

# General District Court

**Mission** The court's mission is to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law, and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions. The Court Services Division serves the Courts and the community by providing information, client supervision and a wide range of services 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 Virginia and the Committee on District Courts. It administers justice in the matters before the Court. The Court's operations include the County Court Services Division and the State Clerk of the GDC's Office.

The GDC is part of the judicial branch of the state government. Judges and deputized court personnel staff the Civil Division, Criminal Division, Traffic Division, and Administration Division and are primarily state-funded and supplemented locally. They provide extensive public service to citizens, are critical to the judicial process, and collect revenue for the County. The Court Services Division (CSD) is funded primarily with County funds and supplemented by state grants, and its positions are County merit positions. The CSD is composed of four units: The Pretrial Evaluation Unit, the Supervision Unit (Supervised Release Program and Probation Program), the Administrative Unit, and the Volunteer/Intern Unit. The CSD collects and provides information on incarcerated defendants to assist judges and magistrates with release decisions; provides pretrial community supervision to defendants awaiting trial and supplies 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 adult supervision services to the Circuit and Juvenile and Domestic Relations District Courts (JDRDC).

County and state financial constraints and limited grant funding affect staffing and the level of service that the agency can provide. Increases in caseload, legislative changes, and increases in reporting requirements 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 following chart highlights the General District Court's total court caseload from FY 2019 through FY 2023 (estimated).

Type of Case	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
Criminal	26,618	22,757	15,713	18,070	20,781
Traffic	246,168	197,771	73,487	88,184	105,821
Civil	42,262	35,224	29,462	34,471	40,331
<b>Total</b>	<b>315,048</b>	<b>255,752</b>	<b>118,662</b>	<b>140,725</b>	<b>166,933</b>

In FY 2021, total caseload or new case filings dropped 54 percent, a result of the COVID-19 pandemic, which affected FY 2020 fourth quarter and all of FY 2021. Criminal, Traffic and Civil cases were down 31 percent, 63 percent, and 16 percent, respectively. Volume is anticipated to increase slowly as the population becomes vaccinated and the spread of COVID-19 is reduced.

The agency has identified 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 an independent, accessible, responsive forum for the just resolution of disputes while advocating Public Safety.

**Staffing and Resources**

The Diversion First initiative is a multiagency collaboration to reduce the number of people with mental illness in local jails by diverting non-violent offenders experiencing mental health crisis to treatment instead of incarceration. These cases involve clients with dual diagnoses requiring intensive supervision, significant coordination, and multiple hearings/status reports. Probation counselors provide community supervision while judges perform legal research and case file review, drafting legal documents, and staff improve coordination between legal, medical and treatment providers.

In addition to County support, the operation of CSD depends on funding from a state grant from the Department of Criminal Justice Services (DCJS).

**Caseload**

The average daily caseload per probation counselor has increased and remains above the state benchmark as inmates are released from jail on community supervision, despite additional probation counselor positions awarded in FY 2017, FY 2018, and FY 2022. Caseload fluctuates based on program placements and actual number of days of supervision each placement requires. As a result of social distancing efforts to protect public health during the COVID-19 pandemic, court dockets were limited and some hearings were deferred, resulting in probationers being supervised longer. The average daily caseload per probation counselor remained the same at 93 total cases in FY 2021. However, of significance is that the number of intensive Supervised Release Program (SRP) cases per probation counselor increased 32 percent from the previous year and 63 percent since the Diversion First initiative began (FY 2018 30 cases, FY 2019 32 cases, FY 2020 37 cases, FY 2021 49 cases). In FY 2020 fourth quarter and in FY 2021, additional inmates were released from jail on community supervision to reduce the spread of COVID-19 in the jail, increasing the SRP caseload per probation counselor to 49 SRP cases in addition to 44 probation cases. The state standard is 40 SRP cases or 60 Probation cases, *but not both*, per probation counselor.

**Value of Community Supervision**

Community supervision programs, including the Diversion First initiative, provide community supervision in lieu of incarceration for lower risk defendants that qualify. This improves citizen outcomes as they can more readily access treatment, maintain employment and family responsibilities, and maintain public safety, while also reducing the Adult Detention Center (ADC) population. Probation Counselors provide supervision through a Supervised Release Program (SRP) which increases the estimated jail days saved.

