

COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL-RESPONSIBLE OFFENDERS AND PRETRIAL SERVICES ACT REPORT

July 1, 2007–June 30, 2008



Prepared December 2008



VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES
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Comprehensive Community Corrections Act for Local-Responsible Offenders and Pretrial Services Act Report

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This report has been prepared to keep all stakeholders 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, 2007 to June 30, 2008.



Prepared by

**Virginia Department of Criminal Justice Services
Correctional Services Section of the Division of Programs and Services**

Leonard G. Cooke, Director

FY 2008 LOCAL COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

Local community-based probation and pretrial service populations continued to experience growth during FY2008. With no additions to community corrections or to pretrial services programming in FY2008 and a decline in the rates of many crimes in Virginia, the continued growth can be attributed to increases in judicial utilization and increases in length of supervision. For fiscal year 2008, the legislature increased the statewide appropriation for CCCA and PSA by \$300,000 which was used to add critically needed new local probation and pretrial officers. Unfortunately, these additional funds did not provide much relief for all the locations that already have high caseloads and increasing workloads.

Although not required, many local governments provide matching funds or in-kind resources 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, 24 of the 37 local community-based probation agencies, about 65%, have been collecting supervision/intervention fees to augment their operations. Unfortunately, and despite collecting fees, local agencies in many localities still experience difficulty meeting increased workloads and system demands. 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.

Despite their best efforts, the persistent strain of excessive caseloads and funding restrictions continues to have a negative impact in some localities. With only a slight increase in funding in the past years, most localities were unable to offset the costs of growing caseloads and workloads, overhead, and personnel (e.g. merit/cost of living raises and increased retirement and health insurance contributions). 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. This strain is even greater for those agencies that are implementing Evidence-Based Practices in an effort to reduce recidivism.

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 25 localities that are currently mandated to provide pretrial services. Eleven more will be mandated to provide services by 2010 and another 7 by 2012.² Without additional state funding for this purpose, and with local budget reductions, it is unlikely these services will be established.

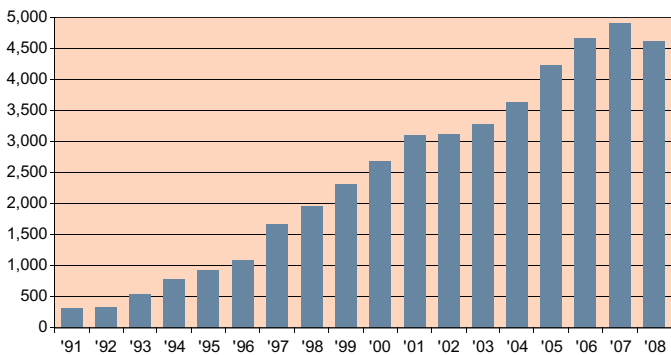
The average daily statewide caseload (ADC) of pretrial defendants under supervision has increased by almost 317% since the passage of the PSA. This is due, in part, to the fact that the number of agencies providing pretrial services has more than doubled since 1996. The ADC decreased by 5.6%, from 4,905 in FY2007 to 4,628 in FY2008. However, there is a very real potential for even more growth if more localities were to receive funding to implement new services or expand on and improve existing services. As local jail populations grow, supervised pretrial release continues to be an important tool to assist localities in managing their jail populations by assessing risk and providing the judiciary with a viable alternative to jail. Several localities that do not have pretrial services are experiencing extreme crowding of their jails.

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.

² Six of the 11 are currently required to provide pretrial services (2008).



