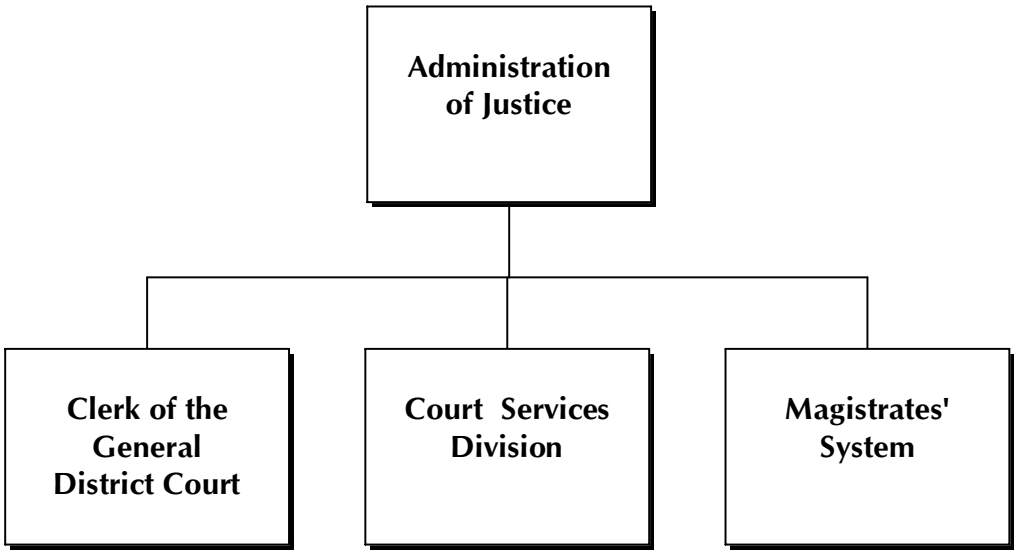
General District Court



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 conducts interviews and 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 decreased slightly from 314,964 new cases in fiscal year FY 2006 to 309,118 new cases in FY 2007.

THINKING STRATEGICALLY

Strategic issues for the department include:

- Improving the efficiency and effectiveness of daily court operations;
- Increasing community awareness and participation in the Volunteer Intern Unit; and
- Improving methods to increase compliance with conditions of supervised release.

In FY 2008, the court's total caseload will likely increase over FY 2007 based on the increased number of traffic cases reported in the first two months of FY 2008. There is an increase of more than 4,000 new traffic cases over the FY 2007 total for the same months.

Criminal new case totals have shown slight fluctuations in the past three years and are expected to remain consistent with FY 2007's total caseload. 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, 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. Since additional funding for staff is unavailable through the state, the Court is seeking technology solutions in partnership with County Police.

No changes are anticipated in the civil caseload in FY 2009.

Type of Case	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate
Criminal	26,253	26,603	26,425	27,263	27,263
Traffic	234,181	243,946	239,214	257,841	262,998
Civil	45,913	44,415	43,479	43,842	43,842
TOTAL [1]	306,347	314,964	309,118	328,946	334,103

[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). Increased funding for the program within the past two years has improved the staffing issues temporarily. In FY 2006, CSD received 2/2.0 SYE Probation Counselor II positions from the County to address growing caseloads and provide adequate supervision of offenders. Even with these two additional positions, the client to Probation Counselor ratio remained high. In FY 2007, the DCJS provided additional grant funding for 1/1.0 SYE Probation Counselor II position. Although CSD has received additional positions, staffing resources still fall short of state guidelines.