Value of Community Supervision (Estimate based on FY 2021 Actuals)	Supervised Release Program	Probation
# Of placements	2,185	730
# Of active supervision days	372,366	307,054
% Defendants likely to remain incarcerated without SRP	15%	5%
Estimated jail days saved	55,855	15,353

See the Performance Measurement Results section for more detail on Supervised Release Program (SRP) and Probation Program statistics.

In FY 2021, the Volunteer Unit recorded no hours performed by volunteers, down from 1,198 hours in FY 2020 as volunteers declined to work to protect their health during COVID-19. Therefore, staff and judges conducted client interviews for eligibility for court-appointed attorneys in the absence of volunteers.

The Clerk's Office performs case and financial management, including collection of \$3 million in revenue per year for the County, down 59 percent from \$7.4 million in FY 2020 related to the decline in cases and court hearings due to the COVID-19 pandemic. Approximately \$2.1 million is collected for General District Court fines, court costs, interest on local charges, attorney fees and for courthouse maintenance and \$900,000 is collected for other County agencies such as the Sheriff's Department, Police Department, and the Law Library. The Clerk's Office collects an additional \$1.3 million for the Towns of Vienna and Herndon and for Toll Road and Hot Lanes operators as well as \$6.7 million in revenue for the State of Virginia. Some County revenue collected offsets expenditures for legal counsel for indigent defendants on County charges and a small fraction of revenue is from postage reimbursement from the state. The Clerk's Office is composed of approximately 92 state employees who support 12 state Judges. The Clerk's Office operates 11-12 courtrooms every morning and 8-10 courtrooms each afternoon. It operates in three distinct locations, Fairfax on a daily basis, and in the Towns of Vienna and Herndon on a weekly basis. Judges also hear cases in Fairfax City with support of the Clerk's Office. The office is the face of the court to the public and serves hundreds of thousands of citizens through its over 20 public service counters, demanding telephone call center, and through electronic filings of many court documents. It is an integral part of the GDC and is supported by the County according to the Code of Virginia. Previously monitored by the Court Services Division, the Clerk's Office conducts mental health monitoring that provides Judges, defense attorneys, the courts, and mental health staff with prompt updates on status and expedites processing of mental health cases to improve outcomes for this vulnerable population. In FY 2019, a pilot Supervised Release Program mental health review docket expedited hearings, reducing the typical wait time for hearing while incarcerated by 88 percent (typically 120 days in jail down to 14 days in jail). Following the successful pilot, the Mental Health Docket was implemented in early FY 2020 after Supreme Court approval. There were 98 cases where citizens were evaluated for determination of mental competency in FY 2021, up ten percent from 89 in FY 2020. If all were released, expediting hearings produces an estimated cost avoidance of \$2.8 million as citizens' wait time for a hearing is drastically reduced.

During the pandemic, the Clerk's Office quickly and effectively implemented many new procedures for citizens' safety in conducting business with the court. These included electronic filing opportunities, particularly for those seeking protective orders as well as the electronic filing of emergency motions, bond motions, and required case papers in civil and criminal/traffic cases. The court also provided video hearing capabilities in many instances to conduct emergency hearings, advisements hearings, bond reduction hearings, and other court hearings as necessary. Expediting hearings, especially for those who need treatment and services, improves outcomes for citizens, enhances public safety, and reduces costs as fewer inmates need transportation between jurisdictions. The Clerk's Office set up special dockets for pro se litigants in landlord tenant cases to help both parties navigate the complexity of the legislation and obtain resources and funding made available as a result of a judicial emergency and eviction moratorium. At the end of FY 2020 and through FY 2021, the Clerk's Office has continued to expand opportunities for citizens to interact with the court to include 24/7 email availability and responses within one business day and an updated, current website detailing new court procedures.

