

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

July 1, 2009 – June 30, 2010



Prepared December 2010

VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES

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This report has been prepared to keep stakeholders informed about the activities of local probation and pretrial services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (CCCA) and the Pretrial Services Act (PSA), and developments affecting their work.

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FY2010 LOCAL COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

Local community-based probation agencies were created in 1995 by the Comprehensive Community Corrections Act (CCCA, §9.1-173 COV). They were created to provide an alternative to incarceration for persons convicted of certain misdemeanors or non-violent felonies for which sentences would be 12 months or less in a local or regional jail. Local probation agencies give courts the option of assuring that these types of offenders are held accountable without resorting to the use of institutional custody or over supervision of offenders that do not need supervised probation. Research has shown that over-supervising low risk offenders can lead to higher recidivism rates.¹ There are now 37 local probation agencies operating in Virginia, serving 128 of 134 localities.

Pretrial diversion and related services were first created in Virginia in 1989, pursuant to authorizing language in the Appropriations Act. In 1995, Pretrial Services were authorized by statute with the passage of the Pretrial Services Act (PSA, §19.2-152.2 COV). Pretrial services agencies provide information and investigative services to judicial officers (judges and magistrates) to help them decide whether persons charged with certain offenses and awaiting trial need to be held in jail or can be released to their communities, subject to supervision. Virginia does not offer pretrial diversion. In the latter case, the agencies provide supervision and services to defendants as ordered by judicial officers. There are currently 30 pretrial services agencies in Virginia serving 82 of 134 localities.

Local community-based probation and pretrial service caseloads remained flat during FY2010. With a decline in the rates of many crimes in Virginia, the sustained caseload can be attributed to continued and consistent use of these services by judges and magistrates as well as longer periods of supervision. In addition, agencies continue to experience increasing workloads with additional duties and responsibilities beyond only supervision of offenders and defendants (drug testing, monitoring offenders, DNA testing responsibilities, and other expectations of the courts).

The General Assembly appropriated \$23.4 million for FY2010 operations under the CCCA and PSA. This included an additional \$1.5 million to expand existing pretrial services agencies. DCJS awarded funding for 24 pretrial positions in 22 existing pretrial services agencies.

Although not required, many local governments provide matching funds or in-kind resources to support 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, 26 of the 37 local probation agencies, over 70%, have been collecting supervision/intervention fees to augment their operations. Unfortunately, even with fees, many local agencies still experience difficulty meeting increased workload and system demands especially with the 5.5 % local reduction in state aid implemented by the state starting in FY2009 to help with the state budget deficit. The average daily caseloads (ADC) of most agencies significantly exceeded the minimum staff-to-

¹ Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders." *Topics in Community Corrections*. Washington, DC: National Institute of Corrections.



defendant/offender ratio established by DCJS of 1:40 for pretrial supervision and the case management ratio of 1:60 for local probation supervision. Several local probation agencies *continue* to carry active supervision caseloads that exceed a ratio of **100** offenders on probation supervision for each probation officer.² Even with agencies adopting evidence-based practices and administrative supervision, workloads in local agencies continue to be untenable.

Despite the agencies' best efforts, the persistent strain of excessive caseloads and funding restrictions continue to have a negative impact in some localities. State funding in recent years has not kept pace with cost and caseload increases, and most localities have not been able to step in and bridge the gap. As a result, some agencies have had to reduce staffing, limit drug testing, cut back on offender services and reduce 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.

While funding continues to be needed for treatment and services, it is more urgently needed for the expansion of supervision capacity and to reduce critically high caseloads and growing 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, increased requirements for community service, and longer probation sentences), and additional demands on the available supervision time of local agency staff (screening and assessment work; training on issues of substance abuse, domestic violence), substantiate the need for additional resources in support of the current supervision capacity. Additional supervision capacity is necessary to ensure community safety and the continued effective operations of the agencies.

² Ratios are based on active supervised 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.

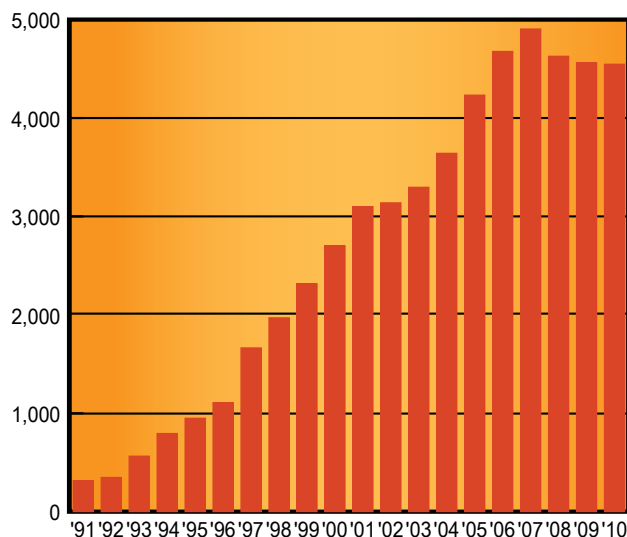


PRETRIAL SERVICES

The Pretrial Services Act (PSA) became effective in Virginia on July 1, 1995. Pretrial Services agencies in Virginia offer pretrial supervision, not pretrial diversion, by assessing risk and supervising defendants pending trial. The primary responsibilities of pretrial services agencies are to provide information to magistrates and judges to assist them with bail decisions (to release or detain defendants) and to provide supervision and services to defendants as ordered by a judicial officer. There are currently 30 pretrial services agencies in Virginia, providing services in 82 of the 134 localities in the Commonwealth. All localities not funded for pretrial services continue to express interest in implementing them. Thirty additional localities are currently mandated³ to provide pretrial services. However, without additional state funding, and with local budget reductions, it is unlikely these services will be established.

