

# 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 the Commonwealth 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 2018 through FY 2022 (estimated).

| Type of Case | FY 2018 Actual | FY 2019 Actual | FY 2020 Actual | FY 2021 Estimate | FY 2022 Estimate |
|--------------|----------------|----------------|----------------|------------------|------------------|
| Criminal     | 27,838         | 26,618         | 22,757         | 13,332           | 13,332           |
| Traffic      | 230,699        | 246,168        | 197,771        | 93,864           | 93,864           |
| Civil        | 37,676         | 42,262         | 35,224         | 21,816           | 21,816           |
| <b>Total</b> | <b>296,213</b> | <b>315,048</b> | <b>255,752</b> | <b>129,012</b>   | <b>129,012</b>   |

In FY 2020, total caseload or new case filings dropped 19 percent, a result of the COVID-19 pandemic, which affected FY 2020 fourth quarter. Criminal, Traffic and Civil cases were down 15 percent, 20 percent, and 17 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 and FY 2018. While the actual number of placements fluctuates each year, this indicator accounts for the actual number of days of supervision for each placement required. 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 increased 27 percent from 73 total cases in FY 2019 to 93 total cases in FY 2020, 37 intensive Supervised Release Program (SRP) cases plus 56 probation cases. The state standard is 40 SRP cases or 60 Probation cases, but not both, per probation counselor. In FY 2020 fourth quarter, 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 46 SRP cases in addition to probation cases.

**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<br>(Estimate based on FY 2020 Actuals) | Supervised Release Program | Probation |
|---|----------------------------|-----------|
| # of placements   | 2,412                      | 651       |
| # of active supervision days  | 281,441                    | 385,284   |
| % defendants likely to remain incarcerated without SRP                | 15%                        | 5%        |
| Estimated jail days saved   | 42,216                     | 19,264    |

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

In FY 2020, the Volunteer Unit recorded 1,198 hours performed, equal to a 0.6 full-time position. Volunteer hours dropped drastically in late FY 2020 as volunteers declined to work to protect their health during COVID-19. Volunteers conducted 31 percent fewer client interviews for eligibility for court-appointed attorneys compared to the previous year.

The Clerk's Office performs case and financial management, including collection of \$7.4 million in revenue per year for the County. Approximately \$5 million is collected for General District Court fines, court costs, interest on local charges, attorney fees and for courthouse maintenance and \$2.4 million 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 \$2.2 million for the Towns of Vienna and Herndon and for Toll Road and Hot Lanes operators as well as \$12.4 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 11 state Judges. The Clerk's Office operates 11-12 courtrooms daily and in three distinct locations, Fairfax on a daily basis, and in the Towns of Vienna and Herndon on a weekly basis. 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 and demanding telephone call center. 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). There were 89 cases where citizens were evaluated for determination of mental competency in FY 2020, down from 107 cases in FY 2019. Following a successful pilot, the Mental Health Docket was implemented in early FY 2020 after Supreme Court approval.

### **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. The salary supplements are effective as the Clerk's Office resignation rate was down to 18 percent on average from the high 20's, staff's top reason for leaving was no longer pay, staff have transferred in from surrounding jurisdictions without supplements, and some civil case processing times reduced over 80 percent eliminating delay and improving service to citizens and businesses. In addition, management has been freed to implement docket enhancements that significantly expedite hearings, particularly those of incarcerated individuals. To increase public safety and improve access to the court, procedural enhancements were made to the website to increase electronic business opportunities with the court and where possible to allow video court hearings, particularly for those seeking protective orders, filing emergency motions, and conducting emergency hearings, advisement hearings and bond reduction motions. This helps expedite hearings, particularly for those who need to be connected to treatment and services, improves public safety, and reduces costs as fewer inmates need transportation between jurisdictions. A local salary supplement was also approved for eligible state positions in the Office of the Public Defender (OPD) in FY 2017 in order to raise their salaries to be consistent with their counterparts at the Office of the Commonwealth's Attorney. In FY 2022, funding is 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 extends supplements to the remaining support staff in the OPD and includes a 15 percent local salary supplement for District 29 Probation and Parole Officers 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 Officers, 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 22,635 record checks in FY 2020, a decrease when compared to the previous year, mainly for police seeking criminal arrest warrants.