### **State Salary Supplements**

As part of the FY 2017 Adopted Budget Plan, the Board approved a 15 percent local salary supplement for eligible Clerk's Office deputized staff. The salary supplement for the Clerk's Office assists with employee retention, provides more equitable compensation, provides comparable salaries to surrounding jurisdictions, improves service delivery, and reduces the risk that citizens' civil liberties are negatively impacted.

A local salary supplement was also approved for eligible state positions in the Office of the Public Defender (OPD) in FY 2017 to raise their salaries to be consistent with their counterparts at the Office of the Commonwealth's Attorney. In FY 2022, funding was included to extend 15 percent salary supplements to support staff in the OPD. The OPD has not experienced any attorney turnover in the past two years. It should be noted that in the FY 2021 Adopted Budget Plan salary supplements for the OPD were standardized at 15 percent moving forward for all new hires. In addition, the FY 2022 Adopted Budget Plan extended supplements to the remaining support staff in the OPD and included a 15 percent local salary supplement for District 29 Probation and Parole Office staff in Fairfax County and the City of Fairfax. The salary supplement assists with employee retention, provides comparable salaries to local jurisdictions, and reduces the number of vacant case manager positions for the supervision of offenders. The Administrative Unit of the Court Services Division administers the salary supplement for the Clerk's Office, Probation and Parole Office, and the Office of the Public Defender; however, it has no authority or oversight of responsibilities for those offices.

### **Shared Resources**

Criminal Record Specialists in the Pretrial Evaluation Unit are the primary providers of mandated criminal record checks, rather than the arresting officer, which allows police to return to their public safety duties more quickly. Criminal record checks are also provided to the judiciary of the GDC, Circuit Court, and JDRDC to assist with bond determination, and to the Alcohol Safety Action Program (ASAP), the Opportunities, Alternatives & Resources Program (OAR), and the Court Services Supervision Unit who determine eligibility for placement into various programs and monitor that no further criminal activity occurs. Criminal Record Specialists provided 15,329 record checks in FY 2021, down 32 percent compared to the previous year (22,635 in FY 2020), mainly for police seeking fewer criminal arrest warrants and a change in legislation that made arrest of marijuana a civil penalty rather than criminal.

The agency's Network Telecommunications Analyst II position continues to be part of a shared Court Department of Information Technology (Court DIT) team in order to improve efficiencies.

Additional critical and effective CSD programs for the community include the Alcohol Diversion Program (ADP), the Driving on Suspended Program (DOS), the Veterans Treatment Docket (VTD), and Diversion First.

The ADP program clients decreased 56 percent from FY 2020 to FY 2021 (nine to four clients). In recent years, overall program participation declined due to fewer underage drinking charges, often issued at concerts attended by college students, and the institution of on-campus diversion programs. This decrease was also attributed to colleges operating remotely during the COVID-19 pandemic.

The VTD program provided active supervision to 19 Veterans in FY 2021, a decline of 32 percent compared to 28 in FY 2020. There were eight total closures, the same is in FY 2020, with eight successful graduates after roughly 13-22 months of intensive program participation to address issues such as substance abuse, post-traumatic stress disorder, mental health issues, and traumatic brain injury. At the beginning of FY 2022, there were 11 Veteran participants, a decrease of 45 percent compared to the beginning of FY 2021 with 20 participants. Program administration continues under the Fairfax-Falls Church Community Services Board (CSB), with continued collaboration with the CSD.

The highly effective DOS program served 23 clients in FY 2021, a 54 percent decline from 50 clients in FY 2020. Decline in past years is attributed to program effectiveness, but most recently to an FY 2020 legislative change that prohibits the suspension of one's driving privilege by the Department of Motor Vehicles merely for unpaid fines and costs. The program assists participants in preparing for and navigating the requirements of license reinstatement.