While the statewide average daily caseload (ADC) of pretrial services agencies was slightly lower in FY2010 compared to FY2009, the potential for growth exists if more localities receive funding to implement new services in localities not receiving pretrial services, or expand on and improve existing services to localities that have pretrial services. As local jail populations grow, supervised pretrial release continues to be an ongoing tool to assist localities in managing their jail populations by assessing risk and providing the judiciary with a viable alternative to jail.

Pretrial Services Average Daily Caseload



Placements on pretrial supervision decreased slightly in FY2010 compared to FY2009, from 17,903 to 17,347. During FY2010, 29.6% of defendants charged with misdemeanors and 45.3% of those charged with felonies had to meet a condition of a secure bond before being released to pretrial supervision, a slight increase from FY2009. While combining terms and conditions of bail — specifically, combining secure bond with pretrial supervision — is permitted by statute, the purpose of pretrial services in Virginia is to provide information to judicial officers to encourage the use of pretrial release (supervision) as a term of bail instead of a secured bond. Judicial officers' continued reliance on secured bond combined with pretrial supervision means that defendants are held responsible to two custodial agents and makes both pretrial officers and bondsmen responsible for assuring defendants' appearance in court and for assuring public safety. This practice undermines the intent of pretrial services to reduce the need for secure bond and

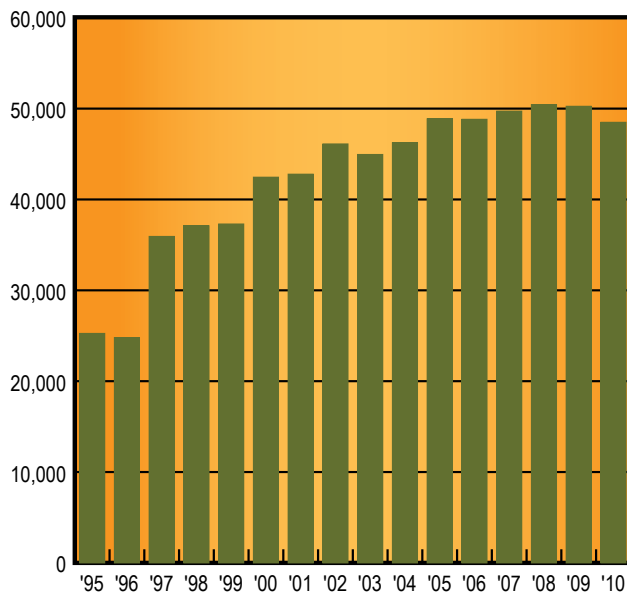
³ The mandate to provide these services is found in the Code of Virginia under §53.1-82.1 which requires the establishment of local probation and pretrial services for all jail construction projects approved by the Board of Corrections.



encourage the use of pretrial release supervision as a term of bail. This enables the state to ensure equal protection under the law for all defendants regardless of their ability to pay a 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. More recently, pretrial investigations have leveled off, decreasing slightly in FY2010, with 48,491 investigations conducted compared to 50,254 in the previous year.⁴ This may be an indication that the agencies' maximum investigation capacity, given their current level of funding, has been reached.

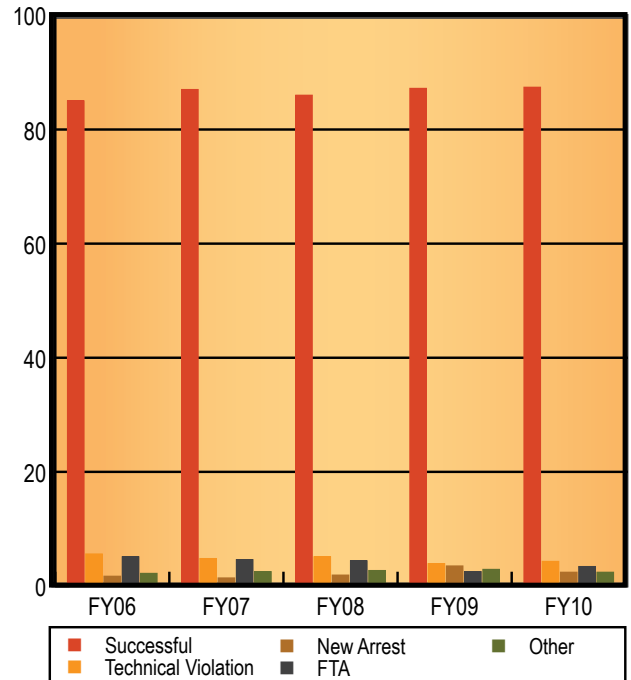
Pretrial Services Investigations



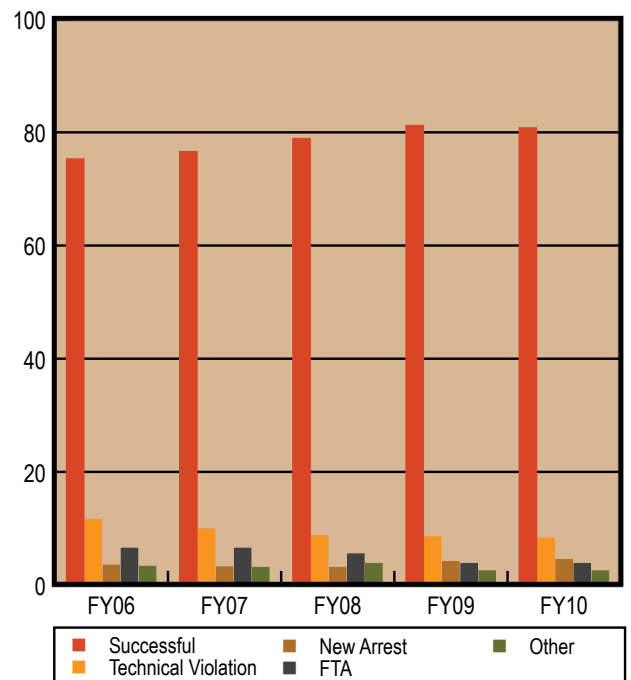
Defendants placed on pretrial supervision continue to have excellent success rates. Success for pretrial supervision is defined as successfully appearing for court as required and not getting

arrested for new crimes and not violating any conditions of pretrial release. As the following graphs show, the success rates for both misdemeanor and felony pretrial defendants have been very consistent over the years.

