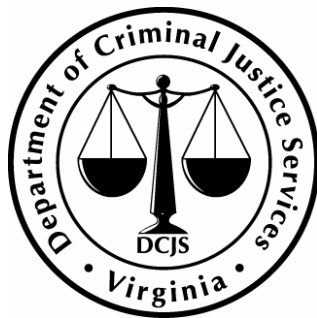


**Comprehensive Community Corrections Act
And
Pretrial Services Act**

**Annual Report to the Legislature
July 1, 2006 – June 30, 2007**



**Virginia Department of Criminal Justice Services
Leonard G. Cooke, Director**

December 2007

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

Annual Report to the Legislature
July 1, 2006 – June 30, 2007

This report is presented to you in order to keep you informed of the activities, 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, 2006 to June 30, 2007.

Prepared by
Correctional Services Section
Department of Criminal Justice Services

FY2007 Local Community-Based Probation and Pretrial Services

Local community-based probation and pretrial service populations continued to experience growth during FY2007. With no additions to community corrections or to pretrial services programming in FY2007 and a decline in the rates of many crimes in Virginia, the continued growth can be attributed to increases in judicial utilization and in length of supervision. For fiscal year 2007, the legislature increased the statewide appropriation for CCCA and PSA by \$850,000 with the expectation that the funds would be used for new local probation and pretrial officers. Unfortunately these additional funds did not provide much relief for all the locations that already have high caseloads.

Many localities contribute funding in support of these agencies, recognizing, along with members of the judiciary, the important role that pretrial services and local community-based probation play in ensuring public safety. In addition, local governments provide funding in non-required match funds or in-kind resources. Unfortunately, local agencies in some areas still experienced difficulty meeting increased demands. This has led 24 of 37, or about 65% of the local community-based probation agencies¹ to collect supervision/intervention fees to augment their operations. The average daily caseloads (ADC) of most agencies significantly exceeded the minimum staff to defendant/offender ratio of 1:40 for pretrial supervision and the case management ratio of 1:60 for local community-based probation supervision. Several local community-based probation agencies continue to carry caseloads that exceed a ratio of 100 offenders for each probation officer.²

Despite their best efforts, the persistent strain of excessive caseloads and funding restrictions continue to have a negative impact in some localities. With only a slight increase in funding for FY2006, most localities were unable to offset the budget strain produced by increased caseloads, overhead, personnel related costs (such as merit/cost of living raises and increased retirement and health insurance contributions), and the drug screening and assessment requirements in the *Code of Virginia* §19.2-299.2. Some agencies have had to reduce staffing, limit drug testing, cut back on needed staff training, and choose other strategies to cope with limited funding in the face of increasing costs. Notwithstanding these pressures, the directors and staff of these local agencies continue to maintain highly professional services and are committed to providing for public safety in their communities.

¹ Pretrial services agencies may not collect intervention fees from defendants.

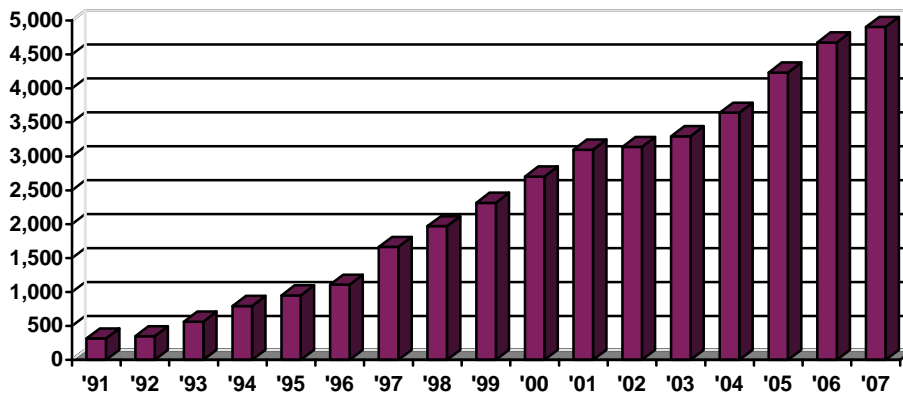
² Ratios are based on active cases only. Inactive and monitoring cases, which also consume agency resources, are not included in the calculations of active cases. The *minimum* ratio is a staffing benchmark set by DCJS for state funding.