In collaboration with the CSB, the Diversion First program identifies and screens incarcerated individuals for mental health needs with the aim of diverting qualified individuals to treatment in lieu of incarceration while under intensive court supervision. In FY 2021, the Diversion First review docket (now the Mental Health Docket and a sub-set of the Supervised Release Program Review Docket), eliminated an estimated 14,861 jail days served through supervision in lieu of incarceration, an increase of 157 percent from the previous year (5,782 jail days) and up 476 percent since FY 2019 (2,582 jail days saved). At arraignments, 250 individuals were placed on SRP with a release plan including mental health evaluation, outpatient, or residential treatment plans, and/or referral to jail diversion. In FY 2021, 29 percent or 624 placements out of 2,143 total SRP placements had behavioral health concerns. There were 397 defendants who scored positive on the brief jail mental health screening and 46 percent of those were administered an advanced screening and needed further assessment and 79 percent of that group were referred to treatment. There were 325 total advanced screenings administered in FY 2021, similar to FY 2020. There were 261 individuals referred to CSB for a mental health evaluation, down 5 percent from FY 2020. In the end, there were 198 individuals referred to mental health treatment. The number of intensive supervision participants is growing, in turn reducing the jail population, as clients are supervised in the community with access to treatment.

Restitution collections totaled \$346,033, a nine percent decrease from \$378,817 in FY 2020 and community service hours performed decreased 58 percent from 1,925 hours in FY 2020 compared to 815 hours in FY 2021, partially due to COVID-19 restrictions.

### **Diversity**

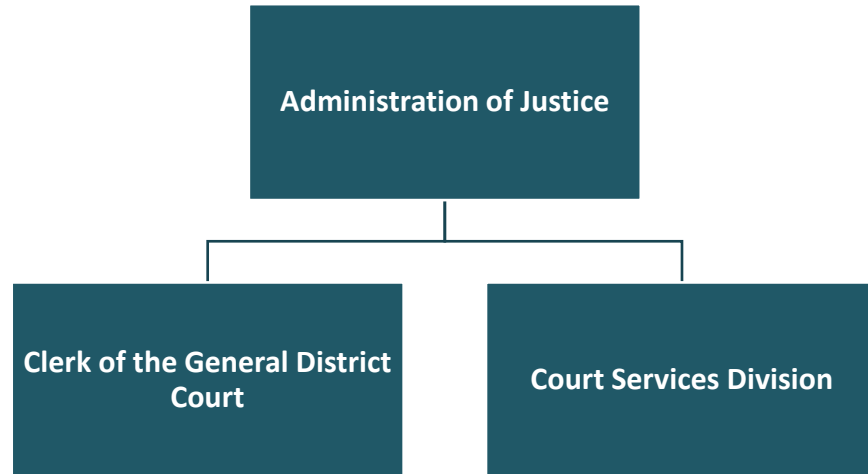
Interpreter assignments have increased 24 percent in FY 2021 to 1,189 assignments. This increase was attributed to a slow increase in cases after dockets were previously reduced to mitigate the spread of COVID-19. The CSD staff manages interpretation services for languages other than Spanish, including sign-language. Recruitment of bilingual probation counselors allows for effective management of the caseload of Spanish-speaking clients and ensures equitable services are provided.

Court appointed attorneys are assigned to indigent defendants to ensure they have adequate legal representation when conviction could result in jail time. Attorney assignments decreased 17.5 percent from 12,372 assignments in FY 2020 to 10,208 assignments in FY 2021, reflective of the drop in new case filings and reduced hearings, a result of the COVID-19 pandemic.

The addition of valuable risk assessment tools and an increase in mandatory reporting requirements have increased the workload, but have improved equity, allowing more inmates to qualify for community supervision in lieu of incarceration.

