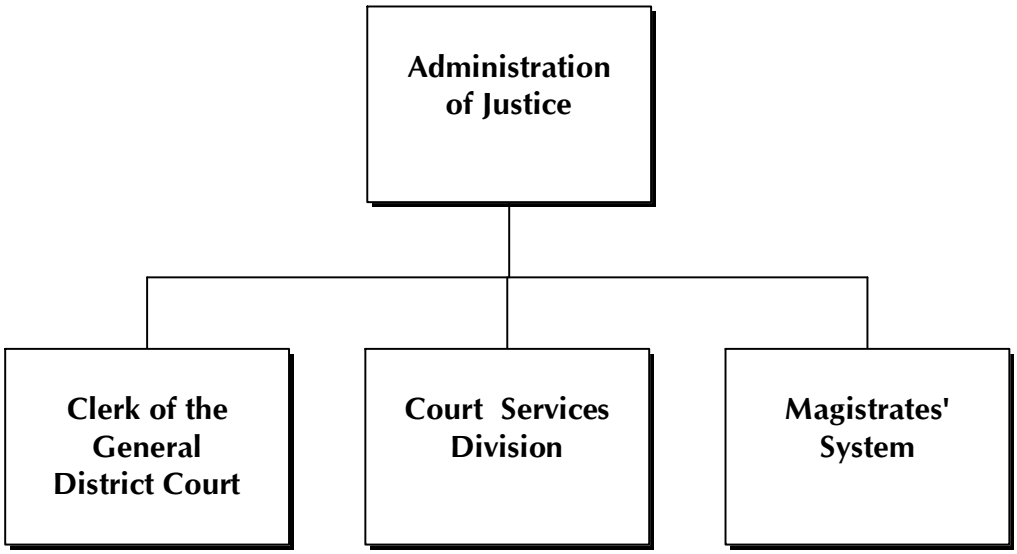
General District Court



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.

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.

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

Criminal caseload decreased slightly in CY 2003 and new cases in the Criminal Division have slight fluctuations but tend to remain relatively constant.

The Traffic caseload increased by 39,878 new cases in CY 2004 over the previous year, the highest increase in over five years. The Police Department has reported increased enforcement efforts as a result of "Smooth Operator" and other initiatives. Officers in the "Smooth Operator" program have a full time assignment to traffic violations and aggressive driving. They perform only as "back-up" on other police duties as needed. Their efforts have resulted in greater revenue for the County.

Civil caseloads tend to increase during economic downturns. As the economy declines, people default on payments, leading to a greater number of civil lawsuits being filed. During CY 2003 and CY 2004 there were slight decreases in the new cases filed in the Civil Division, while new cases in Small Claims reflected a slight increase.

Type of Case	CY 2001 Actual	CY 2002 Actual	CY 2003 Actual	CY 2004 Actual	CY 2005 Estimate
Criminal	29,685	25,881	24,921	25,668	25,668
Traffic	198,449	181,451	185,842	225,720	225,720
Civil	43,367	47,592	46,848	44,566	44,566
Small Claims	1,436	1,651	1,682	1,698	1,698
TOTAL	272,937	256,575	259,293	297,652	297,652

Legislation also impacts how the Courts operate. The Small Claims jurisdictional limit increased from $1,000 to $2,000 on July 1, 2002. This resulted in an increase of small claims actions filed. Effective July 1, 2003, wage garnishments to collect on civil judgments are now allowed to run for a period of 180 days. Previously, garnishments could only run for 90 days.

The agency has identified three 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 maintaining a safe community.

Staffing and Resources. The operation of CSD depends on funding received from Fairfax County and state grants. Because of local and state budget cuts, it is an increasingly difficult challenge to provide the services mandated by legislation and to maintain quality service. The state grant funding for CSD has remained flat for the past four years. Operational expenses, once funded by the grant, must now be picked up in the agency budget due to rising personnel costs. In FY 2004, one Probation Counselor II grant position was eliminated to support the rising costs of maintaining the remaining eight positions. CSD has experienced a high turnover rate in its Case Management Unit. Probation Counselors have accepted positions with the federal government that offer smaller caseloads and a substantial increase in salary. This trend is projected to continue until the pay scale and workload are adjusted. In an attempt to respond to the budget constraints and staff turnover trends, one approach has been the more effective use of technology. Currently, Court Services relies on six data systems to collect all the necessary information on clients and their cases; however, none of these systems are interfaced. This results in multiple data entry, considerable delays and hindered productivity that will only partially be resolved in the foreseeable future. Two of the systems that were designed by the County's Department of Information and Technology are in the process of being interfaced and are anticipated to be completed by the end of FY 2005. The other divisions of the General District Court are totally staffed with state funded personnel. Since the state pay scale is lower than the County and the state has not provided step increases, the staff turnover continues at a high rate.