Pretrial Services

The Pretrial Services Act became effective on July 1, 1995. The primary responsibilities of pretrial services agencies are to provide information to judicial officers (magistrates and judges) to assist them with bail decisions (release or detain defendants) and to provide supervision and services to defendants as ordered by a judicial officer. Pretrial services are available in 80 of the 134 localities in Virginia. Many localities not funded for pretrial services continue to express an interest in implementing them. There are 22 localities that are currently mandated to provide pretrial services and 11 that will be mandated to provide pretrial services by 2010.³ Without additional state funding, this will not occur.

The average daily statewide caseload (ADC) of pretrial defendants under supervision has increased by almost 342% since the passage of the PSA. This is due, in part, to the fact that the number of agencies providing pretrial services has more than doubled since 1996. Additionally, all pretrial services agencies continue to experience growth. The ADC increased by 4.9%, from 4,677 in FY2006 to 4,905 in FY2007. As suggested before, there is a very real potential for even more growth if more localities were to receive funding to implement new services or expand on existing pretrial services. As local jail populations continue to grow, supervised pretrial release is an important tool to assist localities in managing their jail populations. Several localities that do not have pretrial services are experiencing extreme crowding of their jails.

Pretrial Services Average Daily Caseload



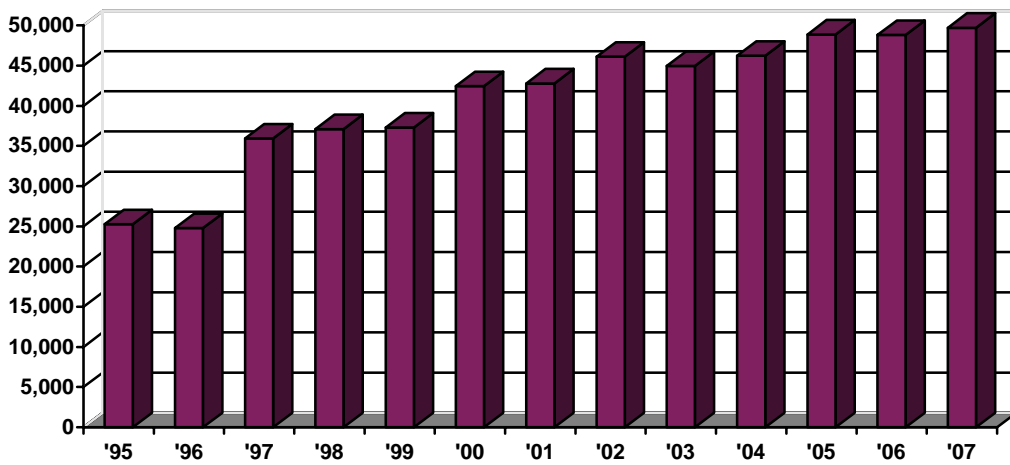
Placements on pretrial supervision increased by 1.4% (n=18,530 placements in FY2007 and n=18,267 in FY2006). During FY2007, 32.5% of misdemeanor and 45.5% of felon placements

³ Six of the 11 will be required to provide pretrial services as early as 2008.

had to meet a condition of a secure bond before being released to pretrial supervision, a substantial increase from FY2006. While combinations of terms and conditions of bail—specifically, secure bond plus pretrial supervision—are permitted by statute, since 1989 the intent and purpose of pretrial services in Virginia has been to provide information to judicial officers to encourage the use of pretrial release (supervision) as a term of bail as an alternative to the use of secured bond. Judicial officers’ continued reliance on secured bond combined with pretrial supervision results in a duplication of effort: it holds defendants responsible to two custodial agents and makes pretrial officers responsible (via supervision) for assuring defendants’ appearance in court and for assuring public safety, although bondsmen are required to do this as surety on secured bonds. This practice therefore undermines the intent of pretrial services to *reduce the need for secure bond*.

The greatest growth in pretrial investigations occurred between FY1996 and FY1997 when most of the newly established pretrial services agencies became fully operational. However, more recently, pretrial investigations have increased slightly with 49,718 conducted in FY2007, compared to 48,821 in the previous year.⁴