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

Organizational Chart



Budget and Staff Resources

Category	FY 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised	FY 2023 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$2,951,630	\$4,206,189	\$4,238,689	\$4,537,380	\$4,537,380
Operating Expenses	865,598	915,059	977,075	917,559	917,559
<b>Total Expenditures</b>	<b>\$3,817,228</b>	<b>\$5,121,248</b>	<b>\$5,215,764</b>	<b>\$5,454,939</b>	<b>\$5,454,939</b>
<b>Income:</b>					
Courthouse Maintenance Fees	\$119,886	\$365,730	\$143,245	\$143,245	\$143,245
General District Court Fines/Interest	67,232	94,448	68,856	68,856	68,856
General District Court Fines	1,860,982	3,126,000	3,126,000	3,282,300	3,282,300
Recovered Costs - General District Court	40,365	71,391	71,391	71,391	71,391
State Reimbursement - General District Court	78,462	85,265	85,265	85,265	85,265
<b>Total Income</b>	<b>\$2,166,927</b>	<b>\$3,742,834</b>	<b>\$3,494,757</b>	<b>\$3,651,057</b>	<b>\$3,651,057</b>
<b>NET COST TO THE COUNTY</b>	<b>\$1,650,301</b>	<b>\$1,378,414</b>	<b>\$1,721,007</b>	<b>\$1,803,882</b>	<b>\$1,803,882</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	35 / 35	38 / 38	38 / 38	39 / 39	39 / 39
State	116 / 113.5	194 / 191	197 / 194	197 / 194	197 / 194

This department has 8/8.0 FTE Grant Positions in Fund 50000, Federal-State Grant Fund.

**FY 2023  
Funding  
Adjustments**

*The following funding adjustments from the FY 2022 Adopted Budget Plan are necessary to support the FY 2023 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 10, 2022.*

**Employee Compensation \$157,387**

An increase of \$157,387 in Personnel Services includes \$107,828 for a 4.01 percent market rate adjustment (MRA) for all employees and \$49,559 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2022.

**Diversion First \$79,012**

An increase of \$79,012 and 1/1.0 FTE new position is required to support the County's Diversion First initiative. Diversion First aims to reduce the number of people with mental illness in the County jail by diverting low-risk offenders experiencing a mental health crisis to treatment rather than bring them to jail. This position will allow the General District Court to address caseload growth and provide support to the judges. It should be noted an increase of \$39,564 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of \$118,576 in FY 2023. For further information on Fringe Benefits, please refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

**Salary Supplement for Eligible State Employees \$97,292**

An increase of \$97,292 is included for salary supplements to eligible Clerk's Office and Fairfax District 29 Probation and Parole Office state employees. Of this total, \$81,448 will support an increase to the 15 percent supplement administered to all state positions in the Clerk's Office based on a 5 percent salary increase from the State in FY 2022, and the addition of a 15 percent supplement for 10 new positions approved by the State for the Clerk's Office. The remaining \$15,844 will support an increase to the 15 percent supplement administered to all State Probation and Parole positions based on a 5 percent salary increase from the State in FY 2022.

**Changes to  
FY 2022  
Adopted  
Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2022 Revised Budget Plan since passage of the FY 2022 Adopted Budget Plan. Included are all adjustments made as part of the FY 2021 Carryover Review, FY 2022 Mid-Year Review, FY 2022 Third Quarter Review, and all other approved changes through April 30, 2022.*

**Carryover Adjustments \$94,516**

As part of the *FY 2021 Carryover Review*, the Board of Supervisors approved funding of \$94,516, including \$32,500 in Personnel Services for a one-time compensation adjustment of \$1,000 for merit employees and \$500 for non-merit employees paid in November 2021. The remaining amount of \$62,016 is due to encumbered carryover.





**Pretrial Investigations**

The Pretrial Evaluation Unit provides critical information about defendants to the judiciary (magistrates and judges) to assist them in making informed decisions about defendants' release/detention status. The investigation process has several components: defendant's interview, phone calls to references (family, employers, neighbors, etc.), 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 throughout the Commonwealth for pending charges. In FY 2021, 3,583 pretrial investigations were conducted, a 24 percent decrease from FY 2020 where 4,696 investigations were conducted, attributed to reduced arrests and referrals in the fourth quarter of FY 2020 and throughout FY 2021 due to COVID-19. The percent of staff bond recommendations accepted by the Judiciary was 89 percent in FY 2021, below the 91 percent target.

Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimate	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
<b>Division Name</b>						
Percent of staff recommendations accepted by the Judiciary	92%	90%	91%	89%	91%	91%
Percent of SRP cases successfully closed	80%	78%	74%	78%	74%	74%
Percent of probation cases successfully closed	76%	77%	73%	79%	73%	73%

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2023-adopted-performance-measures-pm>