

**Comprehensive Community Corrections Act  
And  
Pretrial Services Act**

*Local Community-based Probation and Pretrial Services  
Grant Application Guide for FY 2011-2012 Continuation  
Funding*



Virginia Department of Criminal Justice Services  
1100 Bank Street  
Richmond, Virginia 23219

April 2010

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

### INTRODUCTION

The Department of Criminal Justice Services (DCJS) administers general appropriation funds designated for the purpose of supporting the Comprehensive Community Corrections Act for Local-Responsible Offenders (CCCA) and the Pretrial Services Act (PSA) as discretionary grants to local units of government.

Applications for continuation funding for Fiscal Years 2011 - 2012 are currently being solicited. Project briefs for the CCCA and the PSA are provided in Section III of this Guide. These briefs describe the projects eligible for continuation funding. **Please note that changes made for FY 2011 are marked “new” in the right margin.**

### Authority & Purpose

This grant is intended specifically to support agencies established under the authority of the CCCA, as specified in §§[9.1-173](#) – [9.1-183](#) of the *Code of Virginia*, or the PSA as specified in §§[19.2-152.2](#) - [19.2-152.7](#) of the *Code of Virginia*. Sentencing to local community-based probation authorized by the CCCA is to be done in accordance with [§19.2-303.3](#) and statutes authorizing deferred proceedings of the *Code of Virginia*.

Funds are to be used for purposes of continuing, improving, and/or expanding existing agencies, services, and intermediate sanctions and punishments, and for the development of new and innovative ones.

### Eligibility Requirements

Only county or city governments are eligible to receive CCCA and PSA grants. For multi-jurisdictional efforts, one of the participating localities must submit the grant application on behalf of all participating jurisdictions and shall **assume responsibility for grant administrative and financial matters by serving as Administrator and Fiscal Agent**. Private organizations may receive grant funds only through contracts with local governments for probation services.

The County Administrator, County Executive or County or City Manager must serve as the Project Administrator. For multi-jurisdictional efforts, the County Administrator or City Manager of the locality serving as Fiscal Agent will serve as the Project Administrator. It will be the responsibility of the applicant locality to ensure that funds are spent in accordance with grant specifications and local and state procurement regulations.

Each applicant is to have a Community Criminal Justice Board (CCJB) to serve as an advisory body to the local governing body on matters pertaining to local criminal justice issues. The composition of the CCJB is specified in [§9.1-178](#) of the *Code of Virginia*.

### Funding Restrictions/Requirements

**CCCA and PSA Restrictions:** CCCA/PSA grant recipients **may not** use these grant funds to:

1. Supplant or replace local funds supporting functions that may be associated with the administration or operation of these agencies and/or the supervision of defendants and offenders.
2. Supplant or replace in whole or part other state funds supporting functions that may be associated with the administration or operation of these agencies and/or the supervision of defendants and offenders. This includes, but is not limited to, functions of the County or City Treasurer's office supported by the state and functions of the Clerk of the Court.
3. Pay for Sheriff's deputies or jail operational staff not designated solely for CCCA or PSA programming.
4. Pay for capital construction, renovation, remodeling, and land acquisition.
5. Pay for any vehicles.
6. Pay for firearms, ammunition, and related equipment.

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

7. Pay for clothing and/or uniforms.
8. Pay for lobbying, political contributions, honoraria, and bonuses.
9. Pay for personal entertainment, personal calls, and alcohol.

Requirements and restrictions on the expenditure of grant funds, where given, must be adhered to by the applicant. The applicant should establish additional requirements for system components that are established in this grant program guide (including, but not limited to, any optional services). Additional locally defined requirements are subject to modification as the CCJB develops goals and determines the direction of the local community criminal justice system. Every effort should be made to coordinate supervision among the various system components so as to promote efficiencies at the local level.

**Matching Funds:** There are no matching funds required for this grant.

**Supervision/Intervention Fees:** Supervision/intervention fees are governed by the same terms, conditions, and assurances that apply to state grant funds. There are two (2) exceptions:

1. Fees collected may be used to supplant any local funds contributing to the grant, and
2. Fees collected in one fiscal year may be rolled-over from year-to-year.

**Indirect Costs:** Indirect costs are defined as fees charged against the grant for the local government's administration of the funds. Included in this are any administrative personnel and operational costs incurred by the locality that cannot be attributed directly to a given project. Should the **locality** determine that charging indirect costs against the grant program is necessary and the CCJB supports such a cost, the following conditions apply:

1. Indirect costs are limited to 1% of the total award.
2. Charging the grant for indirect costs cannot violate non-supplanting requirements.
3. Charging the grant for indirect costs will reduce the total amount available for defendant and offender supervision, treatment, personnel and other program operating expenses.

### Amount Available/Funding Limitations

The base appropriation for continuation funding that may be available for FY2011 and 2012 is expected to be the same as the award for FY2010. Any new pretrial funding you received in FY2010 will be continued in FY2011 unless you receive notification indicating differently. **Unless you are notified of additional funding, applicants may only apply for an amount equal to the total award received for FY2010. DO NOT APPLY FOR MORE THAN THIS AMOUNT.** Any significant sub-budget adjustments must be thoroughly justified.

NOTE

NOTE

If changes in funding occur as a result of actions by the General Assembly or Governor, adjustments will be made by decision of the Department's staff and the Criminal Justice Services Board and you will be notified.