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 63 percent from the previous year, serving 9 clients in FY 2020 down from 24 clients in FY 2019. In recent years, overall program participation typically has declined due to fewer underage drinking charges, often issued at concerts attended by college students, and the institution of on-campus diversion programs.

The VTD program provided active supervision to 28 Veterans in FY 2020. There were eight total closures, down from 11 total closures in FY 2019, with seven 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 2021, there were 20 Veteran participants, and program administration continues under the Fairfax-Falls Church Community Services Board (CSB), with continued collaboration with the CSD.

The highly effective DOS program served 50 clients in FY 2020, a drop from 185 clients in FY 2019. 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 2020, the Diversion First review docket (now the Mental Health Docket and a sub-set of the Supervised Release Program Review Docket), eliminated an estimated 5,782 jail days served through supervision in lieu of incarceration, an increase of 124 percent from the previous year. At arraignments, 193 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 2020, 34 percent or 604 placements out of 1,763 total SRP placements had behavioral health concerns. There were 350 defendants who scored positive on the brief jail mental health screening and 77 percent of those were administered an advanced screening and needed further assessment and 96 percent of that group were referred to treatment. There were 353 total advanced screenings administered in FY 2020 similar to FY 2019. There were 274

individuals referred to CSB for a mental health evaluation, up 22 percent from FY 2019. In the end, there were 271 individuals referred to mental health treatment. In FY 2020, there were 504 individuals court ordered to have mental health evaluation and/or comply with treatment similar to 496 the previous year. In the same time frame, 766 individuals were court ordered to have a substance abuse evaluation and or comply with 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 \$378,817 in FY 2020, a 9.6 percent decrease from \$419,145 in FY 2019 and community service hours performed decreased 21 percent to 1,925 hours in FY 2020 compared to 2,449 hours in FY 2019, partially due to COVID-19 restrictions.

### **Diversity**

Interpreter assignments have decreased since FY 2019 due to reduced court hearings due to 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 14 percent from 14,402 assignments in FY 2019 to 12,372 assignments in FY 2020, reflective of the drop in new case filings and reduced hearings, a result of the COVID-19 pandemic.

At the beginning of FY 2020, the state revised the state employment application to create a modern, streamlined, competitive application process, highlighting diversity and inclusion to mitigate unconscious bias.

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.

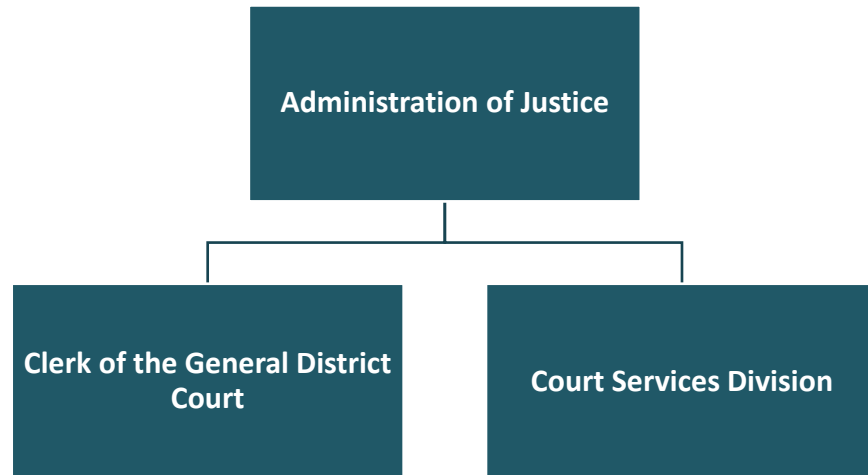
- Virginia Pretrial Risk Assessment Instrument (VPRAI)
- Modified Offender Screening Tool (M/OST)
- Offender Screening Tool (OST)
- PRAXIS Case Management Tool (STEPS)

