

Juvenile and Domestic Relations District Court

LOB #185:

JUVENILE - ADULT INVESTIGATION AND PROBATION SERVICES

Purpose

The purpose of the Juvenile and Adult Investigation and Probation Services line of business is to improve public safety by reducing the incidence and impact of crime committed by offenders and to promote positive behavioral change and reduce illegal conduct for those who come within the court's authority. This is done within a framework of personal accountability, competency development, and community protection.

Description

The Code of Virginia requires all Juvenile and Domestic Relations District Courts to provide probation services, either by the Virginia Department of Juvenile Justice or the local governing body. The CSU provides probation services for juveniles before the court for misdemeanor and felony criminal offenses, as well as for youth found to be a Child in Need of Supervision (CHINS) for runaway or truancy. Probation supervision for adult offenders is provided by the Community Corrections unit for adult's court ordered on probation for misdemeanor offenses against children and family members, and in certain circumstances, adults ordered on probation for offenses committed while they were still a juvenile. Juvenile and adult probation officers provide a variety of functions, including preparation of pre-dispositional investigations and social history reports, making recommendations in court, providing probation supervision as ordered by the court, administering risk and needs assessment, developing case service plans, and making referrals for treatment and services. The various roles and functions of the juvenile probation officer reflect the underlying purpose and intent of the juvenile and domestic relations law, as well as the Department of Juvenile Justice's Balanced Approach to juvenile justice, which incorporates community safety, accountability, and competency development as its key tenets. Adult probation supervision operates with practices established by the Virginia Department of Criminal Justice Services and incorporates the same approach.

Juvenile Probation

Juvenile probation cases are assigned to one of four probation offices based on the youth's home address. There are four juvenile probation offices located in different geographical regions throughout the County. The South County office is located in Alexandria; the East County office is located in Merrifield; the Center County office is located in the Historic Courthouse in Fairfax City; and the North County office is in Reston. Youth who are on probation are typically assigned to a probation officer based on the school that they attend. This allows the probation officer to work collaboratively with school personnel and also become familiar with the available resources and services in each of their communities. In addition, locating juvenile probation offices throughout the County increases accessibility to services to youth and families in the communities where they live.

Adult Probation

Adult probation services are provided by the Community Corrections unit which is located within the Fairfax County courthouse in Fairfax City. In 2014, Community Corrections was split from Domestic Relations Services in order to create a separate unit focusing on adult probation supervision. This reorganization provides the best support to staff and meets the growing needs of the community. As a separate unit with dedicated leadership, Community Corrections is able to function more efficiently with a Unit Director and Assistant Director to divide responsibilities. The Director is now able to be more fully engaged in managing the day-to-day operations of the unit, supervising and training staff, and has also allowed for increased involvement with the Virginia Department of Criminal Justice Services and the Virginia Community Criminal Justice Association. In addition, the reorganization enabled the unit to hire a new Administrative Assistant to assist in the collection and maintenance of statistical data, running criminal history records, providing reports to the court, and other administrative support to the unit.

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Structured Decision-Making

Over the past decade, the juvenile and criminal justice fields have developed a body of evidence-based approaches to intervention with youth and adults involved in illegal behavior. In order to better achieve its mission, the CSU has continued to be at the forefront of juvenile and criminal justice reform efforts and has incorporated many of these practices into probation case management. The CSU uses structured decision-making tools at major decision points in the case management processes. This approach increases the consistency and validity of agency case management decisions; ensures that clients will be served from the same model no matter what part of the County they come from; targets resources and available services to those most at risk of re-offending; and improves the efficiency of the system. Structured decision-making also maximizes the likelihood that decisions about clients are made on objective criteria rather than informal considerations. This brings equity and balance to the system and decreases the possibility of adding to the problems of racial and ethnic disparity.

Assessment Screening

At the same time, the CSU has worked to shift the philosophy of both adult and juvenile probation services from a primary emphasis on monitoring to one of behavior change. This shift has included extensive staff training in behavior change techniques, such as Motivational Interviewing, with an increased focus on those factors that are specific to an individual's offending behavior. Research has shown that using validated assessments instruments that identify risk and protective factors to guide case service planning, as opposed to other subjective criteria, provides better outcomes and have been shown to reduce recidivism. In 2010, the CSU adopted the use of the Youth Assessment Screening Instrument (YASI), a fourth generation assessment tool, which is administered on all youth who are placed on probation. The YASI identifies both dynamic and static risk and protective factors and is used to develop case service plans that address the risk factors most closely associated with the offending behavior. Similarly, adult probation officers administer the Modified Offender Screening Tool (M-OST) and the Offender Screening Tool (OST), which identifies the level of supervision appropriate for that offender. As with the YASI, the M-OST and the OST are also used to develop more effective case service plans. The CSU has implemented on-going training to enhance staff consistency with the use of the YASI to ensure fidelity and improve client outcomes. Additionally, through on-going collaboration and partnership with George Mason University's Center for Advancing Correctional Excellence, the CSU received training on the Plan-Do-Study-Act model for improving and testing changes, which is to be utilized as a tool to improve staff proficiency with the use of Motivational Interviewing and measuring desired outcomes.