### Grant Period

Successful Applicants are funded for **24 months** beginning July 1, 2010 and ending on June 30, 2012 (Fiscal Years 2011 & 2012). Changes and modifications will be considered on a case-by-case basis. **At a minimum**, grantees will be expected to submit a new itemized budget and budget narrative before the end of the first 12 months. If the project changes significantly, a new project overview with the accompanying documentation should be submitted at the 12-month mark.

### How to Apply

Applicants must adhere to all of the following applicant specifications for funding consideration:

1. An original and three (3) copies (**4 total**) of the **completed** DCJS Grant Application must be **received by, May 14, 2010**. Applications may be mailed to:

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

Department of Criminal Justice Services  
Attn: Janice D. Waddy, Grants Administrator  
1100 Bank Street  
Richmond, VA 23219

2. All parts of the application must a) be complete, b) comply with any page limitations, c) use the correct forms, and d) be **submitted in the application outline order** presented here.
3. The Project Administrator must sign the grant application face sheet.
4. Only one grant application per applicant jurisdiction will be accepted for CCCA and PSA funding.
5. Clearly note on the top of each budget which project category the itemized budget represents (i.e., Local Community-based Probation, Pretrial Services).
6. Staff, services, office space, or supplies shared across the various project budgets should be appropriately split among sub-budgets (i.e., 60/20/20%), clearly stated, and identifiable on both the forms and in the narrative.
7. Faxed copies will **not** be accepted.
8. Applications **received** after the deadline will **not** be considered.
9. **Do not** submit bound grants. Copies should be either stapled or clipped.
10. Number all pages sequentially.
11. Use 8 ½" by 11" white paper only.

### **Review Process**

DCJS will base its review on the quality and thoroughness of all parts of the applications, as well as on indicators of the relative need of the applicant jurisdictions. Past performance, adherence to grant guidelines and conditions, and whether all reporting requirements are current will be considered during grant review.

Applicants may be advised if significant reductions in their proposals have been recommended and will be given an opportunity to provide additional supporting information for consideration by the review committee or subcommittee.

In addition to a project's implementation and performance, and the availability of funds, a key factor in determining eligibility for continuation funding will be compliance with grant financial and progress reporting requirements. **No current recipient of funding through this grant will be considered for continuation funding if, as of the continuation application due date, any of the required Financial, Progress or Monthly Reports for the current grant are more than 30 days overdue.** For good cause submitted in writing by the grant recipient, DCJS may waive this provision.

**Note**

### **Technical Assistance**

For general grant application assistance or Local Community-based Probation assistance please contact Paula Harpster at (804) 786-1140 or [paula.harpster@dcjs.virginia.gov](mailto:paula.harpster@dcjs.virginia.gov). For Pretrial assistance contact Tony Casale at [tony.casale@dcjs.virginia.gov](mailto:tony.casale@dcjs.virginia.gov) or (804) 225-4564.

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

---

**INSTRUCTIONS FOR COMPLETING THE DCJS GRANT APPLICATION**

A complete grant application includes all sections in order. Additional copies of the forms are available online.

**Application Face Sheet**

The Application Face Sheet must be completely filled out and signed by the Project Administrator.

**Grant Project:** Check the appropriate **project** category: Local Community-based Probation (CCCA) and/or Pretrial Services (PSA). Indicate that the application is for the continuation of an existing DCJS grant. **List your current grant number here.**

**Applicant Jurisdiction:** List the applicant jurisdiction (Fiscal Agent). If the application is on behalf of several jurisdictions, list the jurisdiction serving as Fiscal Agent. Do not list local/regional jail.

**Jurisdiction(s) Served:** List all localities served.

**Project Director, Project Administrator, and Finance Officer:** These individuals are responsible for the management and administration of the grant. For multi-jurisdictional efforts, the Project Administrator and Finance Officer should be from the locality serving as Fiscal Agent.

- **Local Community-based Probation Project Director and Pretrial Services Project Director:** This person will serve as the project contact for DCJS regarding the provision of services under the authority of the CCCA and PSA. There may be more than one Project Director. (Additional contacts should be noted in the Supplemental Project Information section of the grant application.)
- **Project Administrator:** This person is the County Administrator or City Manager of the fiscal agent and is the person who will oversee the management of the grant. (Where supervision services are to be contracted, the Project Administrator will be the primary contact for matters relating to the administration of the grant. The Project Director may still serve as contact for matters relating to project operation.)
- **Finance Officer:** This is the individual who will be responsible for the fiscal management of the funds at the local government level.

**It is extremely important that you provide correct fax as well as telephone numbers for each person. Please provide E-MAIL addresses.**

**Applicant Agency Federal ID#:** Please provide the applicant agency federal identification number in this box. The applicant agency is the fiscal agent, not the program or jail.

**Project Budget Summary:** Report total figures from budget forms by category (i.e. Personnel) and by funding option (i.e. Pretrial Services) on the application face sheet. All local community-based probation agencies authorized under CCCA should be categorized as "Local Community-based Probation" and pretrial services agencies authorized under PSA should be categorized as "Pretrial Services." Though separate budgets must be submitted for each optional component for which funding is requested, the totals from those budgets should be combined for purposes of the application face sheet. Total all category budgets in the last column. Include the total local funds and fees that support this project on the bottom line.