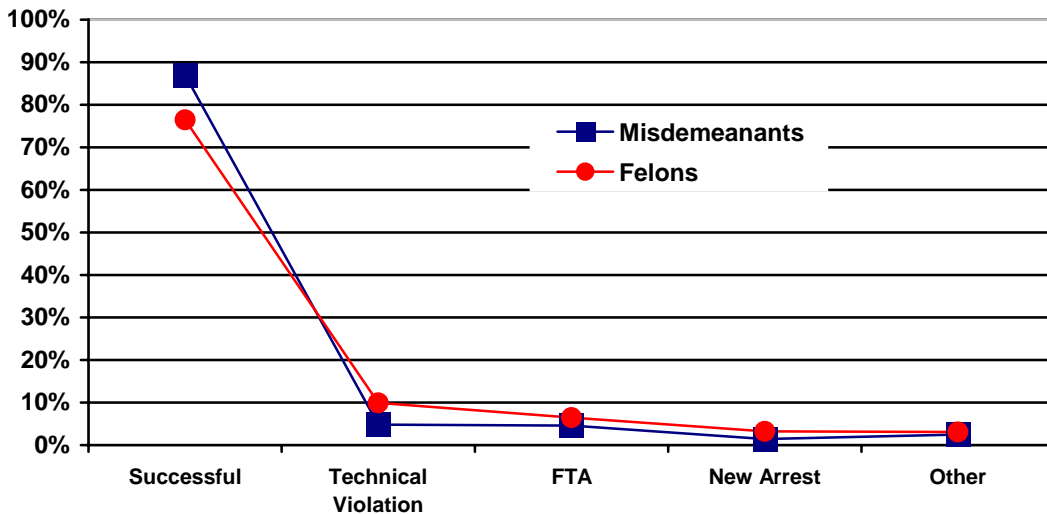
Pretrial Services Investigations



⁴ Data are from automated Pretrial Services Monthly Reports submitted to DCJS.

Defendants placed on pretrial services supervision continue to have an excellent success rate. Of the 8,052 misdemeanor placements closed during FY2007, almost 87 % (n=6,983) were successful, up slightly from FY2006. About 1.4% of the placements were closed due to a new arrest, down slightly compared to the last three years. The remaining closures were due to technical violations (4.8%), failure to appear for court (FTA; 4.6%) and other (2.5%); all but the other category reflect slight reductions from FY2006. Of the 10,126 felony placements closed during FY2007, 76.5% (n=7,751) were successful, slightly higher than in FY2006. About 3.2% placements were closed due to a new arrest; also lower than in FY2006. The remaining closures were due to technical violations (9.9%), FTA (6.5%), and other (3.1%), slight reductions from FY2006 in all categories except FTA which remained the same.

Pretrial Services Closure Types ⁵

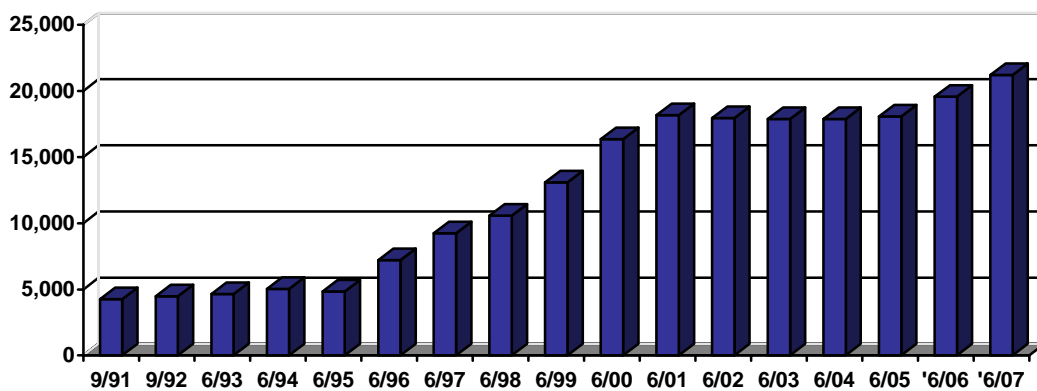


⁵ Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are backed out of the calculations.

Local Community-based Probation Supervision

Since the establishment of the CCCA, the number of offenders under local community-based probation supervision has almost tripled and this population continues to increase. Since the passage of the CCCA in late 1994, caseloads have increased approximately 321% (from n=5,043 to n=21,207 on supervision at the end of the fiscal year).⁶

**Community-based Probation
Caseloads (Point in Time)**



Although the growth was not as dramatic this year compared to that experienced between FY1996 and FY2001, supervision cases continued to increase in number over the previous year. On June 30, 2007, there were **21,207 offenders under active supervision** compared to 19,548 one year earlier.⁷ Local probation agencies experienced an increase in their ADC of about 8.5% or 1,659 offenders between FY2006 and FY2007. The ADC for FY2007 was 20,406 compared to 18,802 for FY2006. Again, this growth in diversions is partly a reflection of the impact of the resources added during FY2007.

