

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

**Annual Legislative Report
July 2002 – June 2003**



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Comprehensive Community Corrections Act for Local-Responsible Offenders
And Pretrial Services Act

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As required by Item 432, paragraph C3 of the 2002 Appropriations Act, this report summarizes the efforts of the Department of Criminal Justice Services (DCJS) to continue the implementation and development of the Comprehensive Community Corrections Act for Local-Responsible Offenders (CCCA) and the Pretrial Services Act (PSA) for the period of July 1, 2002 to June 30, 2003. FY2003 year-end summary data is also included.

FY2003 Local Community-Based Probation and Pretrial Services

Local community-based probation populations remained level while pretrial services populations continued to experience some growth during FY2003. With only one new pretrial services component started in FY2003, the continued use and growth can be attributed to the increase in demand and judicial utilization within those localities with previously established agencies and an increase in length of supervision. Due to state budget reductions and the elimination of SABRE funding, DCJS reduced the amount awarded to agencies by \$1.5 million. This resulted in a net reduction of \$2.5 million in the total funding for CCCA and PSA agencies reducing agencies' funding to FY 2000 levels.

Several localities continue to contribute funding in support of these efforts. It is apparent that these localities and the judiciary recognize the important role that pretrial services and local community-based probation play in ensuring public safety. Unfortunately, local agencies in some areas still experienced difficulty meeting increased demands. The average daily caseloads of most agencies significantly exceeded the minimum staff to defendant/offender ratio of 1:25 for pretrial supervision and the case management ratio of 1:50 for local community-based probation supervision. Several local community-based probation agencies continue to carry caseloads that exceeded a ratio of 1:100.¹

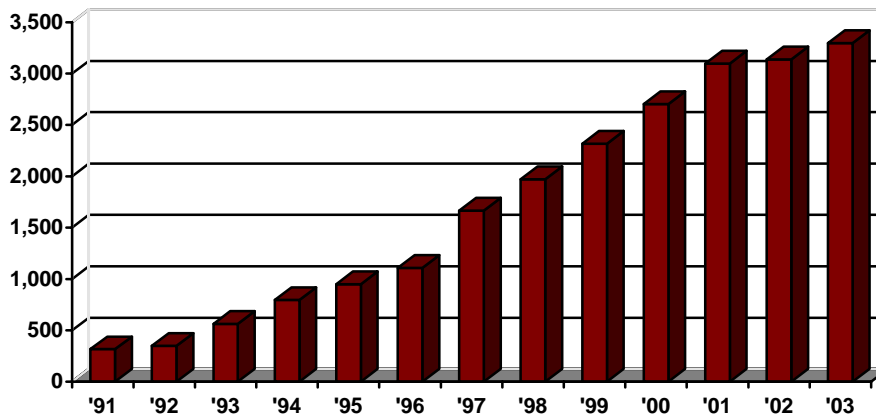
Despite the pressures of excessive caseloads and a net reduction in funding, the directors and staff of these local agencies continue to maintain highly professional services and to provide for public safety in their communities. However, despite their best efforts, the strain of excessive caseloads and funding reductions are beginning to have a negative impact in some localities. The agencies are constructively and collaboratively linked through the VCCJA and they work closely and positively with DCJS. With the reduction in funding for FY2003, most localities were unable to offset the budget strain exerted by increased caseloads, overhead, personnel related costs (such as merit/COL raises and increased VRS and health insurance contributions), and the drug screening and screening requirements (*Code of Virginia* §19.2-299.2).

Pretrial Services Supervision

¹ Ratios are based on active cases only. Inactive and monitoring cases, which also consume agency resources, are not included in the calculations of active cases. The minimum ratio is a staffing benchmark set by DCJS for state funding.