## **Pandemic Response and Impact**

In March 2020, the General District Court responded to a federal, state, and local state of emergency due to COVID-19. As some inmates were released from jail, in an effort to protect their health, the Court Services Division provided pretrial and post-trial supervision to ensure community safety, while increasing interaction with clients and providing no-contact supervision to reduce viral transmission. Advisement hearings and emergency matters such as motions and protective orders continued to be heard throughout the emergency, with non-emergency matters postponed and Clerk's Office services performed at a distance. Revenue declined sharply, most notably from a steep decline in new case filings. Beginning in late May 2020, some Civil trials and Criminal and Traffic misdemeanors were phased into the court's docket to mitigate substantial backlogs in court hearings and to expedite justice. However, with COVID-19 a rising public health risk, the court took action beginning in December 2020 to limit the population of citizens entering the courthouse by

continuing some infractions and low-level misdemeanors to dates in April and beyond and setting the same new cases for June 2020 dates and beyond.

**Organizational Chart**



**Budget and Staff Resources**

| Category   | FY 2020 Actual       | FY 2021 Adopted      | FY 2021 Revised    | FY 2022 Advertised | FY 2022 Adopted    |
|--|----------------------|----------------------|--------------------|--------------------|--------------------|
| <b>FUNDING</b>   |                      |                      |                    |                    |                    |
| <b>Expenditures:</b>                                   |                      |                      |                    |                    |                    |
| Personnel Services                                     | \$3,055,665          | \$3,474,942          | \$3,453,442        | \$3,688,843        | \$4,206,189        |
| Operating Expenses                                     | 1,036,863            | 910,559              | 1,093,979          | 915,059            | 915,059            |
| <b>Total Expenditures</b>                              | <b>\$4,092,528</b>   | <b>\$4,385,501</b>   | <b>\$4,547,421</b> | <b>\$4,603,902</b> | <b>\$5,121,248</b> |
| <b>Income:</b>   |                      |                      |                    |                    |                    |
| Courthouse Maintenance Fees                            | \$290,301            | \$365,730            | \$105,730          | \$365,730          | \$365,730          |
| General District Court Fines/Interest                  | 94,448               | 147,649              | 50,500             | 94,448             | 94,448             |
| General District Court Fines                           | 4,607,406            | 5,835,355            | 1,650,000          | 3,126,000          | 3,126,000          |
| Recovered Costs - General District Court               | 46,934               | 71,391               | 71,391             | 71,391             | 71,391             |
| State Reimbursement - General District Court           | 75,919               | 85,265               | 85,265             | 85,265             | 85,265             |
| <b>Total Income</b>                                    | <b>\$5,115,008</b>   | <b>\$6,505,390</b>   | <b>\$1,962,886</b> | <b>\$3,742,834</b> | <b>\$3,742,834</b> |
| <b>NET COST TO THE COUNTY</b>                          | <b>(\$1,022,480)</b> | <b>(\$2,119,889)</b> | <b>\$2,584,535</b> | <b>\$861,068</b>   | <b>\$1,378,414</b> |
| <b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b> |                      |                      |                    |                    |                    |
| Regular  | 35 / 35              | 35 / 35              | 35 / 35            | 38 / 38            | 38 / 38            |
| State  | 117 / 114.1          | 117 / 114.1          | 116 / 113.5        | 116 / 113.5        | 194 / 191          |

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



**FY 2022  
Funding  
Adjustments**

*The following funding adjustments from the FY 2021 Adopted Budget Plan are necessary to support the FY 2022 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 4, 2021.*

**Employee Compensation** **\$24,506**  
 An increase of \$24,506 in Personnel Services is included for a 1.00 percent market rate adjustment (MRA) for all employees effective July 2021.

**Diversion First** **\$218,401**  
 An increase of \$218,401 and 3/3.0 FTE new positions 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. These positions will allow the General District Court to address caseload growth and provide support to the judges. It should be noted an increase of \$105,817 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of \$324,218 in FY 2022. 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** **\$492,840**  
 An increase of \$492,840 is included for salary supplements for the Office of the Public Defender and the Fairfax District 29 Probation and Parole Office. Of this total, \$419,953 will support a 15 percent increase to Fairfax District 29 probation and parole officers and support staff. As part of the FY 2017 Adopted Budget Plan, the Board approved a salary supplement for public defenders to raise their salaries to be consistent with their counterparts at the Office of the Commonwealth's Attorney. The remaining \$72,887 supports a 15 percent salary supplement for administrative and support staff, which allows all of the positions in the Public Defender's Office to be eligible for a local salary supplement. 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.