Misdemeanant Pretrial Closures FY06-10



Felony Pretrial Closures, FY2006-2010

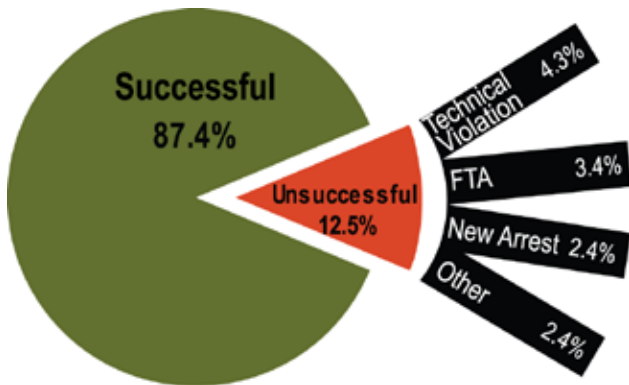


⁴ Data are from automated Pretrial Services Monthly Reports submitted to DCJS.

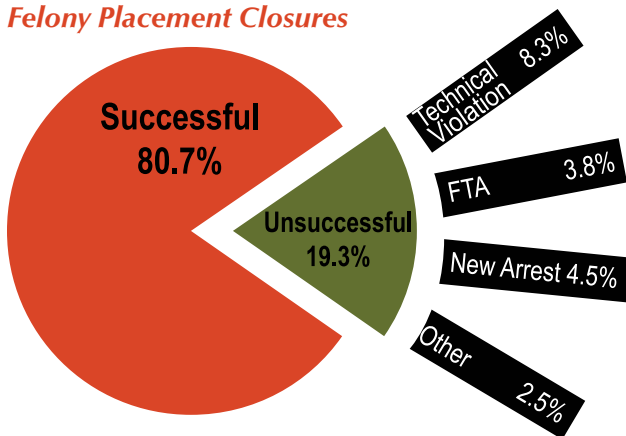


Of the 7,683 misdemeanor placements closed during FY2010, over 87.4 % (6,714) were successful, up slightly from FY2009. About 2.4% of the placements were closed due to a new arrest, down slightly compared to the previous year. The remaining closures were due to technical violations (4.3%), failure to appear (FTA) for court (3.4%), and other reasons (2.4%). The FTA and new arrest categories decreased slightly from FY2009. Of the 9,038 felony placements closed during FY2010, 80.7% (7,296) were successful, slightly lower than in FY2009. About 4.5% of the felony placements were closed due to a new arrest; slightly higher than in FY2009. The remaining closures were due to technical violations (8.3%), FTA (3.8%), and other (2.7%).

Pretrial Services Closure Types⁵
Misdemeanant Placement Closures



Felony Placement Closures



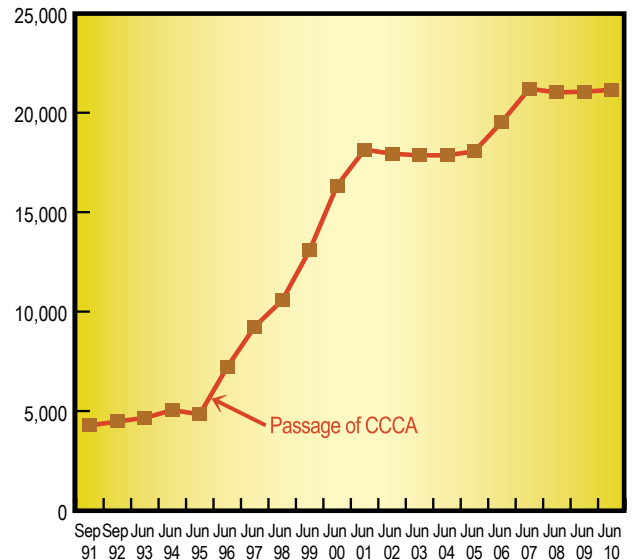
⁵ Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are backed out of the calculations.

⁶ The mandate to provide these services is found in the Code of Virginia under §53.1-82.1 which requires the establishment of local probation and pretrial services for all jail projects approved or pending approval.

LOCAL COMMUNITY-BASED PROBATION SUPERVISION

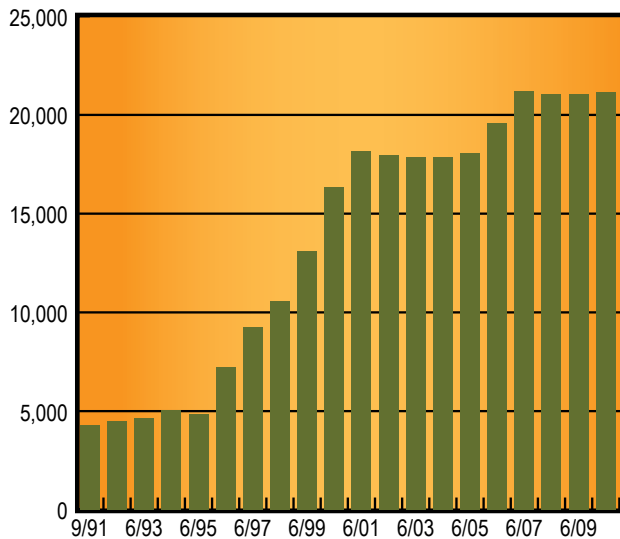
Since the establishment of the CCCA in 1995, the number of offenders supervised by local probation agencies has almost tripled. Caseloads have increased from 5,043 to 20,939. There are now 37 local probation agencies in operation, serving 128 localities. Four more localities are now mandated⁶ to provide local probation services; but without state funding for this purpose, the services will not be established.