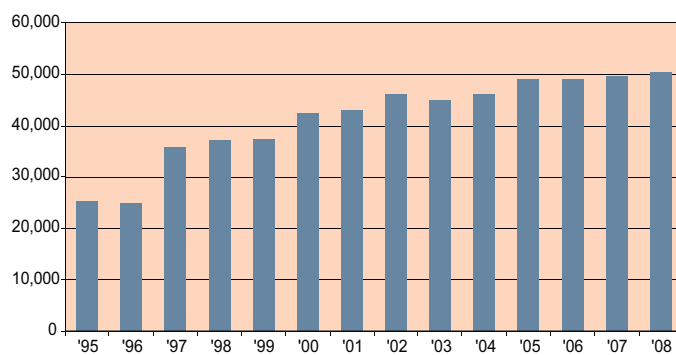
Pretrial Services Average Daily Caseload



Placements on pretrial supervision essentially remained the same for FY 2008 as in FY2007. In FY2008 there were 18,523; compared to 18,530 in FY2007. During FY2008, 28.3% of misdemeanor and 41.3% of felon placements had to meet a condition of a secure bond before being released to pretrial supervision, a small but welcomed decrease from FY2007. While combinations of terms and conditions of bail—specifically, secure bond plus pretrial supervision—are permitted by statute, 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 and **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 and encourage the use of pretrial release supervision as a term of bail.

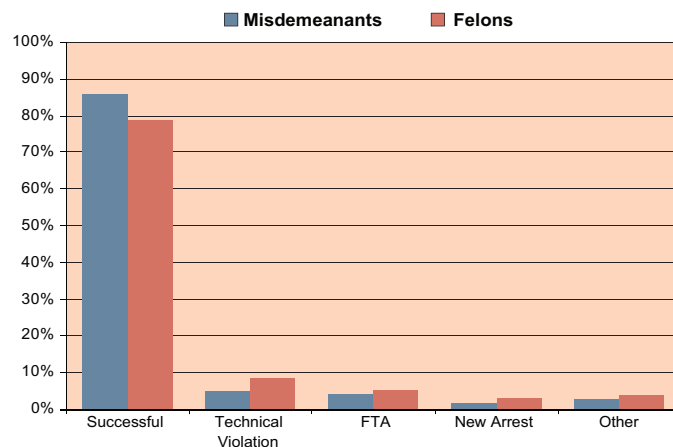
The greatest growth in pretrial investigations occurred between FY1996 and FY1997 when most of the newly established pretrial services agencies became fully operational. However, more recently, pretrial investigations have increased slightly with 50,444 in FY2008 compared to 49,718 conducted in the previous year.³

Pretrial Services Investigations



Defendants placed on pretrial services supervision continue to have an excellent success rate. Of the 8,097 misdemeanor placements closed during FY2008, almost 86 % (n=6,961) were successful, down slightly from FY2007. About 1.9% of the placements were closed due to a new arrest, up slightly compared to last year. The remaining closures were due to technical violations (5.1%), failure to appear for court FTA (4.4%), and other reasons (2.7%); all but the FTA category showed slight increases from FY2007. Of the 9,680 felony placements closed during FY2008, 78.8% (n=7,628) were successful, higher than in FY2007. About 3.1% placements were closed due to a new arrest; also lower than in FY2007. The remaining closures were due to technical violations (8.7%), FTA (5.5%), and other (3.8%), slight reductions from FY2007 in all categories except other which was slightly higher.

Pretrial Services Closure Types⁴



³ Data are from automated Pretrial Services Monthly Reports submitted to DCJS.

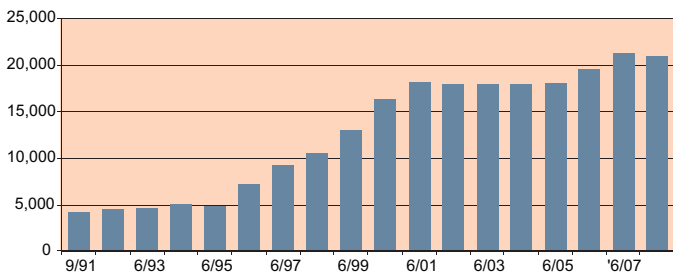
⁴ Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are backed out of the calculations.



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. Four more localities will be mandated to provide local probation services by 2010. Without additional funding for this purpose, however, this will not occur. Since the passage of the CCCA in late 1994, caseloads have increased approximately 317% (from n=5,043 to n=21,020 on supervision at the end of the fiscal year).⁵

Community-Based Probation Caseloads (Point in Time)



Local probation supervision cases continued to remain steady over the previous year. On June 30, 2007, there were **21,020 offenders under active supervision** compared to 21,207 one year earlier.⁶ Local probation agencies experienced an increase in their ADC of about 4.0% or 832 offenders between FY2006 and FY2007. The ADC for FY2008 was 21,238 compared to 20,406 for FY2007.

