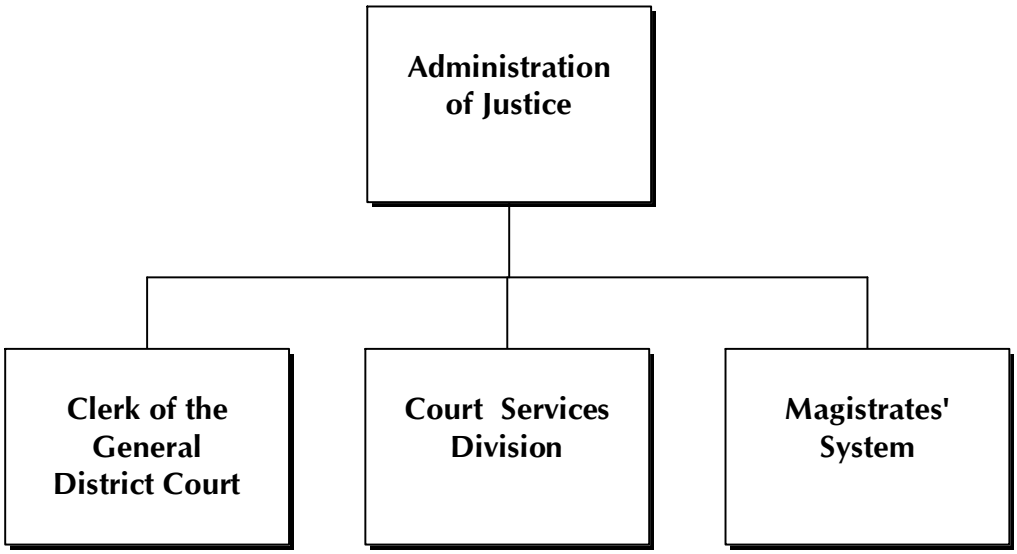
# General District Court




## 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.

The General District Court's total caseload (Criminal, Traffic, and Civil new cases) increased 2.5 percent in FY 2009, after increasing nearly 9 percent in FY 2008. The decline of the economy overall generally results in increases in new Criminal and Civil cases. A caseload statistics chart is included on the next page.

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.

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In FY 2009, Criminal new cases increased 3 percent, new Traffic cases increased 2 percent, and new Civil cases increased 6.4 percent following FY 2008 increases of 8 percent, 10 percent, and 1.6 increase respectively.

| Type of Case | FY 2007 Actual | FY 2008 Actual | FY 2009 Estimate | FY 2010 Estimate | FY 2011 Estimate |
|---|---|---|---|---|---|
| Criminal | 26,425 | 28,519 | 29,400 | 29,400 | 29,400 |
| Traffic | 239,214 | 264,099 | 268,858 | 268,858 | 268,858 |
| Civil | 43,479 | 44,153 | 46,982 | 46,982 | 46,982 |
| TOTAL [1] | 309,118 | 336,771 | 345,240 | 345,240 | 345,240 |

[1] Statistics for FY 2009 are based on Supreme Court data that fluctuates slightly and are expected to be finalized in February 2010.

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) as well as a recent limited federal grant. Challenges are expected to continue in FY 2011 as a result of the FY 2010 budget reduction process.

No supplemental funding was received from DCJS in FY 2009 and supplemental funding is not anticipated for FY 2010 or FY 2011. At the beginning of FY 2010, the agency received a pretrial federal grant that allowed hiring of a part-time Probation Counselor to increase pretrial enrollment and services. This funding will be reviewed for potential extension in FY 2012.

**Caseload:** In FY 2009, there was significant growth of 7 percent in both probation placements and Pretrial (SRP) placements as documented in the Performance Measurement Results. The CSD evaluates and balances each Probation Counselor's caseload of Supervised Release Program (SRP) and Probation placements. Fluctuation in SRP placement is somewhat controlled by CSD recommendations, whereas, Probation placement is solely at the judges' discretion. Probation Counselor caseloads remain high and above the state standard.

**Community Resources:** Additional critical and effective 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. The Performance Measurement Results expand on highlighted programs.

In FY 2009, the Volunteer/Intern Program saw a 41 percent decline in the number of service hours performed (7,901 service hours in FY 2008 to 4,661 service hours in FY 2009) and a 12 percent decrease in the number of volunteers/interns (41 volunteers/interns in FY 2008 to 36 volunteers/interns in FY 2009). The agency will attempt to maintain this level of service in FY 2011.

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. With the current rise in mental health cases, this program is critical. Additionally, the Preliminary Protective Order Tracking Program ensures that the Judge 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 continue to be hired and retained to ensure equitable services are provided.