Community-Based Probation Caseloads



Local probation supervision cases increased slightly over the previous year. The ADC in FY2010 increased to 21,152 compared to 20,995 for FY2009.

Community-Based Probation Caseloads (Point in Time)

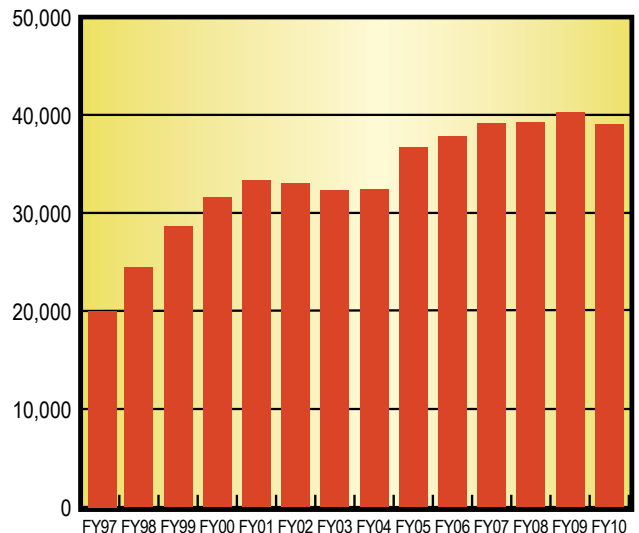


In addition to offenders under active supervision, on average, 803 offenders per month were reported to be in a “monitoring only” status, an increase of 38% over the previous year. Monitoring offenders is done as a courtesy to the judge, as these offenders do not meet the criteria for supervision by local probation agencies and funding for monitoring is not provided. “Monitoring only” cases include those offenders required to complete community service in lieu of paying fines and costs. These cases are not held to the same supervision criteria as active cases nor are they included in caseload calculations. However “monitoring only” cases do require the use of staff resources. “Monitoring only” is a service provided as directed by court order; it is not statutorily required.

On average, there were 4,482 offenders per month reported in “inactive” status,⁷ a slight increase from FY2009. While there are fewer staff 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.

FY2010 statistics demonstrate continued judicial support for the CCCA based on the volume of placements and agency utilization. In FY2010, **the courts placed 39,042 offenders on local probation supervision**, compared to 40,264 in FY2009, a decrease of 3.0%

Community-Based Probation Court Placements



Local community-based probation and pretrial service caseloads remained flat during FY2010. With a decline in the rates of many crimes in Virginia, the sustained caseload can be attributed to continued and consistent use of these services by judges and magistrates as well as longer periods

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 41,835 in FY2010 (43,033 in FY2009).

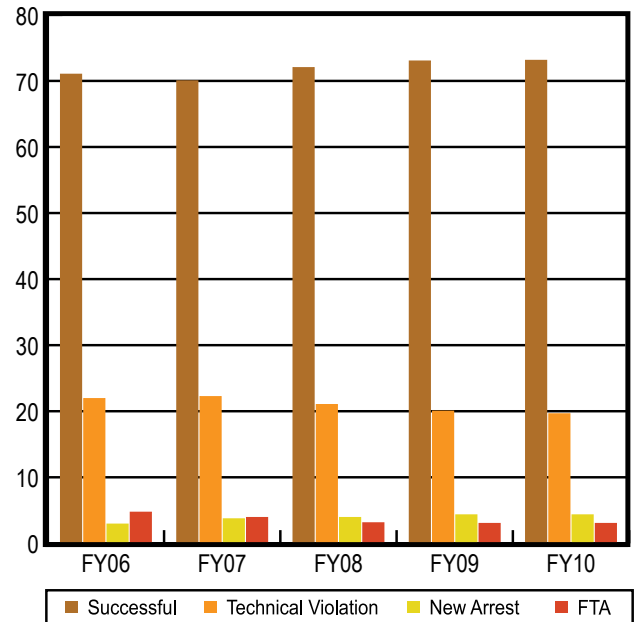


of supervision. In addition, agencies continue to experience increasing workloads with additional duties and responsibilities beyond only supervision of offenders and defendants (drug testing, monitoring offenders, DNA testing responsibilities, and other expectations of the courts).