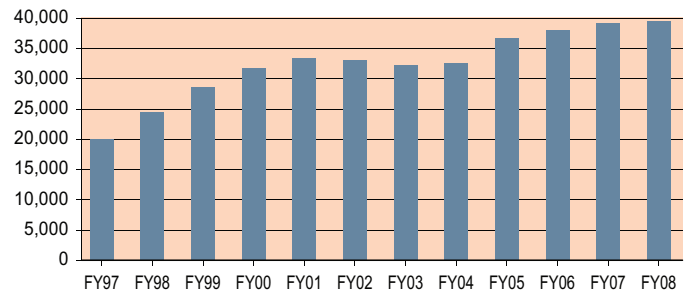
In addition to the average caseload of offenders under active supervision, an average of 510 offenders per month were reported to be in a “monitoring only” status. Monitoring offenders is done as a courtesy to the judiciary as these offenders do not meet the criteria for CCCA supervision placement. “Monitoring 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 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 4,382 offenders per month reported in an “inactive” status.⁷ This is a slight increase

from FY2007. 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.

FY2008 statistics demonstrate continued strong judicial support for the CCCA based on the volume of placements and agency utilization. In FY2008, **the courts placed 39,234 offenders on local probation supervision.**⁸ This is an increase of less than 1.0 % compared to FY2007 (n=39,136).

Community-Based Probation Court Placements



The average length of supervision (ALOS) continues to increase for the local probation population. The current ALOS for misdemeanants is 6.4 months, just above the recommended average of 6 months. However, the average length of time under supervision for felons remains within the DCJS recommendation of twelve (12) months, at 9.3 months. As recently as FY2000, misdemeanants averaged only 4.8 months under supervision and felons averaged 8.3 months. The increase in time under 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

⁵ 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.

⁶ Utilizing the beginning and ending figures reported on the Community Corrections Monthly Reports submitted to DCJS by Community Corrections Agencies.

⁷ 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.

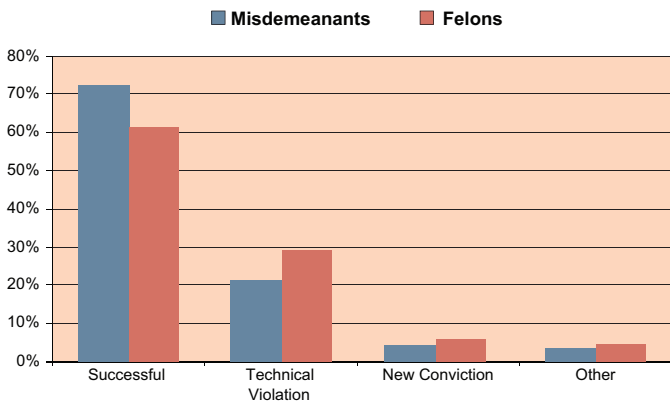
⁸ This is the actual number of offenders placed under supervision not the court placements which was 41,957 in FY2008 (41,877 in FY2007).



are offender failures and should not necessarily be considered failures of the agency. Defendants and offenders are accountable for their behavior while 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 35,181 total misdemeanor placements closed during FY2008, 72% (n=25,288) were successful. Of the 1,644 total felon placements closed in FY2008, about 61.4% (n=1,009) were successful. The most common “unsuccessful” closures for both misdemeanor and felon placements continue to be due to technical violations of supervision; 21.0% (n=7,389) for misdemeanor and 29.2% (n=480) for felons. In FY2008, only 3.9% (n=1,358) of the misdemeanants and 5.7% (n=93) of the felon placements were closed due to a conviction for a new offense. Closures for “other” reasons were 3.1% (n=1,087) for misdemeanants and 4.4% (n=72) for felons.