**Changes to  
FY 2021  
Adopted  
Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2021 Revised Budget Plan since passage of the FY 2021 Adopted Budget Plan. Included are all adjustments made as part of the FY 2020 Carryover Review, FY 2021 Mid-Year Review, FY 2021 Third Quarter Review, and all other approved changes through April 30, 2021.*

**Carryover Adjustments** **\$133,420**  
 As part of the FY 2020 Carryover Review, the Board of Supervisors approved encumbered funding of \$133,420 in Operating Expenses.

**Position Adjustment** **\$0**  
 As part of an internal review of state positions, the agency consolidated two part-time positions into one full-time position.

**Third Quarter Adjustments** **\$28,500**  
 As part of the FY 2021 Third Quarter Review, the Board of Supervisors approved funding of \$28,500 in Personnel Services for a one-time compensation adjustment of \$1,000 for merit employees and \$500 for non-merit employees paid in May 2021.





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 2020, 4,696 pretrial investigations were conducted, a 17 percent decrease from FY 2019 where 5,656 investigations were conducted, attributed to reduced arrests and referrals in the fourth quarter of FY 2020 due to COVID-19. The percent of staff bond recommendations accepted by the Judiciary was 90 percent in FY 2020 below the 91 percent target.

### **Supervised Release Program and Probation Program**

SRP placements increased 47 percent over three years from FY 2017 to FY 2020 mainly due to the implementation of Diversion First, an intensive supervision program for mental health clients, who are supervised in the community in lieu of incarceration. The implementation of a recommendation instrument for pretrial supervision eligibility in early FY 2018 increased the number of those eligible for pretrial supervision.

Referrals, both SRP and Probation, are primarily by magistrates or General District Court judges and from mental health screenings and evaluations. The program provides intensive supervision and monitoring of lower risk defendants who might otherwise remain in jail while awaiting trial in addition to serving higher needs clients through Diversion First. In FY 2020, the percent of SRP cases successfully closed was 78 percent, higher than the target measure of 74 percent, which was adjusted to account for an increase in supervision of higher risk and higher needs clients.

Probation counselors in the Probation Unit supervise both SRP clients and those referred to probation at the final court date by court order. Probation counselors are required to see defendants either bi-monthly or weekly and must conduct weekly telephone check-ins and random drug testing. With each contact, it is strongly reinforced to the defendant that, to successfully complete the program, there must be no new violations of the law and that they must appear for all court dates. Probation placements dropped 37 percent from FY 2019 to FY 2020 due to a decline in criminal arrests and case dispositions as courts deferred hearings to protect public safety during the COVID-19 pandemic. This correlates with a 37 percent increase in the total days of supervision for clients on Probation. Caseloads in the Supervised Release Program (SRP) and Probation vary from year to year based on the number and types of arrests. An increase in SRP cases has a far greater impact on staffing than an increase in standard probation cases. The percent of probation cases successfully closed was 77 percent, greater than the target of 73 percent.

| Indicator  | FY 2018 Actual | FY 2019 Actual | FY 2020 Estimate | FY 2020 Actual | FY 2021 Estimate | FY 2022 Estimate |
|--|----------------|----------------|------------------|----------------|------------------|------------------|
| <b>Division Name</b>                                       |                |                |                  |                |                  |                  |
| Percent of staff recommendations accepted by the Judiciary | 91%            | 92%            | 91%              | 90%            | 91%              | 91%              |
| Percent of SRP cases successfully closed                   | 74%            | 80%            | 74%              | 78%            | 74%              | 74%              |
| Percent of probation cases successfully closed             | 73%            | 76%            | 73%              | 77%            | 73%              | 73%              |

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2022-adopted-performance-measures-pm>