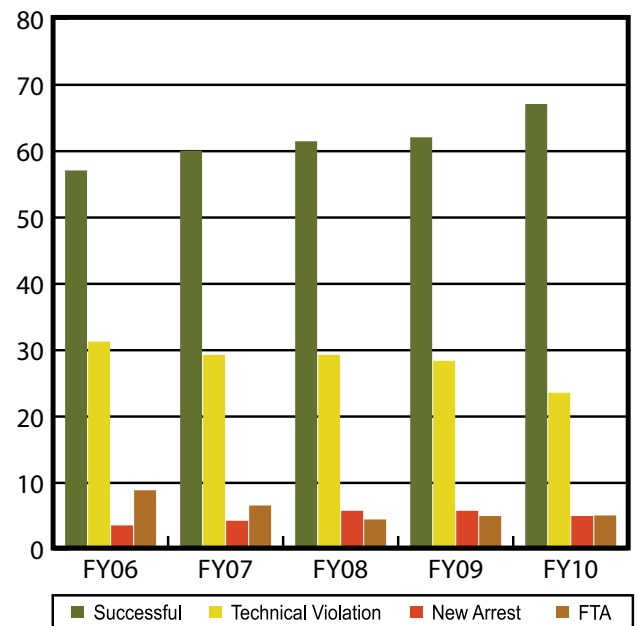
The average length of supervision (ALOS) for misdemeanants is 6.5 months, just above the recommended average of 6 months. However, the average length of time under supervision for felons remains within the DCJS recommendation of twelve (12) months, at 8.9 months. The increase in time under supervision is due to the increase in domestic violence cases, longer treatment requirements associated with those cases, waiting lists for treatment, courts ordering longer periods of supervised probation than necessary for offenders, and increases in mandatory community service time. All of these require longer periods under supervision and result in higher caseloads.

As the graphs that follow indicate, the local community-based probation agencies continue to demonstrate very good success rates with offender supervision. Successful case closure is defined as complying with all conditions of probation, including not committing any new crimes and completing court ordered conditions. As with pretrial services, failures under supervision are offender failures and should not necessarily be considered failures of the supervising 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).

Misdemeanant Probation Closures

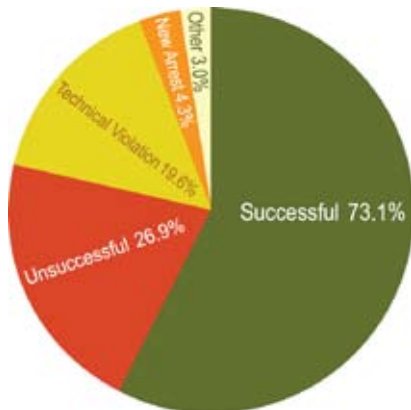


Felony Probation Closures

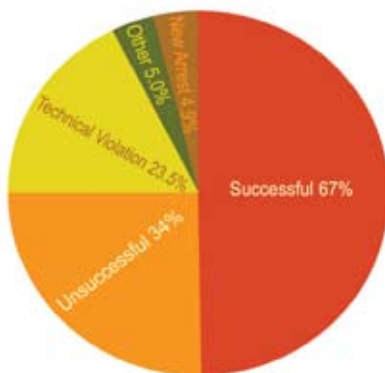


Of the 34,561 total misdemeanor placements closed during FY2010, 73% (25,225) were successful. Of the 1,377 total felon placements closed in FY2010, about 67% (917) were successful. The most common “unsuccessful” closures for both misdemeanor and felon placements continue to be due to technical violations of supervision; 19.6% (6,786) for misdemeanor and 23.5% (323) for felons. Technical violations are violations of terms and conditions of supervision that are not considered law violations. In FY2010, only 4.3% (1,513) of the misdemeanants and 4.9% (68) of the felon placements were closed due to a conviction for a new offense. Closures for “other” reasons were 3.0% (n=1,037) for misdemeanants and 5.0% (69) for felons.

Local Community-Based Probation Misdemeanant Placement Closures



Felony Placement Closures



Local community-based probation agencies also tested offenders for substance use and placed offenders in a variety of substance abuse treatment programs and other types of programs and services throughout the year. Substance abuse services utilized included short-term detoxification, outpatient treatment, education, and other substance abuse counseling programs. Figures reported for FY2010 indicate:

- 15,888 Offenders were assigned community service work
- 11,364 Offenders were drug tested (does not include multiple tests)
- 4,317 Offenders were placed in substance abuse education
- 3,647 Offenders were ordered into anger management counseling
- 3,371 Offenders were screened for substance abuse problems
- 2,880 Offenders were assessed or evaluated for substance abuse problems
- 2,858 Offenders were placed in substance abuse counseling
- 2,375 Offenders were ordered into domestic violence counseling
- 2,187 Offenders were ordered to attend shoplifting prevention sessions
- 1,107 Offenders were assessed for domestic violence issues
- 868 Offenders were participated in Victim Impact Panels or conflict resolution
- 728 Offenders were ordered to attend financial responsibility sessions
- 675 Offenders were tested for alcohol use
- 502 Offenders were screened, assessed or evaluated for alcohol
- 426 Offenders were ordered to attend mental health counseling

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 somewhat over reported.



- 420 Offenders were screened or evaluated for mental health issues
- 387 Offenders were sent to parenting or fatherhood classes
- 344 Offenders were sent for alcohol treatment
- 162 Offenders were ordered to attend AA or NA meetings or both
- 92 Offenders were placed in employment counseling or training
- 86 Offenders were ordered to attend marriage or family counseling
- 85 Offenders were ordered into sex offender treatment
- 63 Offenders were placed in long term inpatient treatment
- 36 Offenders were ordered to attend life skills courses
- 36 Offenders were ordered to attend driver improvement courses
- 31 Offenders were ordered to obtain their GED or attend school
- 19 Offenders were placed in short term detoxification
- 17 Offenders were placed on electronic monitoring
- 4 Offenders were placed in home detention
- 246 Offenders were required to participate in some other service or program

All agencies placed offenders at non-profit work sites to complete community service. For FY2010, offenders performed 678,632 hours of community service work in Virginia. At the minimum wage of \$7.25 per hour, this translates into just over \$4.92 million worth of community service work. However, this may be a conservative figure as local government pay scales would pay more than the minimum wage for some of the types of community services provided by the offenders. In addition to their required duties and

responsibilities, many local 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 (it is not the responsibility of local agencies to collect these payments). In FY2010, agencies facilitated just over \$2.04 million in restitution payments and almost \$1.23 million in fines and costs. In total, *local probation agencies generated almost \$8.2 million in services and payments to communities.* This translates to a 37.4% return on the investment by the state (\$8.2 mil / \$21.9 mil funded).