Local Community-Based Probation Closure Types⁹



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 utilized included short-term detoxification, outpatient treatment, education, and other substance abuse counseling programs. Figures reported for FY2008 indicate:

- 15,811 Offenders were assigned community service work
- 12,010 Offenders were drug tested (does not include multiple tests)
- 4,850 Offenders were placed in substance abuse education
- 3,931 Offenders were placed in substance abuse counseling
- 3,421 Offenders were ordered into anger management counseling
- 2,805 Offenders were ordered into domestic violence counseling
- 2,254 Offenders were ordered to participate in Victim Impact Panels (VIP)
- 1,378 Offenders were ordered to attend shoplifting prevention sessions
- 1,353 Offenders were screened for substance abuse problems
- 1,187 Offenders were assessed or evaluated for substance abuse problems
- 518 Offenders were evaluated for mental health issues
- 403 Offenders were ordered to attend mental health counseling
- 324 Offenders were ordered to attend financial responsibility sessions
- 195 Offenders were ordered to attend AA or NA meetings
- 176 Offenders were tested for alcohol use
- 167 Offenders were assessed for domestic violence issues
- 116 Offenders were ordered into sex offender treatment
- 104 Offenders were ordered to attend driver improvement courses
- 77 Offenders were placed in long term inpatient treatment
- 19 Offenders were placed on electronic monitoring
- 19 Offenders were placed in home detention
- 16 Offenders were placed in short term detoxification
- 2,496 Offenders were required to participate in some other service or program

⁹ 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.



The “other” services ordered varied: the most common include alcohol education, and referrals for mental health services, and for counseling, assessments and evaluations that are not specified.

All agencies placed offenders at work sites to complete community service. For FY2008, local community-based probation agencies reported that offenders performed 671,562 hours of community service work. At the minimum wage of \$5.85/per hour, this translates into just over \$3.93 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 FY2008, agencies facilitated just over \$1.85 million in restitution payments and over \$1.40 million in fines and costs. In total, *local community-based probation agencies generated just over \$7.19 million in services and payments to communities.*¹⁰

LEGISLATIVE ACTIVITY

Legislation

There were many legislative initiatives affecting local community-based probation and pretrial services agencies that took effect in FY 2008. The most substantial were those introduced on behalf of the Virginia Community Criminal Justice Association (VCCJA) which made technical language changes to 63 sections of the *Code of Virginia* for local probation services, and to the PSA and the CCCA. These included changing references from “program(s)” to “agency (ies)” and referring to staff as either pretrial or local community-based probation officers.

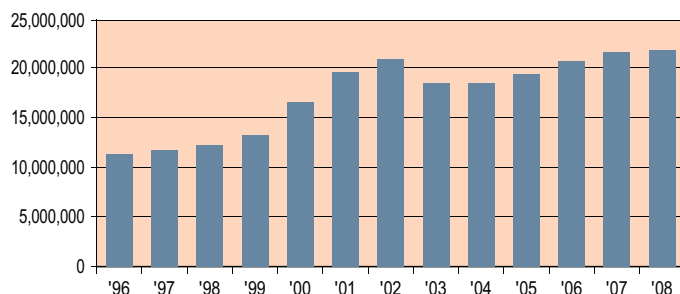
The duties and responsibilities of local community-based probation officers were also changed by adding duties related to certain sex offender registry and re-registry duties, and DNA tracking and testing. Four (4) additional offenses or conditions of criminal history were added to the list of offenses that may result in a denial of bail following arrest subject to rebuttal by the court at first appearance. This brings the total number of offenses to 85 that may result in a denial of bail subject to rebuttal.

Finally, a section of the *Code of Virginia* containing the last vestiges of the obsolete Community Diversion Incentive Act was repealed.

Funding

The General Assembly appropriated \$21.9 million for FY 2008 operations under the CCCA and PSA. This included an additional \$300,000 which was awarded on July 1, 2007 for seven (7) new positions to those agencies identified with critical workload 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 and workloads. 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, some additional funding will be necessary for implementation, training, evaluation, and sustainability. To date, DCJS has obtained federal funding support to advance this initiative.