Trauma Screening

In 2015, the Virginia Department of Juvenile Justice (DJJ) implemented the use of a new uniform social history report to be used by all CSUs throughout the state. The report is used to guide recommendations prior to court, or following court to guide case management and service planning decisions for youth placed on probation. The new social history report includes the addition of the Adverse Childhood Experiences (ACE) trauma screening tool used to assess the impact of childhood trauma on current functioning. Research has shown that youth who experience a significant traumatizing event(s) may present with myriad problems across multiple life domains, to include: problems in school, difficulty regulating emotions and behavior, establishing trusting relationships, and are also at increased risk for substance abuse and other negative long-term health problems such as heart disease, obesity, autoimmune disorders, and cancer. In 2014, the CSU sent all juvenile probation officers to attend a two-day training sponsored by the Department of Criminal Justice Services and facilitated by Georgetown University on trauma informed care. In addition, the CSU has developed and implemented a multi-discipline trauma response team. The team is currently made up of staff from the CSU, Fairfax-Falls Church Community Services Board and the Department of Neighborhood and Community Services that have a heightened level of trauma training. The team provides consultation, assistance with symptom screening, clinical diagnostic assessment, and referral to trauma-specific treatment providers. The team is also responsible for coordinating efforts to establish trauma informed practices. This effort is in the second stage of development. Areas of concentration during this phase are: staff and supervisor training and education, completing an organizational assessment, data collection, enhancement and maintenance of a treatment provider directory, and piloting a new trauma screening instrument to be administered on all youth on formal probation, parole, pre-dispositional monitoring, or monitored diversion.

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Benefits

Positive Outcomes

Probation services contributes to the safety of the community by providing supervision and monitoring of juveniles and adults who have come before the court. Probation supervision allows juvenile and adult offenders to remain in the community with their families, as well as providing services designed to promote behavior change. The use of least restrictive, community based interventions is supported by research and is shown to produce better overall outcomes when compared to the use of secure detention, particularly with lower risk offenders. In FY 2015, 89 percent of parents surveyed reported that their child benefited from probation services. Of those youth court ordered on probation, 85 percent were attending school, graduated from high school or obtained a GED at the completion of probation.

Reduction of Racial and Ethnic Disparity

When determined to be appropriate, allowing juvenile and adult offenders to be supervised in the community aids in the reduction of the disproportionate overrepresentation of minorities in secure detention, which continues to be an area of focus for the CSU.

Mandates

Primary Services Provided

- Adult Probation Supervision - Partially Mandated (Virginia Code § 9.1-174)
- Juvenile Probation Supervision – Fully Mandated (Virginia Code § 16.1-234 & 235)

Per Virginia Code § 9.1-174 establishment of a community-based probation services agency, to facilitate local involvement and flexibility in responding to the problem of crime in their communities and to permit a locally designed community-based probation services agency that will fit its needs, any city, county or combination thereof may, and any city, county or combination thereof that is required by Virginia Code § 53.1-82.1 to file a community-based corrections plan shall establish a system of community-based services pursuant to this article. This system is to provide alternatives for (i) offenders who are convicted and sentenced pursuant to Virginia Code § 19.2-303.3 and who are considered suitable candidates for probation services that require less than incarceration in a local correctional facility and (ii) defendants who are provided a deferred proceeding and placed on probation services. Such services may be provided by qualified public agencies or by qualified private agencies pursuant to appropriate contracts.

The County of Fairfax Board of Supervisors directed that the General District Court (GDC) create a Court Services Community Corrections program in 1996 to provide the judiciary these alternative sentencing programs for local offenders who qualified, based on the recommendation of the Fairfax County Community Criminal Justice Board. This program is funded and regulated by the VA Department of Criminal Justice Services (DCJS.) Initially JDRDC provided a small number of adult offenders' probation supervision through its established Court Service Unit (CSU) as part of typical probation operations, primarily for juvenile offenders. However, with the increase in County's response to Domestic Violence, a change in the VA Code that required police arrest in a response to Domestic Violence, and the availability to provide defendants with a deferred proceeding and placement on probation supervision by JDRDC, it became increasingly necessary for additional probation staff resources. In an agreement with GDC, probation officers funded by the Community Corrections program were assigned to the CSU to provide probation staff resources to meet the growing demand in JDRDC. As budget deficits increased at the state level, funding from DCJS decreased to the localities. Funding for these CSU positions was eliminated. The CSU moved existing adult Probation Officers into vacant positions to ensure that this public safety sentencing alternative continued. As caseloads for these POs exceeded 100 cases, the CSU elected to take additional vacancies made available by decreasing juvenile probation caseloads and re-assigned these to the Community Corrections unit.