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## Budget and Staff Resources

| Agency Summary | | | | |
|---|---|---|---|---|
| Category | FY 2009 Actual | FY 2010 Adopted Budget Plan | FY 2010 Revised Budget Plan | FY 2011 Advertised Budget Plan |
| Authorized Positions/Staff Years[1] | | | | |
| Regular | 22/ 22 | 21/ 21 | 21/ 21 | 21/ 21 |
| State | 123/ 116.5 | 123/ 116.5 | 120/ 117.6 | 120/ 117.6 |
| Expenditures: | | | | |
| Personnel Services | $1,419,878 | $1,429,696 | $1,429,696 | $1,429,696 |
| Operating Expenses | 987,281 | 863,263 | 889,237 | 863,263 |
| Capital Equipment | 0 | 0 | 0 | 0 |
| **Total Expenditures** | **$2,407,159** | **$2,292,959** | **$2,318,933** | **$2,292,959** |
| Income: | | | | |
| Courthouse Maintenance Fees | $430,532 | $385,152 | $385,152 | $385,152 |
| General District Court Fines/Interest | 87,483 | 94,118 | 94,118 | 96,000 |
| General District Court Fines | 8,106,185 | 8,072,962 | 8,072,962 | 8,072,962 |
| Recovered Costs - General District Court | 121,034 | 120,168 | 127,085 | 128,000 |
| State Reimbursement - General District Court | 87,925 | 67,293 | 67,293 | 67,293 |
| **Total Income** | **$8,833,159** | **$8,739,693** | **$8,746,610** | **$8,749,407** |
| **Net Cost to the County** | **($6,426,000)** | **($6,446,734)** | **($6,427,677)** | **($6,456,448)** |

[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 | | 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, 1 PT | 4 | Probation Counselors II |
| | **Magistrates' System** | 12 | Section Supervisors S | 5 | Probation Counselors I |
| 1 | Chief Magistrate S | 59 | Deputy Clerks S, 4 PT | 1 | Administrative Assistant IV |
| 26 | Magistrates S, 1 PT | | | 1 | Administrative Assistant III |
| | | | | 5 | Administrative Assistants II |
| | | | | 1 | Network/Telecommunications Analyst II |
| | | | | 1 | Management Analyst II |

**TOTAL POSITIONS**
**141 Positions / 138.6 Staff Years**
**9/9.0 SYE Grant Positions in Fund 102, Federal/State Grant Fund**

**S Denotes State Positions**
**PT Denotes Part-time Positions**

## FY 2011 Funding Adjustments

*The following funding adjustments from the FY 2010 Adopted Budget Plan are necessary to support the FY 2011 program:*

- **Employee Compensation** **$0**
  It should be noted that no funding is included for pay for performance or market rate adjustments in FY 2011.

- **Reductions** **$0**
  It should be noted that no reductions to balance the FY 2011 budget are included in this agency based on the limited ability to generate personnel savings from vacancies given the small number of personnel that staff this agency. The agency's budget was reduced by $85,888 and 1/1.0 SYE position was eliminated as part of the FY 2010 Adopted Budget Plan.

## Changes to FY 2010 Adopted Budget Plan

*The following funding adjustments reflect all approved changes in the FY 2010 Revised Budget Plan since passage of the FY 2010 Adopted Budget Plan. Included are all adjustments made as part of the FY 2009 Carryover Review, and all other approved changes through December 31, 2009:*

- **Carryover Adjustments** **$25,974**
  As part of the *FY 2009 Carryover Review*, the Board of Supervisors approved encumbered funding of $25,974 in Operating Expenses primarily for operating equipment associated with relocating to new office space in the expanded courthouse.

## 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 2007 Actual | FY 2008 Actual | FY 2009 Estimate/Actual | FY 2010 | FY 2011 |
| **Output:** | | | | | |
| Pretrial interviews/investigations conducted | 7,597 | 7,590 | 7,600 / 7,246 | 7,600 | 7,600 |
| Supervised Released Program annual enrollment | 880 | 723 | 900 / 785 | 723 | 875 |
| Probation program annual enrollment | 1,369 | 1,455 | 1,200 / 1,562 | 1,455 | 1,455 |
| **Efficiency:** | | | | | |
| Average investigations conducted per shift | 10 | 10 | 11 / 10 | 10 | 10 |
| Average daily SRP caseload per Probation Officer | 30 | 25 | 22 / 24 | 25 | 25 |
| Average daily probation caseload per Probation Officer | 65 | 93 | 60 / 71 | 93 | 75 |
| **Service Quality:** | | | | | |
| Percent of recommendations accepted for defendants' release | 96% | 97% | 95% / 93% | 95% | 93% |
| Average failure to appear rate on return court dates | 11% | 7% | 12% / 6% | 12% | 12% |
| New arrest violation rate | 7% | 5% | 7% / 3% | 7% | 7% |