In addition to the average caseload of offenders under active supervision, there was an average of 619 offenders per month reported in a “monitoring only” status. Monitoring offenders is done as a courtesy to the judiciary as these offenders do not meet the criteria for CCCA supervision placement. “Monitoring only” cases include 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

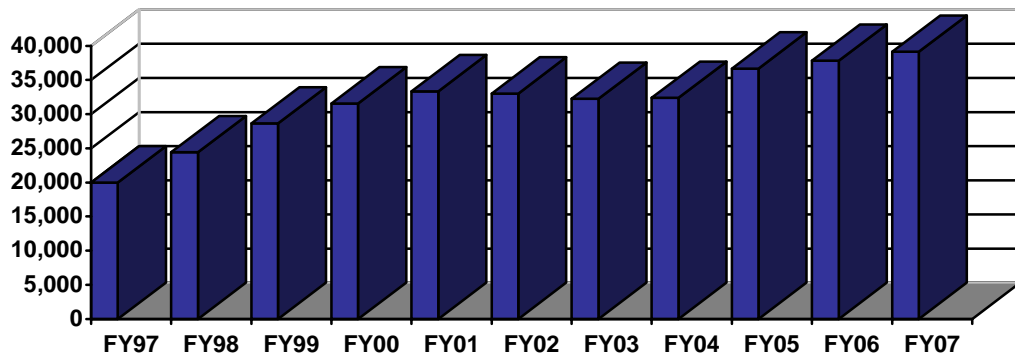
⁶ Data are from automated Community Corrections Monthly Reports submitted to DCJS by Local Community-based Probation Agencies. The caseloads reported here are based on point in time figures.

they included in caseload calculations. “Monitoring only” is a service provided as directed by court order; but it is not statutorily required nor funded with state funds.

On average, there were 4,340 offenders per month reported in an “inactive” status.⁸ This is an increase from FY2006. While there are fewer responsibilities associated with inactive and monitoring cases when compared to active cases, they still require staff resources. However, neither monitoring nor inactive cases are included in determining minimum probation officer-to-offender ratios or eligibility for state funding.

FY2007 statistics demonstrate continued strong judicial support for the CCCA based on the volume of placements and agency utilization. In FY2007, **the courts placed 39,136 offenders on local probation supervision.**⁹ This is an increase of 3.5% compared to FY2006 (n= 37,823).

Community-based Probation Court Placements



The average length of supervision continues to increase for the misdemeanor population. However, the average length of time under supervision for both misdemeanants and felons remains within the DCJS recommendation of six (6) and twelve (12) months, respectively. As recently as FY2000, misdemeanants averaged only 4.8 months under supervision and felons averaged 8.3 months. In contrast, the average length of supervision for misdemeanants increased to just over 6 months and for felons to 7.7 months in FY2007. The increase in time under

⁷ Utilizing the beginning and ending figures reported on the Community Corrections Monthly Reports submitted to DCJS by Community Corrections Agencies.

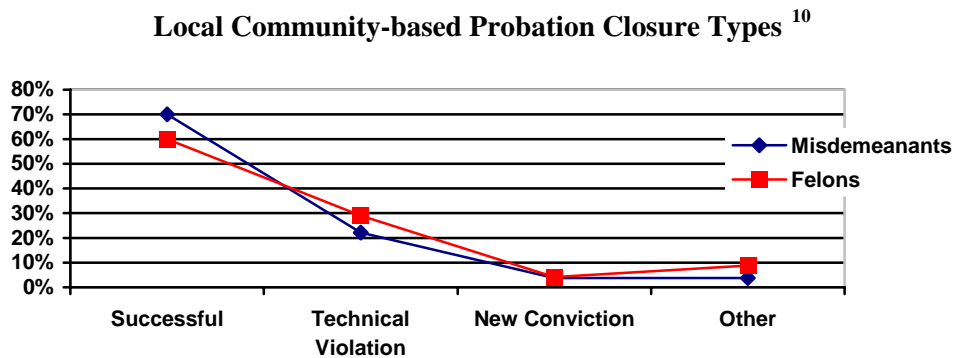
⁸ The “inactive status” includes, but is not limited to, cases that are transferred out and reported active by another locality. These cases are not double counted as active or included in supervision day or average daily caseload calculations.

⁹ This is the actual number of offenders placed under supervision not the court placements which was 41,877 in FY2007 (40,612 in FY2006).

supervision is due to the increase in domestic violence cases, longer treatment requirements, waiting lists for treatment, and increases in mandatory community service time, all requiring longer periods under supervision and resulting in higher caseloads.

The local community-based probation agencies continue to experience very good success rates with offender supervision. As with pretrial services, failures under supervision are offender failures and should not necessarily 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 the rate of failure due to technical violations).

