

City of Alexandria, Virginia

MEMORANDUM

14
5-14-02

DATE: MAY 8, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER ^S

SUBJECT: SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES TO CONTINUE COMMUNITY CORRECTIONS (LOCAL PROBATION) AND PRETRIAL SERVICES UNDER THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT AND PRETRIAL SERVICES ACT (CCCA-PSA) FOR FY 2003 & FY 2004

ISSUE: City Council consideration of a grant application to the Department of Criminal Justice Services (DCJS) in the amount of \$424,097, to continue community corrections (local probation) and pretrial services to serve the City of Alexandria under the Comprehensive Community Corrections and Pretrial Services Act (CCCA-PSA). Funding is for the period July 1, 2002 through June 30, 2004.

RECOMMENDATION: That City Council authorize the City Manager to:

- (1) submit a grant application to the Virginia Department of Criminal Justice Services (DCJS) for funding, in the amount of \$424,097, under the Comprehensive Community Corrections Act-Pretrial Services Act (CCCA-PSA);
- (2) if the grant application is approved, continue the six full-time positions and one part-time position to deliver the services to be provided under the grant programs. These grant-funded positions would terminate upon the expiration of the grant and the individuals filling these positions will be notified of this condition of employment and sign an agreement of understanding with regard to this condition; and
- (3) execute all documents that may be required in connection with the grant application at the receipt of grant funds.

Due to the short turn around time provided by DCJS, the grant application was forwarded to DCJS in accordance with the April 9 postmark deadline, contingent upon City Council's approval at its May 14, 2002, legislative meeting.

BACKGROUND: The continuation grant will provide funds for the third year of activity for Alexandria Criminal Justice Services (ACJS), which combines the former Alexandria Community Corrections Program (local probation) and the newer pretrial services. Public safety

is the primary goal of the grant initiative. The secondary goals reflect three broad purposes:

- (1) effective sentencing,
- (2) effective use of public resources allocated for pretrial and correctional purposes, and
- (3) involvement of local communities in developing and implementing correctional programs for select offenders.

ACJS fulfills a statutory mandate by the Comprehensive Community Corrections Act to enhance public and community safety by providing supervision services through a variety of intermediate sanctions and punishments. The pretrial services of ACJS fulfill a statutory mandate by the Pretrial Services Act to provide defendant background information and recommendations that will assist judicial officers in determining or reconsidering bail decisions and conditions, and to provide supervised release while a defendant awaits trial. Local probation began in 1995; pretrial began in May 2001.

The CCCA-PSA also calls for the Alexandria Community Criminal Justice Board, which was established by City ordinance on September 16, 1995, to oversee the community corrections and pretrial services available to the judiciary and the criminal justice system for the local offender population. Alexandria's participation in the Peumansend Creek Regional Jail requires that it participate in the CCCA-PSA.

Absent from this year's grant is the funding for the Substance Abuse Reduction Effort (SABRE) initiative, which is pursuant to DCJS instructions inasmuch as SABRE was not funded by the General Assembly for the grant period.

DISCUSSION:

Community Corrections (Local Probation)

The grant seeks to continue the local probation work of ACJS. Offenders may be placed on, or sentenced to, local probation supervision which usually includes specific court-ordered conditions. Probation services enable offenders to be functional members of the community by providing education, training, and treatment while making offenders accountable to the community for their criminal behavior. For many, it provides a successful intervention in a criminally-involved lifestyle behavior.

Throughout FY 2002, Local Probation Officers have exercised their new statutory authority as sworn officers of the court to seek a *capias* to re-arrest non-compliant probationers, to protect the public safety and to assist the criminal justice system. This is accomplished by supervising criminal offenders in the community, offering structured assistance and counseling while, at the same time, supervising the offenders' behavior and compliance with court-ordered conditions. The clients, most of whom have received suspended jail sentences, are typically court-ordered into local probation for six to twelve months. Participants must report to probation officers for monthly supervision meetings while performing court-ordered conditions such as substance abuse education/treatment, community service, anger management, batterers/domestic violence classes, shoplifting program, and mental health counseling.

