

# General District Court

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LOB #194:

## **COMMUNITY SUPERVISION SERVICES (PRE-TRIAL AND POST-TRIAL PROBATION)**

### **Purpose**

Community Supervision Services administers cost-saving supervision programs that provide clients with intensive supervision pre-trial through the Supervised Release Program (SRP) and post-trial through Probation Services, in lieu of incarceration. Qualified defendants return to the community, maintain employment and family responsibilities, and have better access to substance abuse and mental health treatment, while reducing the jail population and maintaining community safety.

### **Description**

Community Supervision Services operates the following multi-faceted, cost-saving, and successful programs, while ensuring public safety and compliance with the Code of Virginia.

- Supervised Release Program (pre-trial) for GDC, JDRDC, and Circuit Court
- Probation (post-trial)
- Mental Health Competency/Sanity Monitoring Service
- Driving on Suspended Program (DOS)
- Alcohol Diversion Program (ADP)
- Restitution and court costs collection and monitoring
- Veteran Treatment Docket supervision

The Supervised Release Program (SRP) serves the Circuit Court and the Juvenile & Domestic Relations District Court (JDRDC), in addition to the General District Court (GDC). Typical offenders supervised before trial, have been charged with felonies, while those on probation following trial have convictions that range from felonies to misdemeanors such as property crimes and assault. Some offenders have complex substance abuse issues, chronic mental health treatment orders, post-traumatic stress disorder, or traumatic brain injury complications.

The unit consists of 14 Probation Counselors and Probation Counselor Supervisors who carry both intensive SRP cases and probation cases simultaneously. Grant funding supports 6 positions, while the County funds the remaining positions.

A typical Probation Counselor carried a caseload of 111 cases, 34 intensive SRP cases plus 77 Probation cases in FY 2015. The state standards recommend 40 SRP cases or 60 Probation cases, but not both. Duties include:

- Providing court-ordered supervision by conducting regular bi-monthly or weekly meetings with offenders
- Preparing court reports to document offenders' progress. Supervising behavior to ensure offenders remain drug free, refrain from additional criminal activity, maintain or find employment, attend drug treatment programs, and appear at all court hearings
- Coordinating the placement of offenders in Community Service or Mental Health programs
- Enforcing judicial orders and identifying and reporting violators for swift enforcement and apprehension

# General District Court

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Monitoring of Mental Health cases provides a liaison between defense attorneys, the courts, and mental health staff to ensure a timely completion of mental health/sanity evaluations. Probation Counselors handle close to 100 of these intensive cases per year.

The Driving on Suspended Program assists roughly 300 participant each year prepare for and navigate the requirements of license reinstatement. This is critical as penalties for Driving on a Suspended License include up to 12 months in jail and additional license suspension, in addition to hefty fines and court costs.

Probation Officers also monitor Alcohol Diversion Program clients, resulting from underage drinking violations, often issued at concerts attended by college students.

Victims and the court both benefit immensely as a result of the restitution and court costs collected through this program. Restitution collections alone range from \$315,000 - \$430,000 annually.

## Benefits

Community Supervision Services provide numerous opportunities for citizens to be supervised in the community in lieu of incarceration while ensuring public safety. Programs benefit defendants, their families, victims, the general public, and the County through cost-savings.

- Use of community supervision programs in lieu of jail create a savings to the County
- Allows defendants to maintain employment to support themselves and their families, reducing the need for more services in the long run
- Improves defendant's access to substance abuse or mental health treatment
- Provides mental health monitoring to ensure timely completion
- Provides defendants with an avenue to restoration of driving privileges
- Encourages collection of restitution to benefit victims and collection of fines and costs for the court
- Provides alcohol diversion for underage drinking
- Advocates public safety by ensuring compliance with court orders and conditions
- Reinforces the County vision element of Maintaining Safe and Caring Communities.

## Mandates

The support programs established under the authority of the Comprehensive Community Corrections Act are described in Virginia Code §9.1-173 through §9.1-183.