As a result, in FY 2006, CSD will be adding 1/1.0 SYE Probation Counselor II position to address these substantial workload-related issues. The last position increase was one Probation Counselor approved as part of the FY 2002 Adopted Budget Plan to address new requirements for drug and alcohol screenings.

Caseload. The number of clients referred by the court to CSD programs has significantly increased. In FY 2003, pretrial enrollments increased by 22 percent and probation enrollment increased by 18 percent. The anticipated growth in caseload continued into FY 2004 with a total of 1,309 new enrollments, an increase of 37 percent. The growth in probation enrollment peaked in FY 2003 with an 18 percent increase due to the implementation of the driving on suspended license program but, in FY 2004 growth returned to a more normal rate of 4 percent.

Diversity. According to the U.S. Census, 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 2004, interpretation services were provided for 14,489 Spanish clients, 479 Korean clients, 259 Vietnamese clients, and 471 clients of various other languages. Bilingual professional staff must continue to be hired and retained. Approximately 35 percent of the clients in the Supervised Release Program (SRP) and 25 percent of the probation clients are Hispanic and speak little or no English. Bilingual probation officers are required in order to effectively and efficiently manage the caseload. Overcoming language, cultural and disability barriers is crucial in providing our diverse clientele with quality services. The staff will need to operate with a high level of cultural competency to interact with an increasingly diverse population.

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

Maintaining Safe and Caring Communities	Recent Success	FY 2006 Initiative	Cost Center
In FY 2004, the pretrial jail review process saved 1,405 jail days. The pretrial jail review is a checks and balance monitoring process to ensure cases are expedited through the judicial system. Based on probation officers' investigations and recommendations, 259 defendants were released at the initial bail hearing rather than at the arraignment hearing, resulting in incarceration costs savings and less jail overcrowding.	☑		Agencywide
Continue the implementation of the state-mandated Pretrial Risk Assessment instrument which improves the assessment of defendants' risk factors for bond determination by the judiciary. The Risk Assessment is a key component of the pretrial investigation. In FY 2004, the staff completed 7,622 investigations on incarcerated defendants.	☑	☑	Agencywide
Continue to increase the number of volunteers recruited and retained while expanding their duties to provide a wider range of services to the Court and other criminal justice agencies. In FY 2004, 68 citizens/interns volunteered a total of 6,407 hours.	☑	☑	Agencywide
Continue the CSD initiative to handle placements in-house which lowers the costs to clients while improving their success rate. In FY 2004, offenders successfully completed 5,942 hours of community service, an increase of 20 percent over 4,956 hours completed in FY 2003.	☑	☑	Agencywide

Budget and Staff Resources

Agency Summary					
Category	FY 2004 Actual	FY 2005 Adopted Budget Plan	FY 2005 Revised Budget Plan	FY 2006 Advertised Budget Plan	FY 2006 Adopted Budget Plan
Authorized Positions/Staff Years[1]					
Regular	20/ 20	20/ 20	20/ 20	21/ 21	21/ 21
State	124/ 117	124/ 117	124/ 117	124/ 117	124/ 117
Expenditures:					
Personnel Services	$851,875	$910,218	$1,035,218	$983,550	$983,550
Operating Expenses	678,585	630,385	748,735	740,632	1,002,481
Capital Equipment	0	0	0	0	0
Total Expenditures	**$1,530,460**	**$1,540,603**	**$1,783,953**	**$1,724,182**	**$1,986,031**
Income:					
Courthouse Maintenance Fees	$319,959	$294,328	$294,328	$294,328	$294,328
General District Court Fines/Interest	110,606	98,433	98,433	98,433	98,433
General District Court Fines	6,334,318	5,195,700	5,432,460	5,541,109	5,541,109
Miscellaneous Revenue	1,466	1,509	2,500	2,500	2,500
Recovered Costs - General District Court	92,594	79,282	79,282	79,282	79,282
State Reimbursement - General District Court	58,519	59,224	59,224	59,224	59,224
Total Income	**$6,917,462**	**$5,728,476**	**$5,966,227**	**$6,074,876**	**$6,074,876**
Net Cost to the County	**($5,387,002)**	**($4,187,873)**	**($4,182,274)**	**($4,350,694)**	**($4,088,845)**

[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
- 9 General District Judges S
- 1 Secretary S

Magistrates' System
- 1 Chief Magistrate S
- 31 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
- 10 Section Supervisors S
- 61 Deputy Clerks S, 5 PT