Of the 33,913 total misdemeanor placements closed during FY2007, 70% (n=23,836) were successful. Of the 1,292 total felon placements closed in FY2007, about 60% (n=779) were successful. The most common “unsuccessful” closures for both misdemeanor and felon placements continue to be due to technical violations of supervision; 22.2% (n=7,516) for misdemeanor and 29.0% (n=375) for felons. In FY2007, only 3.7% (n=1,258) of the misdemeanants and 4.2% (n=54) of the felon placements were closed due to a conviction for a new offense. Closures for “other” reasons were 3.87% (n=1,302) for misdemeanants and 6.5% (n=84) for felons.



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

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 modestly over reported.

utilized included short-term detoxification, outpatient treatment, education, and other substance abuse counseling programs. Figures reported for FY2007 indicate:

- * 15,646 Offenders were assigned community service work
- * 11,304 Offenders were drug tested (does not include multiple tests)
- * 4,069 Offenders were placed in substance abuse education
- * 3,749 Offenders were ordered into anger management counseling
- * 3,742 Offenders were placed in substance abuse counseling
- * 2,746 Offenders were ordered into domestic violence counseling
- * 996 Offenders were ordered to attend shoplifting prevention sessions
- * 155 Offenders were ordered to attend financial responsibility sessions
- * 98 Offenders were ordered into sex offender treatment
- * 74 Offenders were placed in long term inpatient treatment
- * 21 Offenders were placed in short term detoxification
- * 14 Offenders were placed on electronic monitoring
- * 14 Offenders were placed in home detention
- * 4,073 Offenders were required to participate in some other service or program

The “other” services ordered varied: the most common include substance abuse screening and assessments, mental health screening and evaluations, mental health counseling, enrollment in parenting and family classes, family counseling, enrollment in a 12-step program (AA or NA), participation on a victim impact panel, enrollment in driver improvement courses, and domestic violence assessment.

All agencies placed offenders in work sites to complete community service. For FY2007, local community-based probation agencies reported that offenders performed 659,152 hours of community service work. At the minimum wage of \$5.15/per hour, this translates into just over \$3.39 million worth of community service work. However, this may be considered a conservative figure as local government pay scales would pay more than the minimum wage for the type of community services provided by the offenders. In addition to their required duties and responsibilities, most 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 FY2007, agencies facilitated just over \$1.8 million in restitution payments and over \$1.48 million in owed fines and costs. In total, *local community-based probation agencies generated just over \$6.7 million in services and payments to communities.*¹¹

¹¹ Actual figures: 659,152 hours of community service work (\$3,394,633), \$1,823,425 in restitution, \$1,486,605 in fines and costs, totaling \$6,704,663.

Legislative Activity

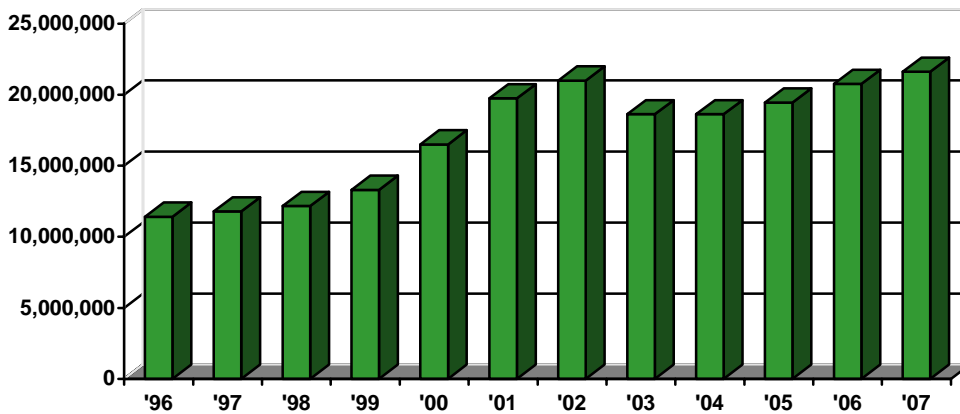
Legislation

There were only three legislative initiatives in the 2006 session affecting local community-based probation and pretrial services agencies effective FY 2007. The most substantial was one introduced by the Virginia Community Criminal Justice Association (VCCJA) which made technical changes to the sentencing section of the Code of Virginia for local probation by changing the term “defendant” to “offender” and changing the sentencing language to specify that the total sentence must not exceed 12 months and clarified the *capias* process. The other legislative initiative enabled counties and cities to provide probation and alternative programs for offenders both convicted and sentenced and for offenders provided a deferred proceeding and placed on probation. One other change made it clear that any “presentencing investigation report” is exempt from the Freedom of Information Act and must remain confidential.