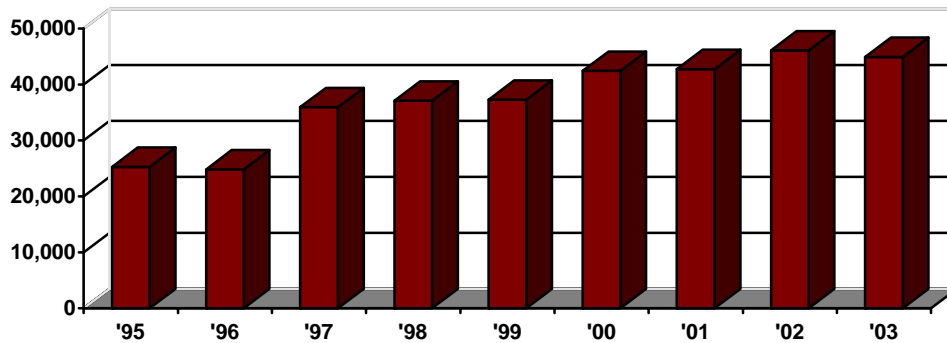
The average daily caseload (statewide) of pretrial defendants under supervision has increased by over 192% since the passage of the PSA. This increase is largely due to the fact that the number of agencies providing pretrial services has more than doubled since 1996. The average daily caseload increased by 5% with only one new pretrial services component added in the last year. The rise in caseloads may be due to a slight increase in average length of supervision as placements on supervision declined by 1.1% (n=14,709 placements in FY2003). During FY2003, 25% of misdemeanor and 37% of felon placements had to meet a condition of a secure bond before being released to pretrial supervision. This is a duplication of effort as pretrial officers then do the supervision on behalf of the bondsmen and it undermines the intent of pretrial services to reduce the need for secure bond.

Pretrial Services Average Daily Caseload



In terms of pretrial investigations, the largest growth period was between FY1996 and FY1997 when most of the newly established pretrial services agencies became fully operational. Pretrial investigations are leveling off with 44,950 investigations conducted in FY2003, a decrease of 2.5% from the previous year.² However, this is still an increase in investigations from FY2001.

Pretrial Services Investigations

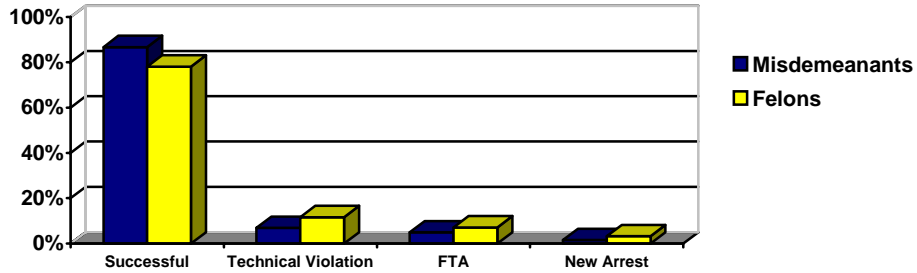


Pretrial services agencies continue to have an excellent success rate. Of the 6,472 misdemeanor cases closed during FY2003, 86.7% (n=5,612) were successful. About 1.5% of the cases were

² Data are from manual and automated Pretrial Services Monthly Reports submitted to DCJS.

closed due to a new arrest. The remaining closures were due to technical violations (6.9%) and failure to appear for court (FTA, 4.9%). Of the 6,829 felony cases closed during FY2003, 78.1% (n=5,332) were successful. About 3.2% were closed due to a new arrest. The remaining closures were due to technical violations (11.6%) and FTA (7.1%).

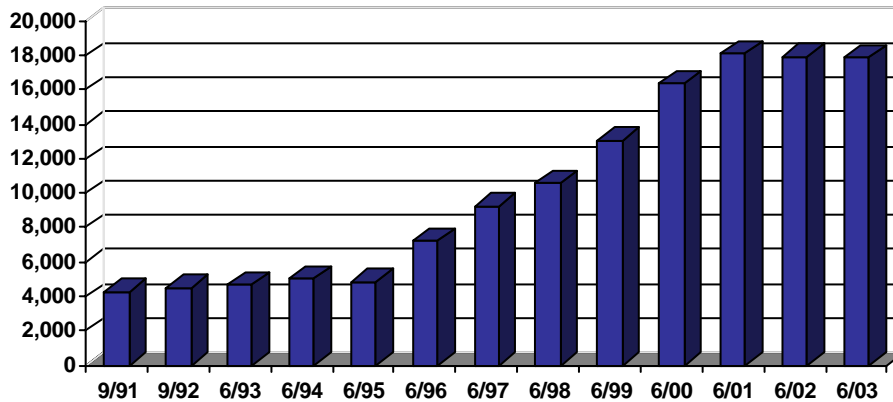
Pretrial Services Closure Types ³



Local Community-based Probation Supervision ⁴

Subsequent to the establishment of the CCCA, the number of offenders under local community-based probation supervision has increased dramatically. Since the passage of the CCCA in late 1994, caseloads have increased approximately 254%.⁵

Community-based Probation Caseloads (Point in Time)



Although the growth rate is no longer increasing this year relative to the dramatic increase experienced between FY1996 and FY2001, supervision numbers continue to be substantial. On

³ Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are backed out of the calculations.