Projected total new placements for FY 2002 are 324, with a successful closure rate of 73% or 241 cases. Total placements to service are projected as: 107 receiving substance abuse counseling, 112 attending batterers/domestic violence classes, 107 attending shoplifting class, 41 receiving mental health services, and 7 receiving sex offender counseling. It is projected that 5315 community service hours will be performed, that \$10,068 will be facilitated in restitution collected, and that \$21,573 will be facilitated in fines/costs collected. The average daily caseload is 203 misdemeanor offenders from General District, Juvenile & Domestic Relations, and Circuit Courts, and transfers from other Virginia local probation agencies.

Pretrial Services

The grant funds will continue pretrial services for its second year. The purpose is to assist judicial officers in the difficult task of deciding whether to release an accused on bail or to commit to jail, and in setting appropriate conditions of bail. Pretrial staff provide a report containing defendant information to assist in the process, especially at initial appearance in General District Court and at subsequent bail hearings. The pretrial screening, interview and background investigation provide the criminal history and community stability of a defendant including indications of a risk of flight or the potential for criminal activity if released pending trial. The grant funds language interpretation assistance for the non-English speaking defendant.

Supervision services are targeted primarily for an accused arrested and admitted to bail, but detained in jail in lieu of a secure bond. Pretrial supervision is intended to replace a secure bond, or reduce the amount of the cash bond, as a condition of bail, with release on recognizance and to the custody and supervision of the pretrial agency.

Projections for the first full year of performance are as follows: Total pretrial reports -- based on interview and investigation by pretrial staff -- are projected to be 1020. Total supervision placements for the year are projected at 213, of which 88 are charged with a misdemeanor and 125 with a felony. Of these, 97 are released on personal recognizance and 116 are on a cash surety bond. The successful closure rate has been 78% for those charged with a misdemeanor and 92% for those charged with a felony. The failure to appear (FTA) in court rate is 6%, which is less than half of typical FTA rates. The average daily caseload has been 31, of which 11 are charged with misdemeanors and 20 with felonies. In addition, it is projected that 220 reports on a defendant's pretrial supervision will have been submitted to the Commonwealth's Attorney's Office and defense attorneys, and approximately 50 summary reports will have been submitted to the Circuit Court judge prior to sentencing.

As the courts have become more familiar with pretrial, direct placements (usually as a result of a bond hearing; sometimes after an indictment) by a judge have increased. A mechanism has been instituted so that pretrial staff can be present when a bond motion is scheduled, so that the pretrial interview and investigation can be considered and to facilitate a placement if ordered. It is expected that both total placements and direct placements will continue to increase.

As was pointed out last year, full-time pretrial staff salary costs exceed the amounts set in the original grant. In order to stay within the grant budget, the hours of the part-time employee were

reduced from 25 to 10 hours per week. This has been an efficient and cost-effective solution. Anticipated increased service requirements, merit increases and COLA's, however, indicate it is an interim solution. Pretrial officers are, like local probation officers, sworn officers of the court who seek a capias from the magistrate for non-compliant defendants.

The grant application has received the endorsement of the Alexandria Community Criminal Justice Board.

FISCAL IMPACT: If approved as submitted, the City would receive from the State \$200,960 to continue local probation and \$223,137 for pretrial services, making a total of \$424,097 for operations for the period July 1, 2002 through June 30, 2003. At that time, at least a new budget for FY 2004 will have to be submitted, but this year's grant application covers a 24-month period, both FY 2003 and FY 2004. Although there is no requirement for the City to provide a cash match for these funds, the City is responsible for the normal administrative costs associated with this grant. These costs include financial and reporting oversight provided by the administering agency, as well as by the Office of Management and Budget and by the Finance Department. The Department of Criminal Justice Services will provide the service funding.

It should be noted that there are no monies available in the City budget to continue the services once the grant funds are expended. The grant funded positions would terminate upon the expiration of the grant, and the individuals who fill these positions have been notified of this condition of employment.

ATTACHMENTS: None. The grant application may be reviewed in the Office of Management and Budget, Room 3600, City Hall, during normal business hours.

STAFF:

James H. Dunning, Sheriff
Lillian Brooks, Court Services Unit
Mondre' Kornegay, Office of Sheriff
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