Funding

The General Assembly appropriated \$21.6 million in 2006 for FY 2007 operations under the CCCA and PSA. This included an additional \$850,000 for probation and pretrial officers established in FY2006. This funding was awarded on July 1, 2006 to those agencies identified with critical needs.

**Comprehensive Community Corrections and Pretrial Services Act
Appropriations History**



While funding continues to be needed for treatment, it is more urgently needed for the expansion of supervision capacity/reduction of caseloads. Increases in the number of cases in the previous seven years (reflecting expanded utilization and trust by the courts), increasing length of supervision (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), substantiate the need for additional resources in support of expanding current supervision capacity. Some agencies still have offender-to-staff ratios just under 100:1 and many agency caseloads continue to grow. Additional supervision capacity is necessary to ensure community safety and the continued effective operations of the agencies. As Evidence-Based Practices are implemented in the ten pilot sites and then statewide, additional funding will be necessary for implementation, training, evaluation, and sustainability.

Evidence-Based Practices - Planning, Development, and Implementation

A sizable body of research conducted in the last 30 years has determined that corrections can be effective in reducing recidivism by using programs, services, and practices that have been empirically tested and proven to work. To that end, ten local community-based probation agencies have assumed the task of implementing Evidence-Based Practices (EBP).¹² The VCCJA formed a statewide EBP committee with members from each of the local pilots and Virginia Commonwealth University to focus on EBP issues specific to local probation and legal and evidence based practices (LEBP) specific to pretrial services. This committee meets almost monthly to continue the process of implementation as well as to discuss on-going issues and projects.

The primary focus has been on the development of a strategic plan and timeline in each locality to implement EBP with the local probation and pretrial agencies forming partnerships with local service providers and the Department of Corrections (DOC) Probation & Parole

¹² The EBP pilot sites are Colonial Community Corrections in Williamsburg, Lynchburg Community Corrections and Pretrial Services, OAR-Jefferson Area Community Corrections Program in Charlottesville, Old Dominion Community Corrections in Winchester. Blue Ridge Court Services in Staunton, Chesterfield CC & PT Services, Hampton/Newport News Criminal Justice Agency, Henrico County Community Corrections, Piedmont Court Services in Mecklenburg, and Rappahannock Regional Jail Community Corrections in Fredericksburg.

district offices. These partnerships have continued and each pilot site continues to hold meetings and trainings to discuss ongoing issues and the necessary steps toward achieving these goals. The primary initiatives for FY 2007 have been to implement an appropriate risk/needs screening and assessment instrument for local probation, validate it and create case plans based on the results. A parallel process has been done for Pretrial as the pilot sites have been heavily involved in the validation of the Virginia Pretrial Risk Assessment Instrument (developed in 2003). In addition, the EBP committee and DCJS staff met with a facilitator from the National Institute of Corrections (NIC) to update the strategic plan developed a year earlier. Other initiatives include formalizing a statewide strategic plan, developing a training curriculum, and implementing EBP at the local level in the ten pilot sites for eventual statewide implementation.

The Department of Criminal Justice Services provided financial support to begin to address the following tasks which continue to be priorities:

- Validation of the Virginia Pretrial Risk Assessment Instrument (VPRAI),
- Development of pretrial bail/release recommendation guidelines based on the VPRAI;
- Development of case classification and differential supervision guidelines for pretrial and local probation;
- Validation of the use of M-OST/OST , a risk/needs screening and assessment instrument, on the local probation population;
- Development of the training curriculum for both pretrial and local probation;
- Providing agencies with NIC knowledge and expertise with organizational development issues;
- Assisting with the development of evaluation and quality assurance in programs;
- Upgrading the PTCC case management system to capture needed data for evaluation.

The following accomplishments have been completed with the support of VCCJA, the ten pilot sites, and DCJS:

- Training of Trainers on the use of the M-OST provided by Maricopa County, AZ staff
- Training of all local probation officers on the use of the MOST in the ten pilot agencies
- Implementation of the M-OST as a screening instrument in all ten pilots agencies
- Training of Trainers on the use of the OST by Maricopa County, AZ staff
- Development of Case Planning Training by Virginia Commonwealth University with training provided to the ten pilot agencies
- Proposals for VPRAI validation and guidelines development awarded

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- Proposals for M-OST/OST validation
 - Training on Organizational change for directors and senior staff

It is critical to capture and track the progress we are making with the implementation of LEBP and EBP at the pilot site phase. VCCJA, on behalf of the local agencies, has requested NIC to provide technical assistance with a focus on the following three areas:

1. Refinement of the Strategic Plan,
2. Development of a Documentation and Tracking Plan to assist in implementation of LEBP/EBP in the pilots and statewide, and
3. Building capacity around data collection and outcomes.