Caseload: In the Supervised Release Program (SRP) referral process, the CSD staff has input and can somewhat limit the number of participants through their recommendations to the judge. In the probation referral process, however, cases are assigned at the discretion of the judge which can cause sudden spikes in the number of referrals, thus straining resources. Additional Probation Counselor II positions in FY 2006 enabled CSD to increase SRP caseload by 16 percent (872 to 1,011). In FY 2007, implementation of the Alcohol Diversion Program (ADP) resulted in a 25 percent (1,092 to 1,369) increase in the Probation caseload which had to be offset by a 13 percent (1,011 to 880) decrease in the SRP caseload. Due to turnover, vacancies, younger, less experienced staff, and part-time exempt limited term positions, CSD had no choice but to reduce SRP enrollment to adjust for the growth in Probation. This action was necessary because the caseloads had become unmanageable for the existing staff. Reduction was required to safeguard public safety and to maintain the integrity of the program.

CSD has adopted an Evidence Base Practice (EBP) method of case management of its probationers. This required a change in the distribution of cases to Probation Counselors to keep current with trends in the state and the nation. While DCJS is piloting this style of management with ten sites, it is projected to become mandated policy in FY 2009. Under the EBP system, the number of cases assigned per Probation Counselor is determined by the intensity of supervision and the risk factors involved. High risk defendants, such as those with mental health issues, sex offenders, or drug addicts are given priority for treatment resources. EBP emphasizes addressing at least four of the offenders' top risk factors as identified by the assessment. High risk cases are more time consuming in the assessment phase and require more effort to find suitable treatment resources in the community. In addition, EBP methods are responsive to offenders' temperament, learning style, motivation, gender, culture, and language, thus requiring additional assessment and care when matching

probation counselors with clients. EBP seeks to ensure that the appropriate length and level of service is based on the risk level. Under EBP, more experienced staff are assigned the most difficult cases and this often means they carry a lighter caseload due to the intensity of supervision required by the mandate.

Community Resources:
The mental health services crisis across the nation and in the County continues to present challenges. Over 20 percent of probationers are annually referred for mental health counseling services. In addition, the court's new Alcohol Diversion Program resulted in an increase of probationers referred to education programs for underage drinkers. Additionally, some services are no longer available such as sex offenders' evaluation and treatment. The probation counselors are challenged to find reliable and affordable treatment providers that can offer services in a timely manner to meet the deadlines imposed by the courts.

Diversity:
According to the U.S. Census, more than 30 percent of Fairfax County's population speaks a language other than English at home. The General District Court serves an increasingly diverse population. Increased resources need to be utilized in the future to translate forms, signage, web site information and automated phone system messaging. CSD staff manages the interpretation services for the GDC. In FY 2007, interpretation services were provided for 19,874 clients (a 3 percent increase or 510 more clients over FY 2006), including 17,583 Spanish clients, 1,068 Korean clients, 773 Vietnamese clients, and 450 clients of various other languages. Bilingual professional staff must continue to be hired and retained. In FY 2007, approximately 28 percent (244 out of 880) of the clients in the Supervised Release Program (SRP) and 14 percent (186 out of 1369) of the probation clients were Hispanic and spoke little or no English. Bilingual probation counselors are necessary to effectively and efficiently manage the caseload. To address the issue, CSD has conducted major recruiting campaigns for bilingual interns at the local universities and successfully hired three interns to help in this area. Overcoming language, cultural, and disability barriers is crucial in providing equitable quality services to a diverse population.

New Initiatives and Recent Accomplishments in Support of the Fairfax County Vision

Maintaining Safe and Caring Communities	Recent Success	FY 2009 Initiative
Continue the Alcohol Diversion Program to provide alcohol education to underage drinkers and to relieve court dockets by expediting these cases through the CSD system instead. Services were provided to 124 defendants from April through July 2007.	☑	☑
Continue to comply with state mandates. The Pretrial Risk Assessment instrument identifies defendants' risk factors, a key component of the pretrial investigations that validates the staffs' recommendations to the judiciary. In FY 2007, staff completed over 7,500 investigations on incarcerated defendants.	☑	☑
Continue the Probation Program initiative. In FY 2007, the Probation Program enrollment increased by 25 percent from 1,092 to 1,369 defendants. The staff met this challenge and has managed to meet the clients' needs ensuring that 76 percent complied with conditions of probation.	☑	☑