Court Services Division
- 1 Probation Supervisor II
- 1 Probation Supervisor I
- 4 Probation Counselors II (1)
- 5 Probation Counselors I
- 1 Volunteer Services Coordinator II
- 1 Administrative Assistant IV
- 1 Administrative Assistant III
- 5 Administrative Assistants II
- 1 Network/Telecommunications Analyst II
- 1 Management Analyst II

TOTAL POSITIONS
145 Positions (1)/ 138.0 Staff Years (1.0)
8/8.0 SYE Grant Positions in Fund 102, Federal/State Grant Fund

() Denotes New Position
S Denotes State Positions
PT Denotes Part-time Positions

FY 2006 Funding Adjustments

The following funding adjustments from the FY 2005 Revised Budget Plan are necessary to support the FY 2006 program:

- **Employee Compensation** **$32,587**
  An increase of $32,587 in Personnel Services is associated with salary adjustments necessary to support the County's compensation program. Funding also provides for an increase in the shift differential rate to $0.85 for the evening shift and $1.10 for the midnight shift and includes an increase in holiday pay to compensate employees according to their actual holiday shift hours worked.

- **Workload-Related Position** **$44,342**
  An increase of $44,342, including $40,745 in Personnel Services and $3,597 in Operating Expenses to support 1/1.0 SYE Probation Counselor II position associated with substantial workload-related issues in the agency, as summarized in the *Focus* section. In addition, it should be noted that the FY 2006 net cost of this position increase is $55,780. The net cost includes $11,438 in fringe benefits funding, which is included in Agency 89, Employee Benefits. For further information on fringe benefits, please refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

- **Operating Expense Adjustments** **$106,650**
  An increase of $106,650 in Operating Expenses includes an increase of $70,000 for court-appointed attorneys due to the continued increase in the number of defendants qualifying for legal representation in court; an increase of $20,150 for Information Technology Charges based on the agency's historical usage; and an increase of $16,500 for PC replacement charges based on an increase in the annual contribution for PC replacement by $100 per PC from $400 to $500.

- **Carryover Adjustments** **($184,850)**
  A total decrease of $184,850 is comprised of a decrease of $125,000 in Personnel Services due to one-time funding for back payment of overtime for Probation Counselors approved by the Board of Supervisors as part of the *FY 2004 Carryover Review*, and a decrease of $59,850 in Operating Expenses due to the carryover of one-time expenses.

Board of Supervisors' Adjustments

The following funding adjustments reflect all changes to the FY 2006 Advertised Budget Plan, as approved by the Board of Supervisors on April 25, 2005:

- **Funding to Supplement 25 Percent of the Base Pay for Magistrates** **$261,849**
  Funding of $261,849 is provided to supplement 25 percent of the base pay for 32 current magistrates at the General District Court.

Changes to FY 2005 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2005 Revised Budget Plan since passage of the FY 2005 Adopted Budget Plan. Included are all adjustments made as part of the FY 2004 Carryover Review and all other approved changes through December 31, 2004:

- **Carryover Adjustments** **$184,850**
  As part of the *FY 2004 Carryover Review,* the Board of Supervisors approved encumbered carryover of $59,850 in Operating Expenses. In addition, the Board of Supervisors approved $125,000 in Personnel Services for back payment of overtime for the last three years for Probation Counselors. It was determined that these positions are non-exempt under the Fair Labor Standards Act and are entitled to overtime pay at one and one half times their regular rate of pay.

The following funding adjustments reflect all approved changes to the FY 2005 Revised Budget Plan from January 1, 2005 through April 18, 2005. Included are all adjustments made as part of the FY 2005 Third Quarter Review:

- **Court–Appointed Attorneys** **$58,500**
  As part of the *FY 2005 Third Quarter Review*, the Board of Supervisors approved an expenditure increase of $58,500 for higher than anticipated costs for court-appointed attorneys. Providing an attorney to those who qualify is mandated by the state and the County is required to fund court-appointed attorney fees for those defendants charged under County statutes.

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 increase by 2 percent, from 7,775 to 7,930 the number of investigations provided on eligible defendants awaiting trial in the Adult Detention Center (ADC) so judicial officers can make informed decisions about release of defendants.

- To provide defendants with needed services at the initial contact, thus reducing the need to take jail review action to 5 percent or less of the GDC cases awaiting trail in the Adult Detention Center after arraignment to ensure that cases progress timely through the judicial system.

- To increase the annual enrollment of defendants in Supervised Release Program (SRP) by 5 percent, from 1,375 cases referred annually to 1,444 cases, an objective established with the Virginia Department of Criminal Justice Services (DCJS) to reduce jail overcrowding.