VCCJA and DCJS recognize that successful implementation of EBP requires a paradigm shift within our local criminal justice systems and that this implementation is a comprehensive process involving many steps. We are encouraged by the progress made and now want to make certain we are focused on outcomes. Development of an implementation model that can be shared implementing best practices with the misdemeanor population and the pretrial population is critical to the success of EBP and LEBP in Virginia. The EBP initiative is a continuing process which is supported by both DCJS and VCCJA and BJA.

PTCC Software and Communications Infrastructure

During FY 2007, DCJS addressed two significant components of The Pretrial and Community Corrections Case Management System (PTCC). The first was an upgrade to the software application to provide case management scheduling tools that could help pretrial and local probation officers better manage defendant and offender contacts. The other was the network infrastructure. Improvements to the network infrastructure would result in an increase in the connection speed to the 37 servers throughout the Commonwealth, in addition to satellite offices. The completion of this project would result in a significant cost reduction by eliminating the need for ISDN lines which are slow and expensive.

DCJS reached out to pretrial and local probation officers that use PTCC every day and, based on their feedback, specifications for enhanced case management features began. Using existing software development resources, DCJS made significant modifications and additions that resulted

in the latest version of PTCC v2.6.19. DCJS also assisted agencies with end user training, equipment purchase recommendations and upgrades to software and hardware.

In addition to the software upgrades, DCJS continued an upgrade project to modernize the PTCC network infrastructure started in FY2006. Prior to this, DCJS used ISDN lines to connect to each local agency to pull and push data that is used by DCJS and the local agencies. This was and is a very time consuming and costly process. The new standard for connectivity is to exchange data by creating a Virtual Private Network (VPN). This leverages the existing high speed connection infrastructure already in place at the state and local levels. The PTCC network engineer went to each local agency and configured and installed the necessary equipment. DCJS now supports 29 out of 37 Local Probation and Pretrial agencies throughout the Commonwealth via a Virtual Private Network connection.

Network infrastructure security upgrades included the installation of an Adaptive Security Appliance (ASA). Designed as a key component of the Self-Defending Network, the ASA provides intelligent threat defense and secure communications services that stop attacks before they impact business continuity. Using this technology enabled DCJS to lower their overall deployment and operations costs while delivering comprehensive multilayer security. Prior to VPN implementation over 30% of the agencies we support either connected to the Internet via a dial-up connection, or had no connection at all. In order to meet the minimal operational requirements all Agencies that were upgraded to VPN were also required having a High Speed Internet connection. This was an enormous undertaking. It involved designing the network infrastructure; working with local agencies and their I.T. staff to determine technology needs; designing, building, and installing the network layout; completing a Risk Assessment for each site and coordinating down time with the Agency in order to minimize interruption to the daily operation.

The most important component used to store and distribute critical data, software applications and services to the end user is the Enterprise Server. In order to adequately meet current and planned operating needs, additional capacity was acquired through an upgrade to the existing Enterprise Server for three localities in 2007. The PTCC Support team in each instance successfully completed the migration of the database onto the new Server.

Education & Training

Local Community-based Probation & Pretrial Services Agencies

In November of 2006 and January, and April of 2007, a total of 82 new local community-based probation and pretrial services employees successfully completed the weeklong Basic Skills course offered by DCJS (this was expanded to almost 2 weeks at the beginning of 2007). This represents a 22% increase over the preceding year. Once again these classes were held at the Roslyn Center in Henrico County. Topics included:

- An Overview of the Criminal Justice System
- Offenders with Substance Abuse Issues
- Self-defense (discontinued after November class)
- Street Smart (Officer Safety)
- Supervision Theory
- Standards of Supervision
- Criminal History Investigation (discontinued after November class)
- Overview of Pretrial Services/Screening/Interviewing
- Offenders with Mental Health Issues
- Liability Issues
- Community Service and Restitution
- Domestic Violence
- Sex Offender issues, and
- Ethics and Professionalism

New classes included:

- Courtroom Demeanor
- Crisis Management (verbal de-escalation)
- PTCC Toolbox (Pretrial / Community Corrections case management system)
- Gangs (offered in January and April and discontinued)
- VCIN certification

In April and May of 2007, DCJS sponsored in-service regional training on “Professional Awareness Revisited” and “PTCC Refresher” for local probation and pretrial personnel. Evaluations collected at the individual venues indicated that the trainer was knowledgeable and the information was interesting, helpful, and well-delivered.

