

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 31, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER ^{PS}

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 2005 AND 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) for the period July 1, 2004 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 next biennial grant cycle (FY2005 and FY2006), in the amount of \$424,097, under the Comprehensive Community Corrections Act-Pretrial Services Act (CCCA-PSA). Due to the short turn around time provided by DCJS, the submission was forwarded to DCJS in accordance with the April 2 deadline, contingent upon City Council's approval at its April 13, 2004, legislative session;
- (2) Approve the continuation of the six full-time positions and one part-time position 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 fifth and sixth years of activity for Alexandria Criminal Justice Services (ACJS), which combines the former Alexandria Community Corrections Program (local probation) and 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.

DISCUSSION:

Community Corrections (Local Probation)

The grant seeks to continue the consistently busy 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 to re-arrest non-compliant probationers, to protect the public safety and to provide essential services in the criminal justice system continuum. 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 class, and mental health counseling.

Projected total new placements for FY 2004 are 355 and a successful closure rate of 78%. Total placements to service are projected as: 89 receiving substance abuse counseling, 12 receiving substance abuse education, 152 attending anger management classes/ batterers/domestic violence classes, 6 attending shoplifting class, 29 receiving mental health or counseling services, and 2 receiving sex offender counseling. It is projected that 3,829 community service hours will be performed, that \$5,793 will be facilitated in restitution collected, and that \$21,088 will be facilitated in fines/costs collected. The average daily caseload is 198, of which 106 offenders are from General District and Circuit Courts, and transfers from other Virginia local probation (CCCA) agencies, and 92 offenders are from Juvenile & Domestic Relations Court.

Pretrial Services

The grant funds will continue pretrial services into its fourth and fifth years. 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, 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. Indications of flight risk or potential criminal activity if released pending trial are assessed with the new Virginia Pretrial Risk Assessment Instrument. 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 third year of performance show continued manageable growth. Total pretrial reports -- based on interview and investigation by pretrial staff -- are projected to be 1,000. Total supervision placements for the year are projected at 223. Of these, 116 are released on personal recognizance, 40 are on a cash surety bond, 30 are direct placements, and 37 are transfers from other Virginia (PSA) pretrial agencies. The successful closure rate is 82%. The failure to appear (FTA) in court rate is 6.3%, which is less than half of typical FTA rates. The average daily caseload is 36.

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 continue to be reduced. This has been an efficient and cost-effective solution. Anticipated increased service requirements, merit increases and COLA's, however, indicate it may be an interim solution.

This grant application has been endorsed by the Alexandria Community Criminal Justice Board.

FISCAL IMPACT: If approved as submitted, the City would receive from the State \$208,661 to continue local probation and \$215,436 for pretrial services, making a total of \$424,097 for operations for the period July 1, 2004 through June 30, 2005, the first year of the biennial grant cycle. At that

time, a new budget for FY 2006 will have to be submitted, but this year's grant application covers a 24-month period, both FY 2005 and FY 2006. Although there is no requirement for the City to provide a cash match for these funds, the FY 2005 proposed budget provides \$51,757 (\$21,640 for local probation and \$30,117 for pretrial services) to help cover personnel and office rental costs. 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.

It should be noted that there are no monies available in the City budget to continue these 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 3630, City Hall, during normal business hours.

STAFF:

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