General District Court

Maintaining Safe and Caring Communities	Recent Success	FY 2009 Initiative
Continue to recruit and retain volunteers while expanding their duties to provide a wider range of services to the Courts. In FY 2007, citizens/interns volunteered over 5,300 hours and completed over 5,000 financial interviews that are used to determine eligibility for court appointed counsel.	☑	☑
CSD continues to add to the list of viable community service worksites. Probation Counselors are doing direct placements and cutting out the placement fees charged by other agencies, thus eliminating the number of offenders who delay or refuse to comply. In FY 2007, offenders successfully completed over 5,700 hours of community service.	☑	☑

Budget and Staff Resources

Agency Summary				
Category	FY 2007 Actual	FY 2008 Adopted Budget Plan	FY 2008 Revised Budget Plan	FY 2009 Advertised Budget Plan
Authorized Positions/Staff Years[1]				
Regular	22/ 22	22/ 22	22/ 22	22/ 22
State	124/ 117.5	124/ 117.5	124/ 117.5	124/ 117.5
Expenditures:				
Personnel Services	$1,345,412	$1,421,801	$1,430,880	$1,482,818
Operating Expenses	810,429	863,263	931,715	863,263
Capital Equipment	0	0	0	0
Total Expenditures	**$2,155,841**	**$2,285,064**	**$2,362,595**	**$2,346,081**
Income:				
Courthouse Maintenance Fees	$366,244	$377,600	$377,600	$385,152
General District Court Fines/Interest	94,118	111,413	94,118	94,118
General District Court Fines	8,007,681	8,136,512	8,136,512	9,217,877
Recovered Costs - General District Court	120,776	120,433	124,317	128,047
State Reimbursement - General District Court	69,599	67,293	67,293	67,293
Total Income	**$8,658,418**	**$8,813,251**	**$8,799,840**	**$9,892,487**
Net Cost to the County	**($6,502,577)**	**($6,528,187)**	**($6,437,245)**	**($7,546,406)**

[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.

General District Court

Position Summary					
	Administration of Justice		**Clerk of the General District Court**		**Court Services Division**
1	Chief Judge S	1	Clerk of the General District Court S	1	Probation Supervisor II
10	General District Judges S	1	Chief Deputy Clerk S	1	Probation Supervisor I
1	Secretary S	3	Division Supervisors S	1	Probation Counselor III
		5	Staff Analysts S	4	Probation Counselors II
	Magistrates' System	9	Section Supervisors S	5	Probation Counselors I
1	Chief Magistrate S	61	Deputy Clerks S, 4 PT	1	Volunteer Services Coordinator II
31	Magistrates S, 9 PT			1	Administrative Assistant IV
				1	Administrative Assistant III
				5	Administrative Assistants II
				1	Network/Telecommunications Analyst II
				1	Management Analyst II
TOTAL POSITIONS					
146 Positions / 139.5 Staff Years				**S Denotes State Positions**	
10/9.5 SYE Grant Positions in Fund 102, Federal/State Grant Fund				**PT Denotes Part-time Positions**	

FY 2009 Funding Adjustments

The following funding adjustments from the FY 2008 Revised Budget Plan are necessary to support the FY 2009 program:

- **Employee Compensation** **$51,938**
  An increase of $51,938 in Personnel Services is associated with salary adjustments necessary to support the County's compensation program. As a result of budget constraints, compensation adjustments for County employees have been reduced. For FY 2009, employee increases as part of the pay for performance system have been discounted by 50 percent and the impact of the lower pay for performance funding is reflected above.

- **Operating Expenses Adjustments** **($68,452)**
  A decrease of $68,452 in Operating Expenses due to one-time funding for encumbered items included in the *FY 2007 Carryover Review*.