**Project Goals and Targets**

Public safety is the primary goal of this grant initiative. The secondary goals of this initiative reflect three broad purposes: effective sentencing, effective use of public resources allocated for pretrial and correctional purposes, and extensive involvement of local communities in developing and implementing correctional agencies for select offenders.

# **COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**

## ***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

---

In the past, standard, preset goals and objectives have been identified for applicants. Applicants are encouraged to continue using these goals and objectives to enhance the locality's overall vision for public safety. As with the last biennial grant cycle, all agencies are required to submit **updated project targets for FY 2011**. Please review the information in the Project Briefs for community-based probation and pretrial services in Section III as a guide for developing the program targets.

### **Project Budget Itemization and Narrative**

The project budget is a vital part of the grant application. Funding for all allowable elements constitutes the overall budget for the grant project. However, sub-budgets must be developed and submitted for each component *within* the project at hand. Thus, separate itemized budget forms and narratives must be completed for **each** of the following program categories:

- Local Community-based Probation
- Pretrial Services Agencies

The budget narrative should fully explain the reason for *each* requested budget item and provide the basis for its cost. All requested items must be thoroughly justified and clearly related to the proposed project *or they will be deleted* from the budget and the total amount reduced.

When completing the budget forms and narrative, remember that:

- Budgets (state-funding portions) should correspond with totals given on the Application Face Sheet (sum budgets provided for optional services for purposes of the Face Sheet only).
- Staff, services, office space, or supplies shared across the various project budgets should be appropriately split (i.e.: 60%: 40%), clearly stated, and identifiable on both the forms and in the narrative.
- ***Any fees, local or federal funds supporting this project must be included in the itemized budget per each item and in Section 7 of the form and explained in the narrative. This includes, but is not limited to, local, federal, or other state funds utilized to pay staff associated with the project. Fees should be shown under local funds column and identified as fees in Section 7.***
- If supervision is contracted, all expenses related to that service should be included under the "Consultants" category with a separate budget itemizing how funds will be expended for supervision services.
- All sections of this guide include information which is relevant to program structure and funding requests. **Please review the guide carefully prior to completing the budget.**

Provide clear, detailed information in the budget narrative as follows:

#### **1. Personnel/Employees**

This applies to local government employees who will be supported by funds (state, federal, or local) associated with this project. (All non-government workers associated with this project are considered "consultants.")

a. Salaries: List each position by title on the itemized budget form (and name of employee, if available). Show the annual salary rate for the employee and the number of hours to be devoted to the project by the employee. The amount requested should take into account time needed to establish and fill new positions and the changing demands for personnel during the course of the project. (Job descriptions and qualifications of staff should be on file at the implementing agency.)

***Using interns or volunteers or hiring temporary part-time or full-time workers for professional (investigation/case management) positions is not permitted.***

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## Supplemental Grant Application Guide for FY 2009-2010 Funding

**Professional positions may only be held by permanent full-time or permanent part-time employees.**

**Explain the positions and their functions.** If positions are split between local probation and pretrial or other projects, explain. Justify the necessity of creating new positions. Could present staff be reallocated? Could volunteers be utilized? Do all positions need to be full time? Are salary scales consistent with similar or local wage scales? **Identify all staff and/ or positions that are responsible for investigating or supervising offenders/defendants. Indicate caseload size (full,  $\frac{3}{4}$ ,  $\frac{1}{2}$ , etc.) and, if it is a specialized caseload, indicate type (domestic violence, substance abusers, etc.) in both the itemized budget and the budget narrative.** For example, the itemized budget would contain the following information:

a. Names of Employees	Position Titles	Annual Salary Rate	Hours Devoted
Jane Q. Public (full caseload)	LPO	\$24,000	2080
Jon Dough (full caseload, substance abuse cases)	LPO	\$18,000	1560

In this case, and in the narrative, Jane Public would be counted as 1 FTE and Jon Dough would be counted as a 0.75 FTE. **If caseload information is not identified, DCJS will presume that ALL staff carry a full caseload.** Caseload ratios will be calculated using this information.

The workload must justify creating full-time positions. DCJS funding may be utilized for the provision of direct supervision only. DCJS will not fund case management supervision staff (or functional equivalent)-to-offender/defendant average ratios of less than 1:60 for local community-based probation, 1:40 for pretrial services. (This does not preclude smaller jurisdictions with lower populations from funding. Staff requests should be in proportion to the population served.) Furthermore, management and support staff should be in direct proportion to offender supervision staff and should be well justified. *As always, DCJS encourages administrative efficiencies with state grant funding.*

b. Employee Benefits: Indicate each type of benefit included and the total cost allowable to employees assigned to the project. If this is percentage based, indicate the percentage.

### 2. Consultants (Including Contract Services & Supervision)

a. For individuals to be reimbursed for personal services on a fee basis: List each type of consultant or service (with numbers in each category and names of major consultants when available), the proposed daily fee rate, and the amount of time to be devoted to such services. **Individual consultant rates may not exceed \$450.00 per day.**

b. For organizations, including professional associations and educational institutions, performing professional services: State the type of services being performed and estimated contract prices. Requests for contracted services and consultants will be very carefully screened. **Only when it can be clearly justified that the use of outside contract agencies and consultants will significantly and permanently enhance project effectiveness will consultant and contracting fees be approved.**

When contracting for supervision services, the locality must adhere to staffing ratios established under #1 (Personnel/Employees) of the Project Budget Itemization.