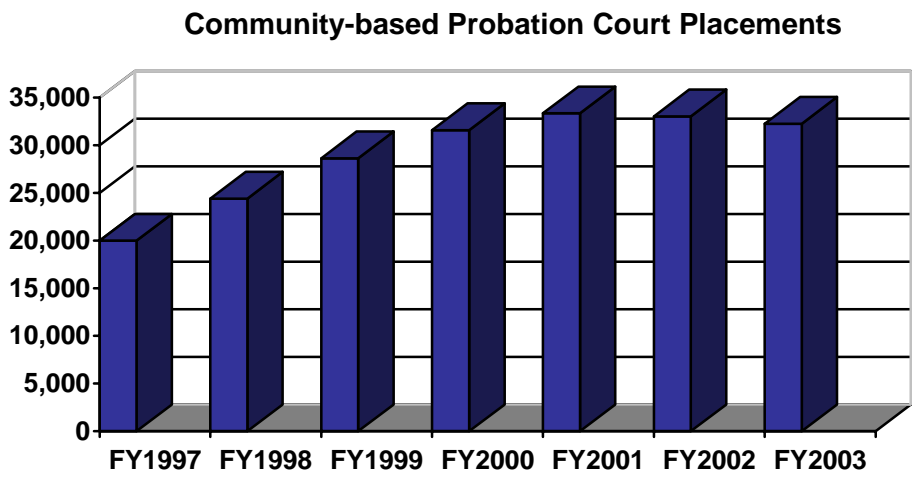
⁴ Some figures reported in previous reports have been excluded in this year's report as this the CCCA and PSA system is transitioning from manual reporting to automated monthly reporting so some figures are temporarily unavailable.

⁵ Data are from manual and automated Community Corrections Monthly Reports submitted to DCJS by Local Community-based Probation Agencies. The caseloads reported here are based on point in time figures.

June 30, 2003, there were 17,857 offenders under active supervision whereas there were 17,840 offenders under active supervision just one year earlier.⁶

In addition to the average caseload of offenders under active supervision, there was an average of 1,023 offenders per month reported in a “monitoring only” status.⁷ There was also an average of 3,150 offenders per month reported in an “inactive” status.⁸ Though reduced in comparison to active cases, agencies do have certain responsibilities regarding inactive and monitoring status cases that must be recognized. However, these cases are not currently included in determining minimum case manager to offender ratios.

FY2003 statistics demonstrate continued strong judicial support for the CCCA through the volume of placements and program service utilization. In FY2003, the courts made 32,252 placements to supervision. This is only a slight decrease (2.4%) over last year’s placements to supervision than were made in FY2002 (n= 33,031). This is a true “offender count” and does not include multiple sentences to community-based probation supervision that may occur for an offender at any given time.



The average length of supervision continues to increase. While the length of time under supervision for felons continues to be within the DCJS recommended average twelve (12) months, the length of time under supervision for misdemeanants is just over the recommended average of six (6) months. As recently as FY2000, misdemeanants averaged only 4.8 months under supervision and felons averaged only 8.3 months. In contrast, the average length of supervision for misdemeanants has increased to 6.5 months in FY2003. The average length of supervision for felons increased to 10.1 months in FY2003 up from 9.2 months in FY2002. The increase in time under supervision is due to the increase in domestic violence cases, longer

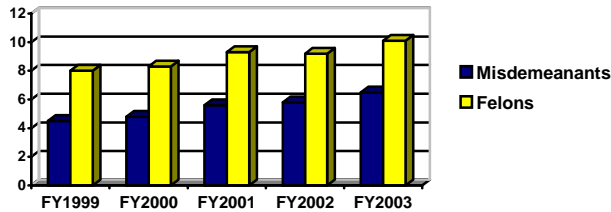
⁶ Utilizing the beginning and ending figures reported on the Community Corrections Monthly Reports submitted to DCJS by Community Corrections Agencies, the average daily caseload was 17,871.

⁷ “Monitoring only” cases are those cases that do not meet the criteria for CCCA, including those required to do community service in lieu of fines and costs. These cases are not held to the same supervision criteria as active cases nor are they included in caseload calculations. This is a service provided collaboratively to the judiciary but not statutorily required.