Please refer to the Mandate section of LOB #184: Court Services Administration for additional information.

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Trends and Challenges

Please refer to the trends and challenges section of LOB #184: Court Services Administration for additional descriptions of challenges that impact this line of business including:

- Changing Caseloads and Utilization Rates
- Mental Health Needs of Clients
- Delivery of Services to a Culturally Diverse Community
- Racial and Ethnic Disparity
- Transportation

Also refer to the metrics section of LOB #185: Juvenile-Adult Investigation and Probation Services for additional discussion on changing caseloads.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #185: Juvenile - Adult Investigation and Probation Services			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$2,835,803	\$3,071,389	\$3,217,440
Operating Expenses	59,160	61,379	114,133
Total Expenditures	\$2,894,963	\$3,155,504	\$3,331,573
General Fund Revenue	\$1,432,210	\$1,497,735	\$1,458,485
Net Cost/(Savings) to General Fund	\$1,462,753	\$1,657,769	\$1,873,088
POSITIONS			
Authorized Positions/Full-Time Equivalent (FTEs)			
<u>Positions:</u>			
Regular	66 / 65.5	67 / 66.5	67 / 66.5
Total Positions	66 / 65.5	67 / 66.5	67 / 66.5

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Average total monthly juvenile and adult probation caseload	1,264	1,157	1,093	1,100	1,100
Average monthly caseload per Juvenile probation officer	23	20	19	19	19
Average monthly caseload per Adult probation officer	84	82	85	85	85
Percent of court-ordered investigations submitted prior to 72 hours of court date	91%	86%	93%	85%	85%
Percent of parents satisfied with probation services	94%	94%	94%	90%	90%
Percent of juveniles with no new criminal convictions within 12 months of case closing	80%	76%	65%	65%	65%
Percent of adults with no new criminal convictions within 12 months of case closing	NA	NA	85%	80%	80%

Juveniles placed on probation have decreased by 54 percent over the last 8 years falling from an average monthly caseload of 985 in 2007 to 453 in 2015. As a result, juvenile probation officer caseloads have dropped to an average of 19 cases per officer in FY 2015; however cases have increased in complexity and require team based planning (i.e. Family Partnership Meetings, Multi-Agency Meetings) during the case management process.

While overall probation placements (Juvenile & Adult) supervised by the CSU have decreased 14 percent over the last three years, there has been a shift in workload. For the adult probation unit, probation placements have increased 29 percent between 2007 and 2015 moving from 491 cases to 635 over the span of 8 years. This increase in probation placements has resulted in an increase in probation officer caseload with adult probation officers managing an average of 85 cases at any one time. JDRDC's service quality measure - percent of court-ordered investigations submitted prior to 72 hours of court date, continues to improve from 91 percent in FY 2013 to 93 percent in FY 2015.

There has been an increase in recidivism rates over the past 4 years. In FY 2010, within one year of probation closing, 85 percent of former probationers had *no new criminal convictions* and in FY 2014, the rate decreased to 76 percent. There are several factors that could be related to the increase in recidivism. There has been a significant increase in the use of diversion in our Intake process which screens out low risk offenders; therefore many of these low risk offenders do not enter the formal court process and are not placed on probation. This leads probation caseloads to consist of more moderate and high risk offenders. These youth are at a higher risk to reoffend compared to low risk offenders who may have previously mitigated recidivism rates. As probation cases are considered more moderate and high risk this often brings more complexity to the cases; there has been an increase in youth with mental health issues and substance abuse issues coupled with a loss of some day treatment and residential programs to provide services, which could also contribute to an increase in recidivism.

FY 2015 marks the first year recidivism data is available for adult probationers at the local level. In FY 2015, 85 percent of adults under probation supervision with JDRDC's Community Corrections unit had no new criminal convictions within 12 months of closing probation. In 2015, the National Center for State Courts released a statewide recidivism report for Virginia indicating that 12 percent of probation completers had a new conviction 1 to 12 months after completing probation (88 percent had no new convictions). This slightly elevated rate at the local level maybe due to the special domestic violence caseloads supervised by adult probation officers. Adult probation officers struggle with assessing these offenders as the OST and M-OST (risk assessment tools) are not designed for domestic violence cases. Many Domestic Violence offenders are identified as low risk requiring an override by officers to provide the appropriate level of supervision.