When contracting for supervision services, no more than 1% of the total budget may be utilized for functions that would be considered "Indirect Costs" if the services were provided as a local government agency. Any costs above the 1% must be supported by the locality or by other sources (i.e. donations, endowment funds, United Way, etc.) that support the contracted agency. *Supervision services contracted are to be included here.*

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

---

c. Consultant Travel and Subsistence: Estimate actual costs. These must be reasonable and adhere to the subgrantee's established travel policy. This is generally not allowable for this grant program unless it is clearly necessary, reasonable, and justified.

d. *Description of each service contracted for and the name of the service provider.*

e. *The number of defendants and/or offenders benefiting from each type of service.*

f. *Total budgeted amount for each service and a per defendant/offender/group cost.*

**g. Description of what services the Community Services Board (CSB) provides and at what cost to the project (including services that are free of charge). The failure to utilize CSB services should be thoroughly explained.**

h. If supervision services are to be contracted, include a description of what the contracted service will provide and what resources will be necessary. Using a separate set of standard budget forms and following the budget narrative requirements, include a description and breakdown of associated costs which clearly describe:

- |   |                               |
|---|-------------------------------|
| • Personnel salaries, benefits, <u>and</u> duties | • Equipment                   |
| • Sub-contracting                                 | • Supplies and other expenses |

This description should be developed as if the services were being provided by a local government agency, thus following the corresponding categories (i.e.: Personnel/ Employees) of the Project Budget Itemization.

i. If supervision services are to be contracted, include, as an *attachment*, a copy of a current Memorandum of Understanding (MOU) and/or contract (if a private provider is currently utilized and expected to be continued) or a description of what the contract will include and a description of how the service provider will be selected.

j. Justify consultants' travel by explaining its relevance to job duties. **Excessive mileage should be explained and fully justified.**

**3. Travel**

Itemize total travel expenses of project personnel by local mileage, non-local, and subsistence. Subgrantees must follow the state's travel policy *unless there is a written local travel policy*. State allows reimbursement for actual reasonable expenses. Mileage is reimbursed at the current federal rate (currently \$0.50/mile). Transportation costs, such as air and rail fares, are at coach rates. Justify travel by explaining its relevance to job duties.

**4. Equipment**

Each major item to be purchased must be separately listed with unit cost. Each item to be leased or rented must be separately listed with the cost associated with the lease or rental. The budget narrative must thoroughly explain the relevance and importance of each item to the project. Items not thoroughly justified will be deleted.

**CCCA and PSA budgets must include a line item under equipment for the PTCC network equipment and hardware replacement and repair for no less than 1% of the program funding.** For any new positions established, **\$1,500** must be budgeted for computer equipment, software, licensing, and networking. All computer equipment, software, and networking must meet DCJS specifications and be compatible with the Pretrial/Local Community-based Probation (PTCC) information system. All office moves require additional expenses both at the local project level and for DCJS, so any move should be planned for in advance if possible. DCJS requests one (1) month notice for any physical moves and moving expenses should be planned for in the budget, if known.

Equipment includes, but is not limited to, the purchase or lease of items such as office furniture, copiers, fax machines, telephones (but NOT line service), PTCC wiring, pagers, and cellular phones.

**Note**

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

DCJS strongly recommends that ALL staff have email and internet access with valid virus protection that is updated regularly. Part of the PTCC 1% may be used for this purpose.

### 5. Supplies and Other Operating Expenses

*All costs should be itemized within this category by major types and show the basis for computation (“x” dollars per month, “y” dollars per person, etc.).* Office rental costs must be reasonable and consistent with rents charged in the area. Rental space should be reasonable (any footage that exceeds 150 feet/per full time employee must be explained). Supplies and Other Operating Expenses may include, but are not limited to, the following:

- Rent
- Utilities
- Telephone services (local and long distance)
- Internet access/internet provider contracts
- Digital pager services (if separate from equipment lease)
- Cellular phone services (if separate from equipment lease)
- Office supplies (including normal printing expenses - do not separate)
- Vendor maintenance contracts/agreements
- On-site drug testing and lab confirmations
- Postage
- Special printing projects
- Training (i.e., Basic Skills)

Certain maximum limitations on supplies and other operating expenses are imposed as follows:

- Office supplies, including normal printing expenses (i.e.: letterhead, business cards): \$50/full-time employee equivalent/month (this is \$600 per year per FTE)
- Training: \$400/full-time employee equivalent (**this maximum does NOT apply to the Evidence-based Practices sites as long as additional training expenses are EBP related**) **Note**
- CCJB Expenses: if requested, no more than \$2,000 total

### 6. Indirect Costs

These are costs that cannot be assigned to a particular category but are necessary to the operation of the organization and the performance of the project. The following specifications apply to developing the Indirect Costs portion of the budget:

- Indirect costs are limited to 1% of the total award.
- Indirect costs must be accounted for in the local community-based probation budget, however, if indirect costs are charged for the pretrial budget, the pretrial budget should be adjusted accordingly.
- Charging the grant for indirect costs cannot violate non-supplanting requirements.
- Indirect costs include, but are not be limited to: Audits ordered by the locality as part of the local audit procedure, Insurance required by locality and not covered by the state, Costs associated with personnel and funds management, or General services conducted as part of the local government (i.e.: facility maintenance).

