,047	116,668	120,168	120,168
State Reimbursement - General District Court	84,361	67,293	67,293	67,293	67,293
Total Income	**$7,699,296**	**$10,892,487**	**$8,656,263**	**$8,739,693**	**$8,739,693**
Net Cost to the County	**($5,430,102)**	**($8,534,485)**	**($6,134,847)**	**($6,724,471)**	**($6,446,734)**

[1] State positions are totally funded by the state. However, the County provides Capital Equipment and partial funding support for Operating Expenses for these positions.

Position Summary

Administration of Justice

1 Chief Judge S
10 General District Judges S
1 Secretary S

Magistrates' System

1 Chief Magistrate S
30 Magistrates S, 9 PT

Clerk of the General District Court

1 Clerk of the General District Court S
1 Chief Deputy Clerk S
3 Division Supervisors S
5 Staff Analysts S
9 Section Supervisors S
61 Deputy Clerks S, 4 PT

Court Services Division

1 Probation Supervisor II
1 Probation Supervisor I
1 Probation Counselor III
4 Probation Counselors II
5 Probation Counselors I
0 Volunteer Services Coords. II (-1)
1 Administrative Assistant IV
1 Administrative Assistant III
5 Administrative Assistants II
1 Network/Telecommunications Analyst II
1 Management Analyst II

TOTAL POSITIONS
144 (-1) Positions / 137.5 (-1.0) Staff Years
9/9.0 SYE Grant Positions in Fund 102, Federal/State Grant Fund
(-) Denotes Abolished Position due to Budget Reductions

S Denotes State Positions
PT Denotes Part-time Positions

FY 2010 Funding Adjustments

The following funding adjustments from the FY 2009 Adopted Budget Plan are necessary to support the FY 2010 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 April 27, 2009.

- **Employee Compensation** **$20,845**
  An increase of $20,845 reflects the full-year impact of salary increases awarded during FY 2009. It should be noted that no funding is included for pay for performance or merit awards in FY 2010.

- **Reductions** **($85,888)**
  A decrease of $85,888 and 1/1.0 SYE position reflects agency reductions utilized to balance the FY 2010 budget. The following chart provides details on the specific reductions approved, including funding and associated positions.

LOB Reduction	Impact	Posn	SYE	Reduction
Eliminate Volunteer Coordinator II Position – Pretrial Services	This reduction eliminates a Volunteer Coordinator II position which manages 41 volunteers and 3-5 interns. The reduction reflects the only position in the Pretrial Services Volunteer/Intern Unit and 1 of 22 positions in the agency. When the Volunteer Coordinator II position is eliminated, there will be no full-time dedicated position to recruit, train, manage, and analyze volunteer/intern resources. This will likely result in a decrease in community volunteers and interns; a decline of a cost-saving program; a decrease in public assistance by phone and in person resulting in the public being less informed; a longer public wait time to perform financial interviews; a decrease in quality assurance measures; an increase in demand on paid and current volunteer/intern staff; reduced ties to the community volunteer pool; and limited opportunity for internships.	1	1.0	$42,074
Decreased Funding Required for Restoration of Magistrates' Salary Supplement	The reduction results from the total restoration of the salary supplement for state magistrates. Due to a change in the state code, the number of magistrates that are eligible for the supplement has decreased since FY 2009. It should be noted that funding of $277,737 is included in the FY 2010 Adopted Budget Plan to continue the supplement for existing magistrates.	0	0.0	$43,814

Changes to FY 2009 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2009 Revised Budget Plan since passage of the FY 2009 Adopted Budget Plan. Included are all adjustments made as part of the FY 2008 Carryover Review, FY 2009 Third Quarter Review, and all other approved changes through April 20, 2009.

- **Carryover Adjustments** **$66,336**
  As part of the *FY 2008 Carryover Review*, the Board of Supervisors approved encumbered funding of $66,336 in Operating Expenses.

- **Third Quarter Adjustments** **$97,078**
  As part of the *FY 2009 Third Quarter Review*, the Board of Supervisors approved a net reduction of $2,922 based on the mandatory January 2, 2009 furlough day. Funding of $100,000 in Operating Expenses was included for higher than anticipated costs for court appointed attorneys.

Key Performance Measures

Goal

The goal for the Court Services Division is to serve the Courts and the community by providing information, client supervision and a wide range of services in a professional manner while advocating public safety.

Objectives

- To have 96 percent of the staff bond recommendations, which are based on thorough investigation and sound judgment, accepted by the Judiciary in accordance with legal statute in order to protect public safety.
- To achieve 81 percent successful closure of the Supervised Release Program (SRP) cases by closely supervising defendants' compliance with the conditions of release.
- To close 75 percent of the probation cases successfully by closely supervising the probationers' compliance with the conditions of probation.

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2006 Actual	FY 2007 Actual	FY 2008 Estimate/Actual	FY 2009	FY 2010
Output:					
Pretrial interviews/investigations conducted	7,665	7,597	7,670 / 7,590	7,600	7,600
Supervised Released Program annual enrollment	1,011	880	1,018 / 723	900	723
Probation program annual enrollment	1,092	1,369	1,098 / 1,455	1,200	1,455
Efficiency:					
Average investigations conducted per shift	11	10	11 / 10	11	10
Average daily SRP caseload per Probation Officer	24	30	22 / 25	22	25
Average daily probation caseload per Probation Officer	63	65	57 / 93	60	93
Service Quality:					
Percent of recommendations accepted for defendants' release	96%	96%	96% / 97%	95%	95%
Average failure to appear rate on return court dates	11%	11%	10% / 7%	12%	12%
New arrest violation rate	7%	7%	7% / 5%	7%	7%
Outcome:					
Percent of staff recommendations accepted by the Judiciary	96%	97%	96% / 98%	96%	96%
Percent of SRP cases successfully closed	81%	77%	81% / 86%	81%	81%
Percent of probation cases successfully closed	75%	76%	75% / 77%	75%	75%