The Pretrial Services Act is specified in §19.2-152.2 through §19.2-152.7 of the Code of Virginia.

Virginia Code §18.2-251 describes probation with conditions: Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Virginia Code §19.2-303.2 also describes persons charged with first offenses that may be placed on probation:

Whenever any person who has not previously been convicted of any felony pleads guilty to or enters a plea of not guilty to any crime against property constituting a misdemeanor, under Articles 5, 6, 7 and 8 of Chapter 5 (§18.2-119 et seq.) of Title 18.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions, which may include restitution for losses caused, set by the court. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the

## General District Court

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court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purpose of applying this section in subsequent proceedings. 1985, c. 617.

Virginia Code §19.2-303.3 authorizes Probation. Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services.

### Trends and Challenges

Community Supervision Services continue to offer meaningful and cost-effective programs; however, increases in caseload and reporting requirements, without an adequate number of Probation Counselors, make mitigating the risk to the community a major concern.

- Estimated savings to the County has increased through the use of community supervision
- Caseload per Probation Counselor continues to increase
- Additional mandatory reporting requirements are cumbersome and time consuming
- Staffing remains inadequate

Perhaps the most indicative measurement of caseload is the average daily caseload per Probation Counselor. The Department of Criminal Justice Services (DCJS) standards recommend 40 intensive SRP cases or 60 Probation cases per Probation Counselor. There were 111 cases per Probation Counselor in Fairfax in FY 2015. What's more problematic than the total cases is that 34 are intensive SRP cases in addition to 77 Probation cases. Even with two Probation Counselor positions awarded in FY 2016, the average daily caseload per Probation Counselor remains at 91 (28 intensive SRP cases plus 63 Probation cases) in the first quarter, still well above the DCJS state standard. While the actual number of referrals may increase and decrease, this indicator takes into account the actual number of days of supervision each referral required.

The number of placements into the intensive SRP program has increased 49 percent since FY 2009 from 785 SRP placements to 1,136 in FY 2015. Probation cases, which are less intensive than SRP cases, have decreased 25 percent in the same period (1,562 placements in FY 2009 to 1,168 placements in FY 2015), and therefore have less of an impact on workload than SRP cases.

Additional requirements and demands encompassing the use of evidence based practices in supervision add integrity to the program; however, the process drastically increases the workload on the Probation Counselors. Between 2011 and 2013, the additional mandatory reporting requirements listed below have been implemented making case management cumbersome and time consuming.

- Virginia Pretrial Risk Assessment Instrument (VPRAI)
- Modified Offender Screening Tool (M/OST)
- Offender Screening Tool (OST)

Furthermore, future implementation of STEPS, a case management tool and PRAXIS, a recommendation instrument, will again drastically increase the workload of Probation Counselors.

With the addition of two new Probation Counselor II positions that were approved by the Board as part of the FY 2016 Adopted Budget Plan the caseload per probation officer is expected to decrease slightly but is still well in excess of the state standard. Further, it should be noted that these additional positions will support the recently initiated Veterans Treatment Docket, a court-supervised comprehensive treatment program for the Veteran population which requires intensive supervision and often suffers from substance abuse, mental health and/or post-traumatic stress disorder.

## General District Court

Increases in fringe benefits and pay increases for county merit staff, with no increase in grant funding to cover these expenses, may require further reductions in grant staffing in the future which will negatively impact services to both clients and the courts.

### Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
<b>LOB #194: Community Supervision Services (Pre-trial and Post-trial Probation)</b>			
<b>FUNDING</b>			
<u>Expenditures:</u>			
Compensation	\$417,275	\$395,957	\$574,015
Operating Expenses	39,903	42,200	49,166
<b>Total Expenditures</b>	<b>\$457,178</b>	<b>\$438,157</b>	<b>\$623,181</b>
General Fund Revenue	\$0	\$0	\$0
<b>Net Cost/(Savings) to General Fund</b>	<b>\$457,178</b>	<b>\$438,157</b>	<b>\$623,181</b>
<b>POSITIONS</b>			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	6 / 6.5	6 / 6.5	8 / 8
<b>Total Positions</b>	<b>6 / 6.5</b>	<b>6 / 6.5</b>	<b>8 / 8</b>

### Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Average daily total caseload per probation counselor	102	104	111	91	91
Average daily SRP caseload per probation counselor	26	32	34	28	28
Average daily Probation caseload per probation counselor	76	72	77	63	63
Cost savings to County per year - use of supervision in lieu of incarceration (estimated in millions))	\$4.7	\$5.1	\$6.3	\$6.3	\$6.3
Amount of restitution collected for victims Amount of restitution collected for victims	\$362,886	\$322,995	\$316,012	\$316,012	\$316,012

There have been significant increases in both the average daily caseload per Probation Counselor and the intensive Supervised Release Program (SRP) caseload.

The most critical factor in determining caseload is the average daily caseload per Probation Counselor which rose 17 percent with no new staff from FY 2009 to FY 2015 (95 cases in FY 2009 to 111 cases in FY 2015). In the first quarter of FY 2016, the average daily caseload per Probation Counselor decreased to 91 due to the addition of two Probation Counselors at the beginning of FY 2016. Caseload still remains significantly

## General District Court

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higher than the state standard of 40 intensive SRP cases OR 60 Probation cases. Caseloads are expected to remain at these high levels unless additional Probation Counselor positions are funded.

Second in importance is the number of intensive SRP cases assigned as this supervision requires more intensive and frequent interaction with the client than standard Probation supervision. From FY 2013 to FY 2015, the average daily SRP caseload per Probation Counselor increased by 31 percent (26 cases to 34 cases). With the addition of two Probation Counselors in FY 2016, the SRP caseload per Probation Counselor is still 8 percent higher than in FY 2013, according to FY 2016 first quarter statistics (26 cases in FY 2013 to 26 cases in first quarter of FY 2016).

An estimated FY 2015 savings of \$6.3 million is a direct result of the use of the Supervised Release Program (SRP) and Probation (\$3.6 million and \$2.7 million estimated savings respectively) in FY 2015. This is an increase of 24 percent from FY 2014, when these two programs created an estimated savings of \$5.1 million combined. More active supervision days result in fewer jail days. Higher cost to house an inmate per day (\$170 per inmate per day in jail in FY 2014 to \$192 per inmate per day in jail in FY 2015) results in higher overall costs savings when supervision is used in lieu of incarceration.

Restitution collection directly benefits citizens. At its peak in FY 2011, total collections reached \$430,000. Collections dropped to \$316,012 in FY 2015, thought to be a result of the struggling economy and defendants' reduced ability to pay. Collections are expected to remain basically flat until the economy improves.

### **Grant Support**

Grant funding is provided by the state of Virginia through the Department of Criminal Justices Services. There is no cash match requirement and it is anticipated that funding will be recurring as it has in the past. The grant funds six Probation Counselor positions in the General District Court Community Supervision Services (this LOB) and two positions in the Pretrial Services Evaluation and Administrative units (see previous LOB). The grant also supports one Probation Counselor in the Juvenile & Domestic Relations District Court.

In FY 2016, total grant funding awarded was \$753,077. It's estimated that roughly 75 percent of grant funding or \$574,833 will be used for Community Supervision Services personnel and operating costs. The remaining estimated 25 percent or \$178,244 of grant funding is dedicated to the Pretrial Evaluation and Administrative Unit.

Since its inception, grant funding has remained relatively flat and has not accommodated increases to salary and fringe benefits that have applied to all county positions. As a result, the amount of positions able to be supported by the grant has declined over time and additional positions remain at risk.

It should be noted that grant awards for the Comprehensive Community Corrections and Pretrial Services grant were reduced in FY 2011 by 5.46 percent (\$39,969); by 5.5 percent (\$40,697) in FY 2012; and 4.65 percent (\$33,980) in FY 2013.