### 7. Cash Funds from Sources Other than Grant Funds Supporting this Project

Funds from sources other than this award, including supervision/intervention fees, project income, local or federal funds supporting the project must be included in the budget summary (**and on the itemized budget and the narrative budget**). *With the exception of supervision/intervention fees*, funds shown in this item are not governed by the terms, conditions, and assurances which apply to the grant award (see page 4).

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

---

**PROJECT BRIEFS**

**Local Community-based Probation**

***Discussion***

Local community-based probation enhances public and community safety by providing supervision services through a variety of intermediate sanctions and punishments. Offenders may be placed on, or sentenced to, local community-based probation supervision. This includes local probation that may stand alone or involve other system components such as home incarceration, electronic monitoring, community service, or substance abuse assessment, testing, or treatment. The other components may also be used as sanctions for minor infractions of local probation supervision requirements. Probation services enable offenders to become functional members of the community by providing education, training, and treatment while making offenders accountable to the community for their criminal behavior.

**All offenders sentenced, or placed, pursuant to §19.2-303.3 of the Code of Virginia, or statutes authorizing deferred proceedings for those charged with a jailable offense and who meet the definition of appropriate supervision placement, shall be considered to be on local probation supervision for these purposes.** Any offender who is convicted of a misdemeanor or nonviolent felony for which the court imposes a **total** sentence of 12 months or less is eligible for placement within an agency established or contracted with under the authority of the CCCA. Other system components ordered shall be in addition to local probation supervision.

**Note**

*Community service* allows or requires offenders to perform a specified number of hours of unpaid work in public or non-profit agencies. Offenders are assigned to appropriate program staff who will match offender skills, interests, and personalities with available job sites. Program staff assist in establishing a work schedule and then regularly monitor offender compliance and performance.

*Home incarceration*, also known as home confinement or house arrest, is a judicially or administratively imposed condition requiring an offender to remain at home for all or some portion of the day with approved absences for work, treatment, counseling, and/or doctor appointments. A curfew sanction is one form of home confinement. Supervision is accomplished through telephone calls, home and office visits, and collateral contacts with third parties. Home confinement should be imposed as a sanction only when there are reasonable assurances that the defendant or offender will abide by the rules without the use of additional supervision tools (electronic monitoring may be utilized if these assurances do not exist).

*Electronic monitoring* is an option utilized by local correctional entities to help in the supervision of selected offenders. Using a basic concept of home incarceration, offenders are required to remain in their homes at all times except for approved absences for work, treatment, counseling, and/or doctor appointments. To help assure that offenders adhere to the home confinement stipulations, an electronic monitoring device is used. Electronic monitoring may be used as a sanction for an individual who has technically violated conditions of supervision.

**NOTE: It is *not* the purpose of local probation services to supervise offenders convicted of traffic infractions, offenders sentenced to community service in lieu of fines/costs, or to supervise offenders until all fines, costs, fees, and/or restitution is paid. Agencies found to be actively supervising such offenders and counting them on the monthly report as supervision cases (as opposed to monitoring) risk funding reductions.**

**Note**

Agencies are encouraged to continue to improve the efficiency and effectiveness of the local criminal justice system. Agencies are also encouraged to create partnerships with community organizations beyond the criminal justice system for the purpose of education, collaboration, and inclusion in the decision-making and planning process.

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

---

***Project Targets for Local Community-based Probation***

Agencies shall develop annual project targets based on information from the ***PTCC generated*** monthly report and report on the Quarterly Progress Report. The intent of the targets is to improve efficiency and effectiveness of services. Please develop appropriate and reasonable numeric targets specific to your local community-based probation services for each of the following minimum, mandatory targets for both misdemeanor and felons (except for #9,10, & 11) on the *Project Target* form provided for both FY2011 and FY2012 (see Attachment). Base your targets on the most current services data. The development of additional project targets is encouraged but not required.

1. Total Placements on Supervision (Section I, #3; includes transfers from other agencies, new placements from Court, and court reinstatements).
2. Total # of Supervision Days (Section I, #7 )
3. Average Daily Caseload, ADC (Section I.#8)
4. Average Length of Supervision (ALOS), **your targets must be 6 months or less for misdemeanants and 12 months or less for felons or actual performance numbers, whichever is less** (Section I.#9)
5. Placements on Services to: (Section II; if either of these are not applicable to your program, please indicate this):
  - Anger Management
  - Batterers' /Domestic Violence
6. Total Successful Placement Closures (Section III, #4A)
7. Total Unsuccessful Placement Closures (Section III, #4B; do not include other Case Closures in this section)
8. Rate of Successful Closure. This is calculated by taking the Total Successful Cases (#6) divided by the sum of the Total Successful Cases (#6) and the Total Unsuccessful Completions (#7).
9. Total Inactive Placements – last day of the month (Section III, #5)
10. Total Offenders Monitored – last day of the month (Section V, #4)
11. Total Community Services Hours Performed (Section VI, #1)
12. Total Amount of Restitution Facilitated (section VI, #2)
13. Total Amount of Fines/Costs Facilitated (Section VI, #3)
14. Total Intervention/supervision Fees Collected (Section VI, #4)