⁸ The “inactive status” includes, but is not limited to, cases that are transferred out and reported active by another locality. These cases are not double counted as active or included in supervision day or average daily caseload calculations.

treatment requirements, waiting lists for treatment, and increases in mandatory community service time, all requiring longer periods under supervision and result in still higher caseloads.

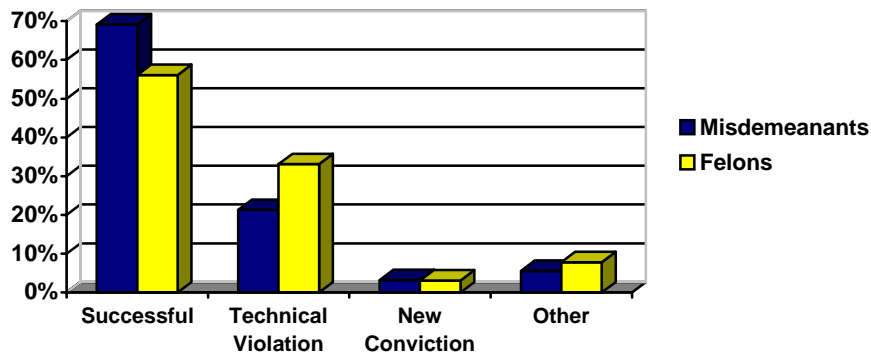
Community-based Probation Average Time under Supervision in Months



Offenders supervised in the local community-based probation agencies continue to experience a very good success rate. As with pretrial services, failures under supervision are offender failures and should not be considered failures of the agency. Defendants and offenders are accountable for their behavior under supervision. Failure to comply with the conditions of supervision results in removal from supervision, as the behavior is considered indicative of a potential for new criminality (this accounts for rate of failure due to technical violations).

Of the total misdemeanor cases closed during FY2003, about 70.9% were successful. Of the total felon cases closed, almost 59% in FY2003 were considered successful. The most common “unsuccessful” closure for both the misdemeanor and felon cases continue to be those due to technical violations of supervision. In FY2003, Others were closed due to a conviction for a new offense.⁹

Local Community-based Probation Closure Types¹⁰



Local community-based probation agencies also tested offenders for substance use and placed offenders in a variety of treatment programs throughout the year. Substance abuse services

⁹ As this is a transition year between the use of automated and manual monthly reports, the closure types are limited to successful and unsuccessful and the percentage is a weighted average of the two reports.

¹⁰ Community Corrections closures are based on those closed successfully, due to a technical violation, due to a new conviction, and for “other” reasons. Cases closed that are returned to sending jurisdictions are not included with “other” closures and are only counted once in the originating jurisdiction. However, cases reinstated to supervision after a previous closure have not been backed out. Therefore, closures due to technical violations and other reasons may be over reported.

utilized included short-term detoxification, outpatient treatment, education, and other substance abuse counseling programs. Figures reported for FY2003 indicate:

- * 8,431 Offenders were drug tested (does not include multiple tests)
- * 2,667 Offenders were placed in substance abuse education
- * 2,951 Offenders were placed in substance abuse counseling
- * 47 Offenders were placed in short term detoxification
- * 76 Offenders were placed in long term inpatient treatment
- * 28 Offenders were placed on electronic monitoring
- * 25 Offenders were placed in home detention
- * 14,739 Offenders were assigned community service work
- * 430 Offenders were ordered to attend a financial responsibility sessions
- * 736 Offenders were ordered to attend shoplifting prevention sessions
- * 3,044 Offenders were ordered into anger management counseling
- * 2,718 Offenders were ordered into domestic violence counseling
- * 133 Offenders were ordered into sex offender treatment
- * 2,848 Offenders were required to participate in some other service or program

The “other” services ordered were quite varied. The most reported services included mental health evaluations, mental health counseling, and family counseling.