¹⁰ Actual figures: \$3,928,638 of community service work, \$1,855,322 in restitution, \$1,407,375 in fines and costs, totaling \$7,191,334.



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).¹¹ The VCCJA formed a statewide EBP committee with members from each of the local pilots to focus on EBP issues specific to local probation and legal and evidence based practices (LEBP) specific to pretrial services. This committee meets every other month to discuss on-going issues and activities related to the successful implementation of EBP across the ten pilot sites and to plan for the future expansion of EBP across local probation and pretrial services agencies.

The primary focus has been on the implementation of the strategic plan and timeline for enhancing EBP throughout local probation and pretrial pilot agencies. This includes forming partnerships with local service providers and the Department of Corrections (DOC) Probation & Parole district offices. These partnerships have continued and each pilot site continues to hold meetings and trainings to discuss ongoing issues and the necessary steps for achieving these goals. The initiatives for FY 2008 included the implementation of an appropriate risk/needs screening and assessment instrument for local probation, including validation efforts, and the development of supervision plans based on the results of the risk/needs assessment. A parallel process has also occurred 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 review progress and update the strategic plan. Other initiatives include formalizing a statewide Road-Map and implementation plan, developing a training curriculum, and continuing to implement EBP at the local level in the ten pilot sites for eventual statewide implementation.

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

- Development of and training for pretrial bail/release recommendation guidelines based on the Virginia Pretrial Risk Assessment Instrument (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;
- Assisting with the development of evaluation and quality assurance in programs;
- Upgrading the PTCC case management system to capture needed data for evaluation.

With the support of VCCJA, the ten pilot sites and DCJS continue to make great strides towards the implementation of EBP. In 2008, some noteworthy accomplishments included:

- Hiring a statewide EBP Coordinator at DCJS
- Applying for and receiving a Federal Bureau of Justice Assistance (BJA) grant in the amount of \$500,000. These funds are being used to:
 - Hire an evaluator to work closely with the 10 EBP pilot sites to construct a 'Road Map' which will be used for expanding EBP across the Commonwealth
 - Develop training on the revised Virginia Pretrial Risk Assessment Instrument (VPRAI) which will be provided to all Virginia CC Pretrial Agencies to administer the revised instrument
 - Develop and issue an RFP to perform necessary research in pretrial and bail practices
- Conducting an inter-rater reliability evaluation and validation study of the Offender Screening Tool (OST)
- Completing the 2nd annual review of the activities and action plan
- Establishment of a Quality Assurance Committee that develop methods to perform quality assurance activities across the 10 pilot sites and statewide

¹¹ 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.



PTCC SOFTWARE AND COMMUNICATIONS INFRASTRUCTURE

During FY 2008, the DCJS Pretrial and Community Corrections Case Management System PTCC Support Group assisted multiple local agencies with end user training for the PTCC application, equipment purchase recommendations, and negotiations with their localities on issues related to software and hardware upgrades. 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 Internet connection 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 31 out of 36 Local Probation and Pretrial agencies throughout the Commonwealth via a VPN connection.

Specific PTCC application-related requests were also received. These included ad hoc reporting, fixes for bugs found in the application, and minor application enhancements. An example is an enhancement to the monthly report to include Adjusted Average Daily Caseload. In addition, customized reports were generated. Noteworthy reports were compiled in FY 2008:

- A report was generated for the Lynchburg program to show the reasons for the "Not Investigated Other" option.
- A JLARC study was conducted on the fiscal impact of substance abuse on the state and its localities.
- A list of M-OST and OST scores in the 10 EBP pilot sites in Virginia was generated and distributed to the pilot sites.
- A demographic report to the county researcher for the Fairfax Court Services Unit quarterly statistical report on caseload information
- Data provided for General Assembly HB 461 concerning length of stay to release
- Report for SB618 which required substance abuse testing of all those convicted of a second or subsequent petit larceny.

The PTCC Support Group successfully received and completed over 200 requests for technical assistance in FY 2008. These requests have been in every aspect of information technology including networking, router maintenance and troubleshooting, troubleshooting hardware related issues, server support, project management, consultation prior to procurement of new laptops, desktops and servers, and contract negotiations with local technology support providers.