**NOTE**

***Other Project Guidance and Operating Requirements:***

1. All agencies established and operated under the authority of the CCCA, including those contracted with for supervision, must follow standards, regulations, and guidelines put forth by DCJS. This includes, but is not limited to, the ***Minimum Standards for Local Community Corrections and Pretrial Services*** (dated ***October 1, 2005*** and any subsequent revisions or amendments) and all new guidelines implemented by DCJS (Guidelines 1 – 11).
2. Standard Operating Procedures (SOP): SOP shall be maintained which address and comply with all **CURRENT** statutes, regulations, standards, guidelines, protocols, and policies. Supervision contractors are also accountable to such statutes, regulations, standards, guidelines, protocols, and policies.
3. Workload must justify creating full-time positions. DCJS funding may be utilized **only** for the provision of direct supervision. ***DCJS will not fund local probation staff-to-offender average ratios of less than 1:60 for local community-based probation.*** (This does not

**NEW**

**NOTE**

## COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

### *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

preclude smaller jurisdictions with lower populations from funding. Staff requests should be in proportion to the population served.) Management and support staff should be in direct proportion to offender supervision staff. When contracting for supervision services, the contractor must adhere to staffing ratios.

4. The length of supervision should not exceed the amount of time necessary for the offender to complete all measurable standard and special conditions of supervision. For example, if an offender is sentenced to complete 40 hours of community service work, the length of supervision shall not exceed the amount of time that offender takes to complete the 40 hours. If no measurable conditions apply, the length of supervision should not exceed the established period of time set forth in supervision standards and guidelines. The generally accepted maximum time under supervision has been an average of six (6) months for misdemeanants and twelve (12) months for felons. *Long term and intensive supervision are not appropriate uses of these funds. Full payment of restitution is generally not considered a measurable standard, as restitution collection is not the primary function or duty of local community-based probation agencies.*
5. Misdemeanor substance abuse screenings and/or assessments pursuant to §§ [19.2-299.2](#) and [18.2-251](#) should be conducted in accordance with DCJS guidelines and protocols where applicable.
6. Substance abuse treatment should be recommended or provided based on the findings of the substance abuse assessment. Most offenders should be referred to outpatient services such as education, counseling, or short-term detoxification, and be tested regularly for drug and alcohol use. ***Residential treatment is not a substitute for supervision and should be limited unless the need for such service is indicated and documented by the results of an appropriate assessment.*** Program staffs are encouraged to take advantage of cross-training opportunities regarding substance abuse treatment. *Long-term residential substance abuse treatment (i.e., 28 days or more) is generally not appropriate use of state grant funds.*
7. Some offenders may require assistance in establishing residences. Placement in halfway or transitional living houses is not a substitute for supervision and should be limited. *Long-term residential placements (i.e. 28 days or more) generally not appropriate use of state grant funds.*
8. In accordance with §9.1-182 of the *Code of Virginia*, a statewide system of supervision and intervention fees to be paid by offenders has been established. **No supervision or intervention fees are to be collected from offenders by agencies without prior DCJS approval. Any operating procedure developed locally must be submitted to DCJS for review and approval prior to implementation. Such operating procedure must be open to revision and must be in compliance with current standards, regulations, and Guideline #1 developed by DCJS.** Schedules must be submitted with a description of how such fees will be processed and accounted for. Assurances must be provided that these collected funds will be utilized for local community-based probation programming. Payment of these fees must be made directly to the locality serving as Fiscal Agent, not in the name of the program. **All fees collected must be reported on a quarterly basis to DCJS on the Subgrant Financial Report for Project Income form (this form and the instructions to complete the form are available online at [www.dcjs.state.va.us/grantsadmin/](http://www.dcjs.state.va.us/grantsadmin/)).**

Fees include, but are not limited to, any payment for supervision, drug testing, or program service participation charged by the supervising agency.

9. The responsibility for the collection and reporting of fines, costs, and restitution rests primarily with clerks of circuit and district courts and the attorney for the Commonwealth, as outlined in §§[19.2-348](#), [19.2-349](#), [19.2-354](#), and [19.2-358](#) of the *Code of Virginia*. While many agencies **facilitate** the payment of restitution by completing money orders with victims' names and then

## COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

### *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

mailing payments, agencies must not accept direct payment (in the name of the program, program staff, or directly related entity) for any such obligations.

10. Supervision may be transferred between agencies established and operated under the authority of the CCCA only. This includes locally operated agencies and those contracted with by an authorized Fiscal Agent. **No fees are to be paid for the transfer of supervision to agencies supported by CCCA funding.**
11. Contracting or sub-contracting for certain services (e.g., counseling, drug testing) should be done only when the primary provider is unable to perform the specified task or when it is cost effective to do so.
12. When contracting for supervision services, no more than 1% of the local community-based probation sub-budget may be utilized for functions that would be considered "Indirect Costs" if the program were operated by a local government agency. Any costs above the 1% will have to be supported by the locality or by other sources (e.g., donations, endowment funds, United Way, etc.) that support the contracted agency. Indirect costs include, but are not limited to audits, insurance, cost associated with personnel and funds management.