LEGISLATIVE ACTIVITY

Legislation

There were few statutory changes affecting local community-based probation and pretrial services agencies that became effective in FY2010. None were introduced on behalf of DCJS or the Virginia Community Criminal Justice Association (VCCJA). The *Code of Virginia* was amended as follows:

- §19.2-120 amended to require the magistrate executing recognizance [bond] for the accused to provide a licensed bail bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it. In addition, §19.2-389 has been amended to authorize bondsmen to receive a copy of the Virginia criminal history record solely for the purposes established in §19.2-120;

¹¹ Actual figures: \$4,920,082 of community service work, \$2,041,244 in restitution, \$1,223,270 in fines and costs, totaling \$8,184,596.

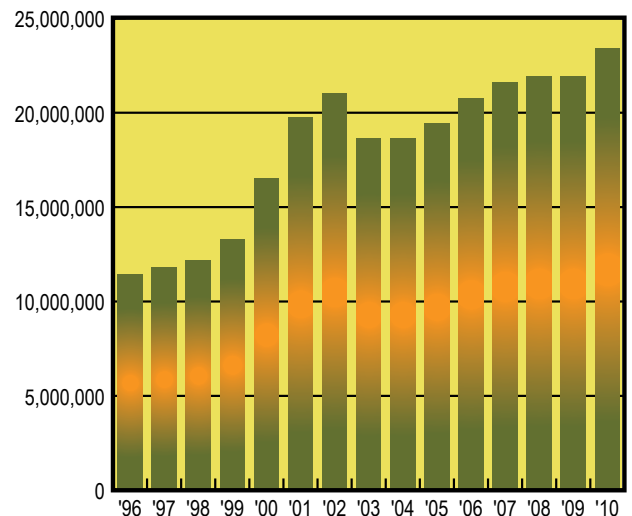


- §19.2-130.1 and §19.2-132. were amended to permit a court to initiate a proceeding to alter the terms and conditions of bail on subsequent proceedings when it considered bail excessive;
- §9.1-177.1. was amended to require a court to provide any investigation report, including a presentencing investigation report, prepared by a local community-based probation officer to counsel seeking a post-conviction remedy for a respondent in a civil case who has been convicted of a sexually violent offense or determined to be a sexually violent predator as defined in §37.2-900;
- §9.1-903 was amended to clarify that only a person that “has a permanent address” may establish proof of residence in Virginia for purposes of registering on the sex offender registry.

Funding

The General Assembly appropriated \$23.4 million for FY2010 operations under the CCCA and PSA. This included an additional \$1.5 million to expand existing pretrial services agencies. DCJS awarded funding for 24 pretrial positions in 22 existing pretrial services agencies.

Comprehensive Community Corrections and Pretrial Services Act Appropriations History



While funding continues to be needed for treatment and services, it is more urgently needed for the expansion of supervision capacity and to reduce critically high caseloads and growing 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, increased requirements for community service, and longer probation sentences), 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 the current supervision capacity. Some agencies still have active offender-to-staff ratios of over 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.



EVIDENCE-BASED PRACTICES PLANNING, DEVELOPMENT, AND IMPLEMENTATION

The primary focus of Virginia’s Local Evidence-Based Practice (EBP) Initiative is to advance the use of evidence-based practices across local probation and pretrial services. In 2008, only 10 agencies participated in the initiative. Today, 20 agencies participate and are actively working towards training their staff to implement EBP. EBP agencies use validated risk and need assessments, Effective Communication and Motivational Interviewing strategies, and case planning to appropriately match offender supervision levels and interventions with offender risk and need levels. In addition to following these evidence-based principles, EBP agency staff served on committees that provide support and direction to the EBP initiative. In 2009-2010, EBP sites participated in a research project to develop bail/release recommendation guidelines based on the scores from the Virginia Pretrial Risk Assessment Instrument (VPRAI) and contributed to the development of ‘Virginia’s Roadmap for Evidence-Based Practices in Community Corrections, which is available on DCJS’s website. Other activities include the development and implementation of an EBP specific training curriculum for both pretrial and local probation agencies.

A brief overview of offenders risk levels is presented below. Between June 1, 2009 and July 30, 2010 risk data were collected from the original 10 EBP sites. As expected, the majority (**63%**) of clients served by our local community corrections agencies are low risk. Thirty-three percent (**33%**) are of medium risk to re-offend and only four percent (**4%**) are of high risk to re-offend. Individuals scoring

medium or high risk are then assessed using the longer, more comprehensive Offender Screening Tool, or OST. Supervision levels are based on the final OST score.

Modified Offender Screening Tool (M-OST) (N=13,014)*

Risk Level	Frequency	Percent
Low	8,200	63%
Med	4,333	33%
High	475	4%
Unknown	6	0%
Total	13,014	100%

Offender Screening Tool (OST) Assessment (N=3,682)

Risk Level	Frequency	Percent
Low	681	18.5%
Med	2,848	77.3%
High	150	4.1%
Unknown	3	.1%
Total	3,682	100%

PTCC SOFTWARE/COMMUNICATIONS INFRASTRUCTURE

The DCJS Pretrial and Community Corrections Case Management System (PTCC) Information Systems group was in support mode during FY2010. Currently, PTCC serves over 450 users and each user has direct access to the PTCC Help Desk either by telephone or email. During FY2010, the PTCC Help Desk processed hundreds of requests for application help and technical assistance. Most requests to the Help Desk were related to technical issues regarding the PTCC software application; including problem fixes, enhancements, database migrations to new servers and providing consultation regarding new

* Clients placed on local probation are first screened with the M-OST, the Modified Offender Screening Tool. Clients scoring medium or high risk are then given a more extensive assessment, the full OST, the Offender Screening Tool.



equipment purchases. Other requests included networking, hardware compliance concerns, report printing, and other software related issues.