All agencies place offenders in work sites to complete community service. For FY2003, local community-based probation agencies reported that offenders performed 706,285 hours of community service work. At the minimum wage of \$5.15/per hour, this translates into almost \$3.64 million dollars worth of community service work. However, this can be considered a very conservative figure as local government pay scales would pay more than the minimum wage for the type of community services provided by the offenders. Local community-based probation agencies also assist the courts and Commonwealth’s Attorneys by facilitating payments of fines, costs, and restitution owed by the offenders under their supervision. In FY2003, agencies facilitated over \$1.3 million in restitution payments and over \$1.4 million in owed fines and costs. In total, *local community-based probation agencies generated about \$6.4 million in services and payments to communities.*¹¹

Substance Abuse Reduction Effort (SABRE): Screening and Assessment

Funding for the Substance Abuse Reduction Effort (SABRE) initiative was eliminated in FY2003. While treatment funds are an ongoing need, the SABRE funds were originally carved out of a \$3.4 million appropriation legislatively targeted to increase staffing and operational budgets. These funds are needed to support investigation and supervision services in response to continuing increases in the number of defendants awaiting investigation at arraignment, increasing placements, and increasing daily caseloads.

Legislative Activity

¹¹ Actual figures: 706,285 hours of community service work (\$3,637,368), \$1,304,534 in restitution, \$1,414,239 in fines and costs, totaling \$6,356,141. Figures are based on all agencies reporting hours and collections for the fiscal year except a few that report figures based on cases closed (as opposed to actual collections during the year; however, since most cases close within a one-year window, no impact on the data is assumed).

Legislation

There were a few legislative changes that occurred during the 2003 General Assembly session that affected the local community-based probation and pretrial services agencies. The Virginia Community Criminal Justice Association (VCCJA) was instrumental in getting legislation introduced on behalf of the CCCA and PSA agencies. Duties and responsibilities for local probation and pretrial service officers were codified effective July 1, 2003. Amendments were made that provided for the confidentiality of local probation records and to permit local probation and pretrial agencies *electronic* access to juvenile records. Also, DCJS was added to the list of agencies eligible to receive funds from the Drug Offender Assessment Fund for the support of CCCA and PSA services.

Funding

The General Assembly appropriated a little over \$18.6 million for FY 2003 operations for CCCA and PSA during the 2002 session. A total of almost \$21 million had been appropriated for FY2002 in the 2000 session; a net reduction of almost \$2.5 million. This demonstrates a return to the FY2000 funding level.

While the funding continues to be needed for treatment, it could be used more appropriately for the much needed expansion of supervision capacity. Continuing increases in the number of cases in the previous five years (reflecting expanded utilization and trust by the courts), increasing length of stay (reflective of the treatment time required for substance abuse and domestic violence cases, and increased requirements for community service), and additional demands on the available supervision time of local agency staff (screening and assessment work; training on issues of substance abuse, domestic violence, MIS use), all argue the need for additional resources in support of expanding current supervision capacity. As mentioned earlier, some agencies continue to have staff-to-caseload ratios of over one hundred-to-one and many agency caseloads continue to grow. Additional supervision capacity is necessary to ensure community safety and the continued effective operations of the agencies.

PTCC Software and Communications Infrastructure

The Pretrial and Community Corrections Case Management System (PTCC) reached many milestones in both network infrastructure and software development.

Numerous upgrades to the software were made that resulted in the increased use of PTCC. The Virginia Pretrial Risk Assessment Instrument (VPRAI) was integrated into PTCC. In addition, improvements have been made to Master Name Index (MNI) to allow for daily updates. MNI allows pretrial and local probation officers to query the state for defendants or offenders that have prior supervision activity for either pretrial or local probation.

In an effort to reduce cost and increase efficiency, the network infrastructure was improved substantially by converting the remaining 4 frame relay connections to ISDN. In addition, DCJS converted the PTCC statewide network from a fragmented WAN to a single WAN. Prior to this, the PTCC network could maintain connection to a limited number of sites. By converting, all sites are connected simultaneously. The line conversions and upgrades resulted in a decrease in the cost of maintaining the network and an increased ability to support the over 450 end-users by allowing for more remote support work to be administered from DCJS.

The PTCC project team began and completed an upgrade to Windows 2000 Server from Window NT 4.0. All 38 servers throughout the PTCC network were upgraded. The upgrade allows for an increase in server stability and extends Microsoft support.

Over the past fiscal year, DCJS provided regional training to Southwest Virginia. Separate trainings were conducted in Abingdon and Roanoke. Instruction was provided to end-users on the basic use of PTCC. More training is scheduled for the next fiscal year. DCJS will continue to review and look to improve training for existing and new users of PTCC.