13. The PTCC case management system must be fully <b>utilized</b> . PTCC shall be the primary data source for offender records management information and case management activities. Any agency that is not fully utilizing the PTCC system risks termination of funding with 90 days notice. Full utilization includes the use of <b><u>all</u></b> modules and sub-modules- <b>AND all data elements even if they are not underlined.</b>
--

**Note**

14. The PTCC monthly report must be reviewed at the agency level and emailed to DCJS by the due date.
15. Per the minimum standards, each agency is required to develop written standard operating procedures. At a minimum, you are required to
  - Have SOPs for each standard and any guideline published by DCJS,
  - Have the SOPs approved in writing by the chief executive officer of the administrative and fiscal agent, and
  - Review the SOPs annually.

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

### **Pretrial Services**

#### ***Discussion***

The purpose of pretrial services is to provide defendant background information and recommendations that will assist judicial officers in determining or reconsidering **terms and conditions of bail** and to provide supervised release on bail in lieu of a secured bond. Pretrial also provides assurances that defendants will comply with other conditions when released to the custody of the agency through the provision of supervision as a term of bail.

Judicial officers face a difficult situation in determining whether to release an accused on bail or to commit to jail, in reconsidering bail, and in setting appropriate terms of bail. The provision of a pretrial investigation report is intended to assist judicial officers with this process, especially at initial appearance in General District Court and at subsequent bail appeal hearings. The pretrial screening, interview, background investigation, criminal history and community stability, risk assessment and recommendation provide an assessment of a defendant including indications of a risk of flight or the potential for criminal activity if released pending trial.

**NOTE**

Supervision services are primarily targeted for an accused arrested and admitted to bail but detained in jail in lieu of a secure bond. Pretrial services are intended to replace the use of secure bond as a term of bail with release and to the custody and supervision of a pretrial services agency with or without an unsecured bond. The intent is to increase the use of non-secure bond as a term of release on bail.

**Except for defendants charged with an offense that is punishable by death**, defendants screened out in accordance with DCJS policies, and risk assessment requirements, **no pretrial services agency shall withhold investigation of or recommendations for defendants based on the nature of the charge or deny supervision to any pretrial defendant placed by any judicial officer.**

The authority for an accused to be released to the custody and supervision of a pretrial services agency is in Article 1 (§[19.2-121](#) et seq.) and Article 5 (§[19.2-152.2](#) et seq.) of Chapter 5 of Title 19.2 of the *Code of Virginia*.

#### ***Program Service Models***

Pretrial supervision and services agencies must be consistent with one of the two following models:

1. ***Pretrial Interview/Investigation for First Appearance/Arraignment in any district or circuit court with Pretrial Supervision and Services:*** This community-based model is designed to provide defendant-based information and bail release recommendations. It is primarily designed to provide information to the judge(s) of the district court(s) at the initial appearance for defendants who have been admitted to bail, but not released due to an inability to meet the requirements of a secure bond or have been denied bail. Supervision and services are provided for those released to the custody of the pretrial services agency.
2. ***Jail-Based Central Intake Services with Pretrial Supervision and Services:*** This is a jail-based service model through a memorandum of understanding between the administrator and fiscal agent and the jail manager which seeks to integrate and combine the process of investigating defendants for pretrial release with the jail admission/intake process. Defendant-based information, assessment of risk, and bail release recommendations are provided to assist judicial officers and can also be used as the initial inmate classification information for those not released on bail. Supervision and services are provided to those released to the custody of the pretrial services agency.

**NOTE**

# COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

## *Supplemental Grant Application Guide for FY 2009-2010 Funding*

---

### ***Program Services***

1. Screen adult criminal cases detained awaiting trial in a jail, subsequent to the initial bail hearing in preparation for first appearance/arraignment in General District Court. These cases are primarily defendants who have either been a) denied bail or b) admitted to bail but committed to jail because of an inability to meet the term of a secure bond.
2. Provide reports to judicial officers that incorporate defendant information on an investigation which includes, but is not limited to, the following: an interview; verified and self-reported information relating to criminal history, financial status, community stability, health and other; national, federal, state, and local criminal history, DMV record, and a risk assessment; and a range of bail release recommendations.
3. Appear in court for presentation of the pretrial report recommendations and findings when feasible and applicable.
4. Review pretrial defendants who remain detained in jail after arraignment between 7 and 10 days following initial investigation.
5. Provide supervision including face-to-face visits, phone contacts, and other community collateral contacts and services.
6. Expedite the release of defendants admitted to jail awaiting trial through the use of direct placements by magistrates.
7. Reduce failures to appear and pretrial criminality by providing custody and supervision for pretrial defendants.
8. Assist courts by providing optional services including the preparation of indigency assessments as resources allow.
9. Assist courts, Commonwealth's Attorneys, and Public Defender/defense counsel by providing pretrial investigation reports where and when appropriate.

### ***Program Targets***

Agencies shall develop annual project targets based on information from the PTCC generated monthly report and report on the Quarterly Progress Report. The intent of the targets is to improve efficiency and effectiveness of services. Please develop appropriate and reasonable numeric targets specific to your pretrial services for each of the following minimum, mandatory targets for both misdemeanor and felons on the *Project Target* form provided for FY2011 (see Attachment). Base your targets on the most current project data. The development of additional project targets is encouraged.