During FY2010, noteworthy items for our support team are as follows:

- Four updates to the PTCC application;
- A Statewide technical survey of server and desktop systems in operation;
- Nearly 30 Ad Hoc reports for in-house research/analysis, localities, the Virginia Joint Legislative Audit and Review Commission and other outside research/constituent groups;
- Developing enhancements to support the Evidence-Based Practices initiatives.

EDUCATION & TRAINING

Local Community-based Probation & Pretrial Services Agencies

In July and December of 2009 and March of 2010, a total of 60 new local community-based probation and pretrial services employees successfully completed the seven-day Basic Skills course offered by DCJS. This represents a slight increase over the preceding year (56). 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)
- 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 (2 out of 3 classes)

A Basic Skills survey, conducted during FY2010 indicated that the topics that were currently in the Basic Skills curriculum were still appropriate and timely.

Regional Training

A number of different regional trainings were conducted for local probation and pretrial agency staff. These trainings included:

- An annual training for administrative support employees centered on Mental Health and Stress Management took place on September 15, 2009 for 27 attendees.
- A Command Spanish class held in Halifax for 18 probation and pretrial officers.
- A series of regional trainings for all pretrial agency staff on the Virginia Pretrial Risk Assessment Instrument (VPRAI) between April and June 2009.
- In June, July, August and September of 2009, a series of regional trainings occurred to provide 4-day intermediate training curriculum on Effective Communication and Motivational Interviewing (EC/MI) for probation officers in Evidence Based Practices (EBP) agencies. Approximately 75 probation officers attended this event.



- An Offender Screening Tool (OST) Basic Training and Train-the-Trainer session occurred in May of 2009 and the first of the regional EC/MI trainings occurred in June 2009.

Additional trainings sponsored by Virginia Community Criminal Justice Association (VCCJA) and local EBP agencies included an Organizational Development Session for Agency Directors in March 2010, and risk/need assessment trainings and risk/needs assessment refresher sessions which took place throughout the year.

Judicial Training

The Supreme Court's annual Pre-Bench Orientation Program for 2010 included a session on pretrial and local community-based probation services. DCJS was allotted 45 minutes to present on pretrial and local community-based probation services. Nine (9) Judges representing the Juvenile and Domestic Relations, General District, and Circuit Courts were present at the training. This year DCJS collaborated with two local probation and pretrial services directors adding a local perspective during the time allotted for questions and answers. DCJS' presentation included an overview of the plan to implement Evidence-Based Practices.

OTHER ACTIVITIES

Virginia Community Criminal Justice Association (VCCJA)

Over 265 participants attended the 13th Annual Virginia Community Criminal Justice Association (VCCJA) Training Conference, Sailing into the Future, held in November 2009 at the Crowne Plaza Hampton Marina Hotel.

Sponsored by VCCJA, the conference included an opening session entitled Addiction and Change: Understanding the Process presented by the internationally recognized speaker Carlo

DiClemente, PhD, Professor and Chair of the Department of Psychology at the University of Maryland. Topics from the rest of the conference included Mechanisms and Processes of Change in Addictive Behavior Change (DiClemente); What is the Balance in your Bank of Life (Carolyn Fair), a discussion on balancing a stressful work life with one's home life; The Passionate Pursuit of Quality (Ysaac Chabo), which provided an overview of the theory of quality, a brief presentation on benchmarking and the obstacles that may be encountered; Dual Diagnosis: Mutually Complicating Problems and Change (DiClemente); Let's Talk (Veronica McMillon) which explored the art of effective communication; Domestic Violence: Improving the Quality of Services for Victims, Offenders and the System (Panel); Ritual Crime & the Occult (Don Rimer); Emotional Intelligence (Cynthia Laurel) explores "mindfulness" as a way to cultivate greater emotional balance, health and success in life and work; Hearing Voices, an experiential workshop in which participants can experience vocal hallucinations; Drug Testing: Tricks of the Trade (Robert Fierro); Suicide 101: A Practical Guide to Suicide Awareness (Don Barker).

A Final Note

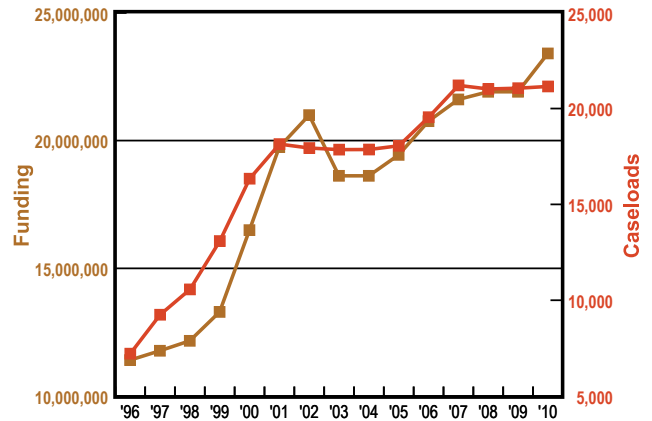
This year, as state revenue improved but shortfalls continued in Virginia, amplified and reinforced by national economic trends, the more costly, traditional approaches to criminal justice sanctions (prisons and jails) have become difficult, even impossible, to sustain at current funding levels. Further, research shows that prison and jail time alone, while it may serve to satisfy a societal preference for punishment, does not change criminal thinking and behavior. This means that we