Virginia Pretrial Services Risk Assessment Instrument

DCJS has completed the development of the Virginia Pretrial Risk Assessment Instrument (VPRAI) for use by pretrial services agencies across the Commonwealth of Virginia. Pretrial services agencies' primary responsibilities are to provide information to judicial officers (magistrates and judges) to assist them with the bail decision (to release or detain a defendant pending trial) and to provide supervision and services as ordered by a judicial officer. The instrument was developed under the guidance of a Risk Assessment Advisory Committee made up of representatives from the local, state, and national levels. A publication, *Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument*, was produced and distributed to state and national criminal justice professionals.

With the development of the risk assessment instrument complete, the focus of the project shifted to implementation. An advisory committee was created under the guidance of DCJS and charged with developing a training curriculum, CCJB presentation, and a plan for instrument implementation at all 30 pretrial agencies in the Commonwealth. In May 2003, a kickoff meeting was held in Richmond for all pretrial agency directors and staff to share the plan and to prepare for implementation.

DCJS began implementation of the Virginia Pretrial Risk Assessment Instrument in July 2003 with four pilot sites: Chesterfield Community Corrections, Rappahannock Regional Jail, Colonial Community Corrections, and Arlington Sheriff's Office. During this time, all pretrial staff received onsite training. In addition, a formal presentation on the instrument was made to each local Community Criminal Justice Board (CCJB). The instrument is now fully implemented at these four agencies and utilized by all affected criminal justice professionals in those localities. The pilot process served as a mechanism to identify necessary changes and to make modifications to the training curriculum, CCJB presentation, and the implementation plan which will be used to complete implementation of the VPRAI throughout the Commonwealth.

Statewide implementation is planned for September 2003 through June 2004.

Education & Training

Local Community-based Probation & Pretrial Services Agencies

In July and November of 2002 and March of 2003, a total of 42 new local community-based probation and pretrial services employees successfully completed the weeklong Basic Skills course offered by DCJS. Once again these classes were held at the Roslyn Center in Henrico County. Topics included: an Overview of the Criminal Justice System; Substance Abuse Issues; Self-defense; Street Smart (Officer Safety); Supervision Theory; Standards of Supervision;

Criminal History Investigation; Overview of Pretrial Services, Pretrial Screening/Interviewing; Liability Issues; Community Service & Restitution; Domestic Violence; Sex Offender Issues and; Ethics and Professionalism.

In the spring of 2003 DCJS sponsored an in-service training on Liability Issues for local probation and pretrial personnel and other criminal justice professionals in Lynchburg, and Fredericksburg. Virginia Beach attorneys Brandon Zeigler and Mark Delduca presented these one-day workshops. The training covered such matters as an Overview of State and Federal Legal Liabilities, Supervision and Revocation Liabilities, Liabilities of Supervisors, Liabilities Regarding Supervision Reports, etc. In all, the 115 criminal justice professionals who attended these two regional workshops rated this training in the upper two tiers of the rating scale. Certificates of completion were distributed to attendees.

Judicial Training

Minimal judicial training was provided in FY 2003. Judicial training related to substance abuse screening, assessment, testing and treatment was reduced due to the elimination of SABRE (Substance Abuse Reduction Efforts) funding. DCJS participated in the annual Pre-bench Training program conducted by the Supreme Court on April 1 and 2, 2003. Training on the principle elements of local pretrial and community-based probation services was provided to 35 new juvenile and domestic relations, district and circuit court judges.

Other Activities

Virginia Community Criminal Justice Association (VCCJA)

For the fourth year in a row, a record number of participants attended the 6th Annual Virginia Community Criminal Justice Association (VCCJA) Training Conference, Working Smarter for Safer Communities, held on November 6th – 8th in Williamsburg.

The National Institute of Corrections (NIC), the Department of Criminal Justice Services (DCJS) and VCCJA sponsored this conference together with corporate sponsors, Anheuser-Busch and Bank of America. The conference focused on Drug Testing, Time and Stress Management, Cultural Enlightenment, Batterer Intervention, Co-Occurring Disorders, Preventing Burnout and Motivating without Money, Building a Positive Team Spirit, supervising the Sex Offender, Negotiating the Legislative Process, and Community Partnerships Working toward Reintegration of Offenders. A workshop on Cognitive Restructuring, the intensive training track, was sponsored by NIC. The keynote speaker, Ms. Alyce Kemp-DeWitt, presented a motivational piece on dealing with stress, called “Stressed (Desserts spelled backwards).” Election of officers and the annual awards presentations also took place at the conference.