Changes to FY 2008 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2008 Revised Budget Plan since passage of the FY 2008 Adopted Budget Plan. Included are all adjustments made as part of the FY 2007 Carryover Review and all other approved changes through December 31, 2007:

- **Carryover Adjustments** **$77,531**
  As part of the *FY 2007 Carryover Review,* the Board of Supervisors approved encumbered carryover of $68,452 in Operating Expenses. In addition, funding of $9,079 in Personnel Services was included for increased costs for the County supplement to magistrates' salaries based on state salary increases.

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 2005 Actual	FY 2006 Actual	FY 2007 Estimate/Actual	FY 2008	FY 2009
Output:					
Pretrial interviews/investigations conducted	7,629	7,665	7,669 / 7,597	7,670	7,600
Supervised Released Program annual enrollment	872	1,011	1,014 / 880	1,018	900
Probation program annual enrollment	1,181	1,092	1,095 / 1,369	1,098	1,200
Efficiency:					
Average investigations conducted per shift	11	11	11 / 10	11	11
Average daily SRP caseload per Probation Officer	32	24	22 / 30	22	22
Average daily probation caseload per Probation Officer	73	63	57 / 65	57	60
Service Quality:					
Percent of recommendations accepted for defendants' release	98%	96%	96% / 96%	96%	95%
Average failure to appear rate on return court dates	11%	11%	10% / 11%	10%	12%
New arrest violation rate	6%	7%	7% / 7%	7%	7%
Outcome:					
Percent of staff recommendations accepted by the Judiciary	97%	96%	96% / 97%	96%	96%
Percent of SRP cases successfully closed	83%	81%	81% / 77%	81%	81%
Percent of probation cases successfully closed	76%	75%	75% / 76%	75%	75%

Performance Measurement Results

All services provided by the Court Services Division (CSD) address the agency mission to administer justice. 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, and answers questions about the judicial process for the public.

Pretrial investigations provide information about the defendants to the judiciary to assist them in making informed decisions about defendants' release/detention status. Pretrial investigation has several components: defendant's interview, call to references (family, employers, neighbors) to verify the defendant's information, 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. Based on this collection of information the staff makes the following recommendations to the Judiciary: Personal Recognizance release, Third Party release, Supervised Release Program for community supervision, bond amount increased, bond amount decreased, bond amount remained the same, and no bond. This information is used by the magistrates at the initial bail hearing, resulting in an earlier release of qualified defendants, and thus reducing the length of incarceration. If the defendant remains incarcerated, the investigation information is used at the arraignment hearing. Additionally, it is also used for bond motion hearings in GDC and the Circuit Court.

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). Defendants are referred from the Circuit, General District, and occasionally, the Juvenile & Domestic Relations District Courts. Probation Counselors are 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 (DCJS) indicates that the state failure to appear rate (FTA) for courts averages 10 percent for urban programs with large caseloads. CSD's FTA rate for FY 2007 was 11 percent (103 out of 933).

Due to the intensity of supervision and the added reporting requirements, an increase in SRP cases has a greater impact on the probation counselors' workload than handling cases referred after trial for probation. To preserve the integrity of the program, to protect public safety and to offset the 25 percent increase in the Probation Program caseload, the Supervised Release Program (SRP) was reduced by 13 percent (from 1,011 in FY 2006 to 880 in FY 2007).

In FY 2007, the significant increase of 25 percent in cases referred for probation services was partially due to utilization of the Alcohol Diversion Program (ADP) and the strong support of the judges. This program is specifically targeted for minors (those aged 18 to 20), who would otherwise be convicted, and offers a means for them to successfully complete the alcohol program mandated by the Code of Virginia. Services were provided to 124 defendants from April through July 2007.

In FY 2007, 76 percent of all probationers successfully completed their probation programs. Through close community supervision, defendants/offenders are held accountable for their compliance with court orders which may include paying restitution to a victim(s), paying court costs and fines and completing community service hours. In FY 2007, CSD collected $242,276 in restitution payments, $94,448 in court costs and fines and supervised the completion of over 5,700 community service hours.

The task of collecting and analyzing data is necessary to measure Court Services' effectiveness 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.