- To increase annual enrollment of probation referrals by 4 percent, from 799 cases to 831 cases annually, an objective established with the Virginia Department of Criminal Justice Services (DCJS) to reduce jail overcrowding.

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2002 Actual	FY 2003 Actual	FY 2004 Estimate/Actual	FY 2005	FY 2006
Output:					
Pretrial interviews/investigations conducted	5,526	5,721	5,778 / 7,622	7,775	7,930
Pretrial cases processed in jail review	2,420	2,531	2,556 / 1,998	2,038	2,079
Supervised Released Program (SRP) annual new enrollment	783	959	987 / 1,309	1,375	1,444
Probation program annual new enrollment	631	742	765 / 768	799	831
Efficiency:					
Investigations per evaluator per shift	8	7	8 / 11	11	12
Jail cases processed daily per staff member	10	10	10 / 8	8	9
Daily SRP caseload per Probation Counselor	26	38	38 / 46	49	52
Daily probation caseload per Probation Counselor	59	59	59 / 56	59	61

Indicator	Prior Year Actuals FY 2002 Actual	FY 2003 Actual	FY 2004 Estimate/Actual	Current Estimate FY 2005	Future Estimate FY 2006
Service Quality:					
Percent of evaluator staff recommendations accepted by judicial officers	94%	94%	92% / 98%	97%	97%
Percent of eligible defendants released through the jail review process	8%	3%	3% / 2%	3%	2%
Percent of SRP referrals that successfully complete the program	78%	87%	83% / 82%	83%	82%
Percent of probation cases successfully closed	75%	74%	72% / 75%	72%	75%
Outcome:					
Percent of investigations presented at arraignment	91%	75%	75% / 68%	70%	72%
Percentage of pretrial investigations resulting in the defendants' release	NA	NA	NA	14%	15%
Percentage of cases jail review action was taken	NA	NA	NA	5%	5%
Percent of expedited releases	1%	2%	2% / 2%	2%	2%
Percent change in pretrial SRP enrollment	20%	22%	10% / 37%	5%	5%
Percent change in probation enrollments	3%	18%	3% / 4%	4%	4%

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 and 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. The utilization of pretrial investigation information has increased because this information is now being used by the magistrates at the initial bail hearing, resulting in earlier release of qualified defendants.

Jail review is an additional process to ensure incarcerated defendants are expedited through the judicial system. Although this is a very beneficial step, the objective is to provide defendants with the needed services at the initial contact, thus decreasing the number of actions required in the jail review process. In FY 2004, the staff saved 1,405 days of jail time through the jail review process by expediting cases, processing cases for court appointed counsel and securing defendants' release into SRP. Enrollment in SRP is expected to increase 5 percent in FY 2005 and FY 2006.

The Supervised Release Program (SRP) is intensive community supervision of misdemeanor and felony defendants between arrest and final court date. Defendants are referred from the Circuit, General District and occasionally the Juvenile & Domestic Relations Court. Probation counselors are required to see defendants weekly to bi-monthly and conduct weekly telephone check-ins and drug testing. Due to the intensity of supervision and 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. In FY 2004, there was a significant increase of 36 percent (from 959 to 1,309) in the Supervised Release Program (SRP) referrals. The increase in SRP is attributed to the magistrates placing defendants into SRP at the initial bail hearing and a higher number of individual arrests. In FY 2004, 46 percent of each probation counselor's caseload and time involves SRP clients and it is expected to be 49 percent in FY 2005 and continue to increase to 52 percent in FY 2006. Enrollment in SRP is expected to increase 5 percent in FY 2005 and FY 2006.

In FY 2003, there was an 18 percent increase in cases referred for probation services, partially due to the implementation of the Drivers On Suspended license diversion program (DOS). In FY 2004, the probation enrollment increased by 4 percent because the DOS and other programs were not aggressively promoted due to high staff turnover and vacancies and the significant increase in SRP cases. In 2002, there were over 7,000 DOS cases on GDC dockets. If resources allow, there is great potential for growth in the DOS program; a program that benefits the courts, individuals and the community by bringing defendants into compliance with the law through the payment of previously uncollected court fines.

The success rate for clients referred to the SRP and probation programs has remained high due to the hard work of the Court Services staff. In FY 2004, 82 percent of the SRP defendants successfully completed the program and 75 percent of the probationers successfully completed their program.

The time consuming 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 continuous executive management meetings to discuss high performance issues.

Both the Supervised Release Program and the Community Probation Program will continue to grow in the future. However, limited staffing, projected budget cuts and loss of available resources may make it challenging to maintain the agency's high quality of service or ensure the preservation of a safe and caring community.