1. Total # of Supervision Days (Section I, #7)
2. Average Daily Caseload ADC (Section I, #8)
3. Average Length of Supervision, ALOS, **your target must be 60 days or less for misdemeanants and 120 days or less for felons or actual performance numbers, whichever is less** (Section I, #9)
4. Total Defendant Placements (Section III, #3)
  - On Secure Bond & Supervision (Section III, #3C)
  - Direct Placement (Section III, #3D)
  - Based on Program Recommendations (Section III, #3E)
  - Against Program Recommendations (Section III, #3F)
5. Total Successful Cases (Section III, #4A)
6. Total Unsuccessful Completions (Section III, #4B)
7. Rate of Successful Closure. This is calculated by taking the Total Successful Cases (#5) divided by the sum of the Total Successful Cases (#5) and the Total Unsuccessful Completions (#6)
8. Total # Defendants Investigated (Section IV, #4)

**NOTE**

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

9. Total # Defendants Recommended for supervised release (Section IV, #7B)
  - Accepted by Court (Section IV, #7B1)
  - Rejected by Court (Section IV, #7B2)

***Other Project Guidance and Operating Requirements***

1. All agencies established and operated under the authority of the PSA must follow statutes, standards, regulations, and guidelines as prescribed by DCJS (Guidelines 1 -10). This includes, but is not limited to, the ***Minimum Standards for Local Community Corrections and Pretrial Services*** (dated October 1, 2005 and any subsequent revisions or amendments).
2. Standard Operating Procedures (SOP): SOP shall be maintained which address and comply with all CURRENT statutes, regulations, standards, guidelines, protocols, and policies. Supervision contractors are also accountable to such statutes, regulations, standards, guidelines, protocols, and policies. An SOP must be submitted for review and comment to DCJS prior to the implementation of new services.
3. **Workload must justify creating full-time positions.** DCJS funding may be utilized for the provision of direct supervision only. ***DCJS will not fund case management staff-to-defendant average ratios of less than 1:40 for pretrial supervision services.*** (This does not preclude smaller jurisdictions with lower populations from funding. Staff requests should be in proportion to the population served.) *Management and support staff should be in direct proportion to defendant supervision staff.* When contracting for supervision services (allowable only for agencies currently approved), the contractor must adhere to staffing ratios.
4. Pretrial defendants on supervision may only be transferred between agencies established and operated under the authority of the PSA. This includes locally operated agencies and those contracted by an authorized Fiscal Agent.
5. The maximum **project average** length of supervision from arrest/citation to adjudication/conclusion is 60 days for misdemeanor and 120 days for felony defendants.
6. Pretrial services agencies may assist drug courts operating within their jurisdiction with the assessment and supervision of pretrial defendants.
7. Substance abuse screenings should be conducted and results recorded in accordance with the specifications of the Interagency Drug Offender Screening and Assessment Committee and DCJS guidelines and protocols. *In order for Pretrial agencies to be exempt from conducting screenings, a letter from the Chief General District Court Judge must be submitted to and on file with DCJS.*
8. All pretrial agencies approved to conduct the Virginia Pretrial Risk Assessment Instrument (VPRAI) must conduct a risk assessment as part of the pretrial investigation as identified in the VPRAI manual.
9. The PTCC case management system must be fully **utilized**. PTCC shall be the primary data source for defendant records management information and case management activities. Any agency that is not fully utilizing the PTCC system risks termination of funding with 90 days notice. Full utilization includes the use of **all** modules and sub-modules **AND all data elements even if they are not underlined**.
10. The PTCC monthly report must be reviewed at the agency level and emailed to DCJS by the due date.
11. Per the minimum standards each agency is required to develop written standard operating procedures. At a minimum, you are required to
  - Have SOPs for each standard and any guideline published by DCJS,
  - Have the SOPs approved in writing by the chief executive officer of the administrative and fiscal agent, and
  - Review the SOPs annually.

**Note**

**COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES**  
***Supplemental Grant Application Guide for FY 2009-2010 Funding***

---

**Restrictions**

1. Except for the currently approved services, state funding shall **not** be used to contract for pretrial services with a private provider. Service providers must be a local unit of government *and* have criminal justice agency status as defined by [§9.1-101](#) of the *Code of Virginia* except for any program certified by the Commission on Virginia Alcohol Safety Action Program (VASAP) pursuant to [§18.2-271.2](#).
2. Only the models listed in this guide are eligible for state funding.
3. ***The collection of intervention and/or supervision fees from pretrial defendants for pretrial supervision is prohibited.***
4. Pretrial services agencies funded by this initiative shall not accept referrals specifically for:
  - a. the purpose of evaluating a defendant's performance on supervision or treatment,
  - b. an extended period of time for an assessment or evaluation,
  - c. a specified period of pretrial supervision established by court order,
  - d. any period of supervision following trial as a condition of any case taken under advisement, deferred judgment, or a deferred proceeding where the court does not make a finding of guilt (commonly referred to as "pretrial diversion"),
  - e. where there is an "accord and satisfaction" agreement, or
  - f. defendants appealing their conviction or sentence in circuit court

**Note:** This does not include the court extending the period of supervision for a defendant **already under supervision** through the pre-sentence investigation period in lieu of bail revocation. Such "extended" supervision cases should not exceed the established standards for average length of supervision.

5. Pretrial services agencies **shall not** recommend defendants for supervised release with a secure bond.
6. **Except for defendants charged with an offense that is punishable by death,** defendants screened out in accordance with DCJS policies, and risk assessment requirements, no pretrial services agency shall withhold investigation of or recommendations for defendants based on the nature of the charge or deny supervision to any pretrial defendant placed by any judicial officer.