| Indicator | Prior Year Actuals FY 2007 Actual | FY 2008 Actual | FY 2009 Estimate/Actual | Current Estimate FY 2010 | Future Estimate FY 2011 |
|---|---|---|---|---|---|
| **Outcome:** | | | | | |
| Percent of staff recommendations accepted by the Judiciary | 97% | 98% | 96% / 98% | 96% | 96% |
| Percent of SRP cases successfully closed | 77% | 86% | 81% / 88% | 81% | 81% |
| Percent of probation cases successfully closed | 76% | 77% | 75% / 80% | 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 defendants to the judiciary (magistrates and judges) in order to assist them in making informed decisions about defendants' 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 was used by the magistrates at the initial bail hearing, and, in FY 2009, resulted in an earlier release of 128 qualified defendants, thus reducing the length of incarceration resulting in a cost savings. If the defendant remained incarcerated, the investigation information was utilized once again, this time by a judge at the advisement hearing. Based on 7,246 investigations during FY 2009, the staff made the following recommendations to the judiciary, which were accepted 98 percent of the time in FY 2009: Personal Recognizance release (179 defendants), Supervised Release Program for community supervision (785 defendants), bond amount increased (35 defendants), bond amount decreased (941 defendants), and bond amount remained the same 3,850 defendants). The remaining 1,456 defendants were released on bond after an interview was performed by the Court Services Division but prior to a judicial hearing; therefore, the recommendation was not reviewed by a judge. Additionally, this information was available for 2,672 bond motion hearings in GDC and the Circuit Court in FY 2009.

Another cost savings is realized through Court Services' jail review process, which helps to ensure defendants don't spend more time in jail than necessary while awaiting their trial. In FY 2009, an additional 1,622 incarcerated defendants' cases were reviewed again by pretrial staff to determine any actions that might reduce the length of pretrial incarceration. This resulted in a savings of 186 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, 106 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 2009, there were 785 new placements from the Circuit, General District, and occasionally, the Juvenile and Domestic Relations District Court. 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 statewide average failure to appear rate (FTA) is 10 percent for urban programs that typically have large caseloads similar to Fairfax. In FY 2009, the FTA rate for defendants monitored by SRP decreased to 6 percent (47 defendants out of 757 defendants in closed cases) from 7 percent in FY 2008, exceeding the projected goal. In FY 2009, SRP placements increased by 9 percent (723 new placements in FY 2008 to 785 placements in FY 2009). Because SRP cases require a greater degree of supervision and reporting requirements, SRP placements must be closely monitored in relationship to the number of probation placements that a Probation Officer is assigned.

Probation placements also increased by 7 percent (from 1,455 to 1,562) in FY 2009. The offenders' length of supervision decreased 11 percent from 270,382 days in FY 2008 to 239,496 days in FY 2009. The Court has given the Probation Counselors more discretion in terminating probation if all requirements have been met and criminal record checks support offenders' reports of no violations. Decreasing the length of supervision has allowed Probation Counselors to increase the number of offenders receiving probation services with a year. Although, there was a 24 percent decrease in caseload per probation officer (from 93 cases in FY 2008 to 71 cases in FY 2009), caseloads remain above the state standard of 40 pretrial cases or 60 probation cases per probation officer.

In FY 2009, 80 percent of probationers successfully completed the conditions of probation and the number of new violations decreased to 3 percent from 5 percent in FY 2008. Offenders 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 10,508 hours of community service, paid $239,144 in restitution to victims, and paid $107,513 toward fines and court costs.

**Other Programs**

Placements in the Alcohol Diversion Program (ADP) increased 18 percent from 276 placements in FY 2008 to 326 placements in FY 2009. This 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 age 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. The successful completion rate in FY 2009 was 83 percent.

In FY 2009, the Driving on Suspension (DOS) program placements increased 55 percent from 277 placements in FY 2008 to 430 placements in FY 2009 with a success rate of 77 percent. This program assists offenders charged with driving on a suspended license gain reinstatement. 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 2009, the Volunteer/Intern Unit performed 5,744 financial interviews to assist the judges in determining defendants' 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 15,776 cases.

In FY 2008, Spanish interpretation services for the courts came under the management of state hired court interpreters. CSD's Administrative Unit continues to schedule all other language interpretation services, which includes daily requests (Korean and Vietnamese) or more unusual languages which are difficult and time consuming to arrange.

**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.