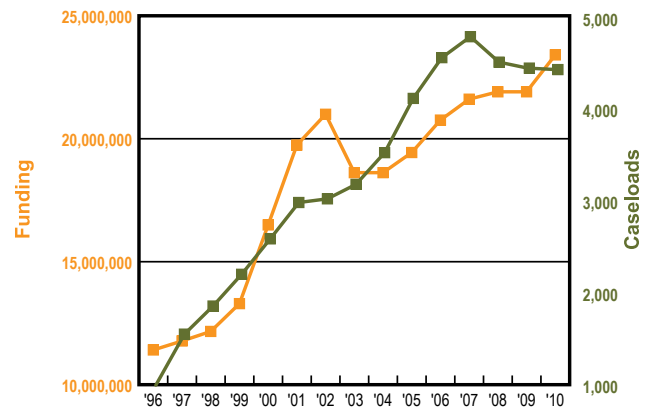
will see many of these same offenders in our jails and prisons again – and again. With Governor McDonnell’s emphasis on reentry and following the many discussions and extensive work to define the problems of reentry and to determine the potential approaches to improve reentry services and reduce recidivism, community corrections and pretrial services becomes more clearly understood to be, in effect, prevention and early intervention with offenders who are not yet embedded in a criminal career. Prisons and jails are increasingly understood to be appropriate to house those who pose a threat to society but for most offenders or defendants, prisons and jails are colleges of crime. In the long-term, time spent in facilities often does more harm than good - not just for the individual offender or defendant but for the broader goals of public safety and fiscal responsibility.

Local probation and pretrial services offers a more flexible capacity that is responsive to funding for new staff, without the excessive costs of “brick and mortar” round-the-clock coverage. As demonstrated in the two graphs below, as funds have been added to local probation and pretrial services agencies, caseloads have tended to keep pace with need.

CCCA/PSA Appropriations History and Caseloads Probation Caseloads



Pretrial Caseloads



The most notable exception to this trend is the increase in funding that occurred in FY2001-2002 as the additional funds were not to be used to increase caseloads in local probation or pretrial services.¹² Funds added to the CCCA/PSA budget in FY2010 for expansion of established pretrial services, have also failed to increase caseloads as required. This, however, is against a backdrop of reductions in some crimes and falling jail populations and therefore decreasing pressure for judges, prosecutors, and jailors to consider alternatives. Except in those localities where this funding has

¹² The increase in appropriations for FY 2001-2002 was due to additional funding for SABRE which was NOT allowed to be used to build capacity – rather, it was intended to be used for screening and assessment of pretrial defendants and probationers and to increase Substance Abuse treatment services for **probationers**.



generated increased pretrial placements, it would be sound policy to allow DCJS to pull these funds back and use them to establish pretrial services in localities that are currently not receiving services. These localities are “untapped pools” of defendants. And, expansion of capacity anywhere in the system reduces pressure on other parts of the system particularly in the more expensive jails and prisons.

Despite a number of recent studies examining alternatives and searching for low cost “silver bullet” alternatives, the fact remains that investing in state and local community-based corrections is the best use of limited state dollars for the creation of correctional capacity. With existing infrastructure, enhanced by increasingly sophisticated and highly predictive risk instruments and fully engaged in the implementation of research based / evidence based practices, these programs can continue to relieve crowding and save expensive construction and operational costs of facility based corrections. State probation and parole could divert and still sanction more offenders, safely, if additional staff were to be provided. Local pretrial and probation agencies, established under the CCCA and PSA, continue to be understaffed to accomplish maximum diversions in localities with established programs and, unlike state Probation and Parole, there remain unserved localities (courts in only 82 of 134 Virginia localities have access, often limited, to pretrial services agencies).

Implementing Evidence-Based Practices into local probation and pretrial services agencies is not a new program; rather it is a shift in the way to work by using resources appropriately to get the results expected by these programs and agencies (reduction in recidivism). Highly accurate 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 and 54 localities in Virginia that have no pretrial services. This is due to either the lack of funding or that they were not mandated to provide services so they elected to not provide services. There is no locality in Virginia that has services at a level adequate to supervise all those who could be safely diverted.

The Virginia General Assembly, most especially the “Courts committees” and “money committees” merit commendation for having “seen through” a remarkable lobbying and deceptive media effort by the bond industry in the 2010 Session. As part of a national campaign the bond industry attempted to persuade our elected officials that pretrial services used taxpayer funds to do a job that bondsmen perform “at no cost to the taxpayer” with a media blitz riddled with distortions, exaggerations, half-truths and inaccuracies. In truth, the bonding industry is content to let divertible populations stay in jail at high cost to the taxpayer until they or their families are able to post bond. In effect, the industry is content to let low-risk individuals remain in jail at accumulating taxpayer expense until they get their profit. The industry does no risk assessment and is willing to post bond for dangerous individuals; pretrial services assist court officials in determining who should and, as importantly, who should not be



released pretrial. Pretrial services agencies maintain regular contact with released defendants and work to assure their appearance in court; bondsmen do not supervise clients and may only be re-involved after someone fails to appear. The Virginia criminal justice system, as currently operated and funded, is not prepared to do without the bonding industry. However, reducing or eliminating pretrial services would not be a cost savings nor improve the justice system. Most other states that have been subject to this industry campaign have reached this same conclusion.

Until these less expensive programs are maximized and until jails hold only those individuals who pose an actual danger to the community, Virginia will continue to expend resources to protect its citizens from those who pose little threat. In fact, research tells us that over-supervising and unnecessary incarceration make behavior worse. If we are not doing and funding what works, what are we doing?

