

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 3, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

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 FOR FY 2006

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, 2005 through June 30, 2006.

RECOMMENDATION: That City Council authorize the City Manager to:

- (1) Submit a grant application to the Virginia Department of Criminal Justice Services (DCJS) for continuation funding for the second half of the current biennial grant cycle (FY 2006), in the amount of \$424,097, under the Comprehensive Community Corrections Act-Pretrial Services Act (CCCA-PSA). Last year's application covered funding for the FY 2004-2005 biennial grant cycle. Due to the short turn around time provided by DCJS, the submission was forwarded to DCJS in accordance with the May 2 deadline, contingent upon City Council's approval at its May 10, 2005 legislative session;
- (2) Approve the continuation of six full-time positions to deliver the services to be provided under these 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.

BACKGROUND: The continuation grant will provide funds for the sixth year of activity for Alexandria Criminal Justice Services (ACJS). 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 Virginia 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 called for the establishment of the Alexandria Community Criminal Justice Board, which was created 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.

DISCUSSION:

Community Corrections (Local Probation)

The grant seeks to continue the constantly increasing 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.

Local Probation Officers exercise their statutory authority as sworn officers of the court to seek a *capias* (warrants) to re-arrest noncompliant 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 and 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 class, and mental health counseling.

Projected total placements for FY 2006 are 410, which is 4% higher than in FY 2005, and a successful closure rate of 78%. Total placements to service are projected as: 100 receiving substance abuse counseling, 15 receiving substance abuse education, 150 attending anger management classes, 10 attending batterers/domestic violence classes, 30 attending shoplifting class, 35 receiving mental health or counseling services, and 5 receiving sex offender counseling. It is projected that 3,000 community service hours will be performed, that \$15,000 will be facilitated in restitution collected, and that \$25,000 will be facilitated in fines/costs collected. The average daily caseload is 230, of which 159 offenders are from General District and Circuit Courts, and transfers from other Virginia local probation (CCCA) agencies; and 71 offenders are from Juvenile & Domestic Relations Court.

Pretrial Services

The grant will continue to fund pretrial services, which began in late FY 2001. 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 reports containing defendant information to assist in the process, specifically 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 flight risk or potential criminal activity if released pending trial. The use of the pretrial risk and assessment instrument is vital to the pretrial investigative/reporting process and is used by our pretrial officers. The grant funds language interpretation assistance for the non-English speaking defendant.

Supervision services are targeted at defendants 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 fourth year of performance show significant growth. Total pretrial reports -- based on interview and investigation by pretrial staff -- are projected to be 1,236. Total supervision placements for the year are projected at 276. The successful closure rate is 87%. The average daily caseload is 65. In addition, it is projected that 200 reports on a defendant's pretrial supervision will be submitted to the Commonwealth's Attorney's Office and defense attorneys, and approximately 50 summary reports will be submitted to the Circuit Court judge prior to sentencing.

Pretrial officers, like local probation officers, are sworn officers of the court who seek a *capias* from the magistrate for noncompliant defendants.

FISCAL IMPACT: If approved as submitted, the City would receive from the State \$201,327 to continue local probation and \$222,770 for pretrial services, making a total of \$424,097 for operations for the period July 1, 2005 through June 30, 2006. It should be noted that this is the same amount funded by the State for these two programs since FY 2003. As State funding has remained level, personnel-related costs and lease costs have increased, resulting in a larger City match to continue these services. Although there is no requirement for the City to provide a cash

match for these funds, if the City did not, the program would have to be reduced. For the two programs combined, the City match was \$12,913 in FY 2003; \$34,537 in FY 2004; \$65,680 in FY 2005, and budgeted to be \$80,244 in FY 2006. The City is also responsible for the normal administrative costs associated with this grant. These costs include financial and reporting oversight provided by the Office of Sheriff, as well as by the Office of Management and Budget and by the Finance Department.

STAFF:

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