EDUCATION & TRAINING

Local Community-based Probation & Pretrial Services Agencies

In August and December of 2007 and March of 2008, a total of 62 new local community-based probation and pretrial services employees successfully completed the seven-day 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
- Offenders with Substance Abuse Issues
- Crisis Management (De-escalation)
- Street Smart (Officer Safety)
- Supervision Theory
- Standards of Supervision
- Overview of Pretrial Services/Screening/Interviewing
- Offenders with Mental Health Issues
- Liability Issues
- Community Service and Restitution
- Domestic Violence
- Ethics and Professionalism
- Courtroom Demeanor
- PTCC Toolbox (Pretrial / Community Corrections case management system)
- VCIN certification

The yearly regional trainings normally held in the spring were not convened due primarily to lack of affordable trainers in requested subject matter.



In February 2008, DCJS facilitated a training regarding the new Sex Offender Registry at the quarterly VCCJA Directors Meeting. The presentation was recorded and DCJS arranged for the procurement of a DVD of the training for each agency to train its staff on a new statutorily required procedure.

In May 2008, DCJS, in conjunction with VCCJA, presented a refresher on the Transfer Guideline to the quarterly Directors meeting. This training was a result of a prior survey sent to agencies regarding their use of the agency-to-agency transfer mechanism which indicated that there were still some inconsistencies in the field regarding its use.

Judicial Training

The annual Pre-Bench Orientation Program conducted by the Supreme Court did not occur during FY2008.

OTHER ACTIVITIES

Virginia Community Criminal Justice Association (VCCJA)

Over 260 participants attended the 11th Annual Virginia Community Criminal Justice Association (VCCJA) Training Conference, *Working Smarter for Safer Communities*, held on November 7–9, 2007 in Virginia Beach, Virginia.

The Virginia Department of Criminal Justice Services (DCJS), and VCCJA sponsored this conference. It included a day of intensive courses on Maximizing Leadership, Positive Thinking for Positive Results, and the current state of Evidence-based Practices. Two more days of training followed, covering such topics as: Compassion Fatigue: The Cost of Caring, Mental Health Toolbox, Ethics in Community Corrections, Problem Solving Justice in the Pretrial Environment, Gender Responsive Strategies with Women Offenders, 10 Lenses Approach to Building More Inclusive Systems (Colors), and Evidence-Based Practices Roundtables. Election of officers and the annual awards presentations also took place at the conference.

A Final Note

Consistently, over the course of the last several annual reports, we have suggested that:

- Safely divertible populations have not been “maxed out” but, more accurately, expansion and growth have been limited by the lack of additional state funding
- An infusion of new funds into this least costly part of the criminal justice system can 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
- A substantial investment in local probation and pretrial services 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 year, as revenue shortfalls in Virginia are amplified and reinforced by national economic trends, the more costly, traditional approaches to criminal justice sanctions (prisons and jails) have become so expensive as to be difficult, even impossible, to sustain at current levels. And research shows that prison and jail time alone, while it may serve to satisfy a societal preference for retribution, does not change criminal thinking and behavior. This means that we will see many of these same offenders in our jails and prisons again—and again.

Community corrections offers a more flexible capacity, rapidly responsive to funding for new staff, without the excessive costs of “brick and mortar” round-the-clock coverage. Highly accurate actuarial risk assessment instruments now exist (and have been validated with Virginia offender and defendant populations) to assist in making better judgments about who can be punished in community settings without substantial risk to public safety and without the high costs of facility-based, 24/7 operations. Every effort should be made to identify those offenders, and especially those defendants, who can be safely supervised and sanctioned in the community. There remain six localities in Virginia that have no local probation services. There remain 54 localities in Virginia that have no pretrial services. And, there is no locality in Virginia that has services at a level adequate to supervise all those who could be safely diverted.

There could be no better time for a significant investment in community corrections and pretrial services, the most flexible, behaviorally effective, and cost-effective of correctional options.



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