Judicial Training

DCJS participated in the annual Pre-Bench Orientation Program conducted by the Supreme Court on March 27, 2007. Training was provided to nine new or recently appointed juvenile and domestic relations judges, seven general district court judges, and seven circuit court judges for a total of 25 judges. DCJS presented a PowerPoint presentation entitled the “Least Known and Most Misunderstood Components of the Criminal Justice System: Pretrial Services & Local Probation.” The presentation was designed to respond to requests for technical assistance or frequently asked questions from agency directors, judges, and Commonwealth’s Attorneys related to the provision of these services.

The Department of Criminal Justice Services is no longer a member of the District Court Forms Advisory Committee of the Committee on District Courts. However, a staff member continues to review and comments on new forms at the request of the committee.

Other Activities

Virginia Community Criminal Justice Association (VCCJA)

A record number of participants attended the tenth Annual Virginia Community Criminal Justice Association (VCCJA) Training Conference, *Working Smarter for Safer Communities*, held on November 1st – 3rd, 2006 in Staunton, VA.

The Virginia Department of Criminal Justice Services (DCJS), and VCCJA sponsored this conference. The conference contained a day of intensive tracks on Offender Re-entry, Virginia Gangs, and Lessons Learned: Implementing Evidence-based Practices. Two more days of training followed with such topics as: Leadership: the Difference is You!, Methamphetamine Awareness, Cultural Awareness, Stress Up – Don’t Stress Out; Your Role in Preventing Domestic Violence and Sexual Assault; Working with the Media in the 21st Century; Supervising Offenders with Mental Health Disorders; The Four Layers and Many Dimensions of Diversity; and Navigating Gender Issues in the Workplace and Community. Election of officers and the annual awards presentations also took place at the conference.

A Final Note

Throughout this report, we have stressed that local probation caseloads, pretrial caseloads, pretrial investigations, and the benefits of community services, continue to grow. That the rapid growth

in these areas in the late 1990s paralleled the increased provision of state funding and quality resources suggests that divertible populations have not been “maxed out,” but rather that growth has been limited by the availability of state funding. This further suggests that an infusion of funds into this least costly part of the criminal justice and corrections system will result in the greatest expansion of system capacity at the lowest cost. Expansion of capacity – anywhere in the system – reduces pressure on all other parts of the system: jails and prisons. Therefore, a measured but substantial investment in community corrections, both in *local* probation and pretrial services and in *state* probation and parole, promises not just a cost-effective expansion of correctional capacity, but also long term cost avoidance as research-based interventions are applied to abort criminal careers at the right time (early) and in the right place (the community).

This report also makes the point that level-funding is, in fact, a reduction. As the costs of personnel, benefits, office space, supplies, etc. increase, level-funding forces reductions in other parts of agency budgets.

The report also points out that there are unserved populations within current service areas as a result of inadequate staffing. More officers are needed to meet the supervision and treatment demands of more offenders and defendants within effective and reasonably sized caseloads. This suggests that one avenue to increased diversion from more expensive, secure facilities is an increase in staffing to accommodate more clients under community-based supervision. Another obvious strategy to increase diversions statewide is to make pretrial services available statewide. Currently only 80 of Virginia’s 134 local units of government are funded to provide pretrial services. A significant amount of the crowding in Virginia’s jails is the result of defendants and offenders from a locality with a severely crowded jail being transferred to a locality with a less crowded jail. Implementation of pretrial services in localities currently without such services can help reduce jail crowding, even in other localities. According to the Offender Population Forecast, recently published by the Secretary of Public Safety, the un-sentenced awaiting trial category has accounted for the largest increase in local jail populations.

While it is obvious that a significant investment in expanded services is needed and that it will not be inexpensive, it should be apparent that investing in diversion programs is much less expensive than building and operating new secure prisons and jails. And, given the good success rates of these agencies managing offenders and defendants in the community the expansion of diversion capacity will still protect public safety, provide appropriate sanctions to offenders,

protect the principle of the pretrial “presumption of innocence,” and help the Commonwealth build a stronger and more rational system of justice.

Pretrial and local probation are less costly, valid alternatives to jail and prison and need/deserve financial state support. These are not “soft on crime programs” rather they are “high on personal accountability agencies.”

[Insert CCCA/PSA map here]