Performance Measurement Results

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

Pretrial Investigations

Pretrial Investigations provide information about a defendant to the judiciary (magistrates and judges) in order to assist them in making informed decisions about defendant's release/detention status. The pretrial investigation process has several components: defendant's interview, phone calls to references (family, employers, neighbors, etc.) to verify the defendant's information, 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 for pending charges. This information is used by the magistrates at the initial bail hearing. In FY 2008, this resulted in an earlier release of 139 qualified defendants, thus reducing the length of incarceration resulting in a cost savings. If a defendant remains incarcerated, the investigation information is utilized once again, this time by a judge at the advisement hearing. Based on 7,590 investigations during FY 2008, the staff made the following recommendations to the judiciary, which were accepted 98 percent of the time in FY 2008: Personal Recognizance release (248 defendants), Supervised Release Program for community supervision (723 defendants), bond amount increased (42 defendants), bond amount decreased (1,064 defendants), and bond amount remained the same (3,617 defendants). Additionally, this information was available for 2,535 bond motion hearings in GDC and the Circuit Court in FY 2008. Another cost savings is realized through Court Services jail review process, which helps to ensure defendants do not spend more time in jail than necessary while awaiting their trial. In FY 2008, an additional 2,255 incarcerated defendants were reviewed again by pretrial staff to determine any actions that might reduce the length of pretrial incarceration. This resulted in a savings of 537 jail days by advancing cases to earlier court dates, releasing defendants on personal recognizance when appropriate, and through placement in the Supervised Release Program (SRP). Also, 57 court appointed attorneys were assigned through jail review, further reducing delays in the judicial process caused by postponing initial court hearings to have an attorney appointed or retained before trial.

Supervised Release and Probation

The Supervised Release Program (SRP) provides intensive community supervision of misdemeanor and felony defendants between arrest and final court date. SRP enables qualified defendants to return to the community under strict supervision and maintain employment and family responsibilities. It also helps alleviate overcrowding at the Fairfax County Adult Detention Center (ADC). In FY 2008, there were 723 new referrals from the Circuit Court, General District Court, and, occasionally, the Juvenile and Domestic Relations District Court. Probation counselors may be required to see defendants bi-monthly or weekly and conduct weekly telephone check-ins and drug testing. With each contact, it is strongly reinforced to the defendant that to successfully complete the program, there are to be no new violations of the law and that they must appear for all court dates. The Department of Criminal Justice Services indicates that the statewide average failure to appear rate (FTA) is 10 percent for urban programs that typically have large caseloads similar to Fairfax. In FY 2008, the FTA rate for defendants monitored by SRP was 7 percent (49 defendants FTA out of 693 cases closed).

In FY 2008, SRP referrals were reduced by 18 percent (from 880 new referrals in FY 2007 to 723 in FY 2008) in order to offset an increase in probation services (higher enrollment and for longer periods of time). Since SRP cases require a greater degree of supervision and reporting requirements, assignments must be limited based on the number of probation referrals that a counselor is assigned. Probation enrollment increased by 6 percent (from 1,369 to 1,455) in FY 2008. Plus, the ordered length of supervision increased 23 percent from 220,397 days in FY 2007 to 270,382 days in FY 2008. This, coupled with a Probation Counselor II position vacancy, resulted in a 43 percent increase in caseload per probation counselor (from 65 cases per counselor in FY 2007 to 93 cases in FY 2008), well above the state standard of 40 pretrial cases or 60 probation cases per probation counselor.

In FY 2008, 77 percent of probationers successfully completed the conditions of probation. Those on probation are held accountable to the community for their criminal behavior and are required to perform community service, pay restitution to victims, and pay fines and court costs. Probationers completed 9,428 hours of community service, paid $288,810 in restitution to victims, and paid $141,994 for fines and court costs.

Other Programs

In April 2007, the Alcohol Diversion Program was instituted to provide alcohol education to underage drinkers and to relieve the court's dockets by expediting these cases through the system. This program targets those aged 18 to 20, who would otherwise be convicted, and offers a means for them to successfully complete an alcohol program mandated by the Code of Virginia. In FY 2008, services were provided to 265 offenders with a successful completion rate of 82 percent.

The Driving on Suspension (DOS) program, which assists defendants charged with driving on a suspended license gain reinstatement, had 289 new referrals in FY 2008 with a success rate of 77 percent. Success in the DOS program is defined as full payment of fines and costs and reinstatement of the defendant's driver's license.

Administrative Unit and Volunteer/Intern Unit

Court Services' Administrative Unit, which includes the Volunteer/Intern Unit, is responsible for assigning court appointed counsel as ordered by the Court and for scheduling court interpretation services for those who are non-English speaking, hearing-impaired, or speech-impaired. In FY 2008, the Volunteer/Intern Unit performed 5,655 financial interviews to assist the judges in determining defendant's eligibility for court appointed counsel. Based on this information and the judges' decisions, the Administrative Unit assigned and processed paperwork for court appointed attorneys on 15,504 cases.

Effectiveness

The task of collecting and analyzing data to measure Court Services' effectiveness is necessary in fulfilling its goals and objectives. CSD is accomplishing this task through a continuous recidivist study, statistical reports, aligning performance elements/outcomes to the mission and goals of the agency, and executive management meetings to discuss relevant issues.