

General District Court

Mission

The court's mission is to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law, and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions. The Court Services Division serves the Courts and the community by providing information, client supervision and a wide range of services while advocating public safety.

Focus

The General District Court (GDC) operates under the administrative guidance of the Office of the Executive Secretary of the Supreme Court of the Commonwealth of Virginia and the Committee on District Courts. It administers justice in the matters before the Court. The Court's operations include the County Court Services Division and the State Clerk of the GDC's Office.

The GDC is part of the judicial branch of the state government. Judges and deputized court personnel staff the Civil Division, Criminal Division, Traffic Division, and Administration Division and are primarily state-funded and supplemented locally. They provide extensive public service to citizens, are critical to the judicial process, and collect revenue for the County. The Court Services Division (CSD) is funded primarily with County funds and supplemented by state grants, and its positions are County merit positions. The CSD is composed of four units: the Pretrial Evaluation Unit, the Supervision Unit (Supervised Release Program and Probation Program), the Administrative Unit, and the Volunteer/Intern Unit. The CSD collects and provides information on incarcerated defendants to assist judges and magistrates with release decisions; provides pretrial community supervision to defendants awaiting trial, and supplies probation services to convicted misdemeanants and convicted non-violent felons (Class 5 and Class 6). The CSD also manages court-appointed counsel and interpretation services and provides adult supervision services to the Circuit and Juvenile and Domestic Relations District Courts (JDRDC).

County and state financial constraints and limited grant funding affect staffing and the level of service that the agency can provide. Increases in caseload, legislative changes, and increases in reporting requirements also have a major impact on how the Court operates. Since all of these factors are outside the Court's control, it is often difficult to anticipate trends and future needs.

The following chart highlights the General District Court's total court caseload from FY 2017 through FY 2021 (estimated).

Type of Case	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimate	FY 2021 Estimate
Criminal	27,571	27,838	26,618	27,342	27,266
Traffic	239,458	230,699	246,168	238,775	238,547
Civil	35,636	37,676	42,262	38,525	39,488
TOTAL	302,665	296,213	315,048	304,642	305,301

The agency has identified key drivers that impact future initiatives and guide the Court Services Division's goals and objectives. All are carefully aligned with the mission of the Court: to provide an independent, accessible, responsive forum for the just resolution of disputes while advocating Public Safety.

Staffing and Resources

The Diversion First initiative is a multiagency collaboration to reduce the number of people with mental illness in local jails by diverting non-violent offenders experiencing mental health crisis to treatment instead of incarceration. These cases involve clients with dual diagnoses requiring intensive supervision, significant coordination, and multiple hearings/status reports. Probation counselors provide community supervision while judges perform legal research and case file review,

drafting legal documents, and staff improve coordination between legal, medical and treatment providers.

In addition to County support, the operation of CSD depends on funding from a state grant from the Department of Criminal Justice Services (DCJS).

Caseload

As a result of the additional positions in FY 2017 and FY 2018, the average daily caseload per probation counselor has decreased but still remains above the state benchmark. While the actual number of placements fluctuates each year, this indicator takes into account the actual number of days supervision each placement required. The average daily caseload per probation counselor increased six percent from 69 total cases in FY 2018 to 73 total cases in FY 2019, 32 intensive Supervised Release Program (SRP) cases plus 41 probation cases. The state standard is 40 SRP cases or 60 Probation cases, *but not both*, per probation counselor.

Cost-Saving Programs

Community supervision programs, including the Diversion First initiative, save the County an estimated \$11 million per year. The Supervised Release Program (SRP) allows supervision of lower risk defendants awaiting trial in lieu of incarceration. The estimated savings to the County if 15 percent of the inmate population were supervised through the SRP program in lieu of incarceration is \$8 million. Assuming that just five percent of the inmate population after conviction was placed on probation rather than being incarcerated, additional savings to the County are estimated at \$3 million due to the reduction in costs to house inmates in the Adult Detention Center (ADC). The SRP program also serves Circuit Court and the JDRDC in some cases and enables qualified defendants to return to the community and maintain employment and family responsibilities, in addition to alleviating overcrowding in the ADC.

Cost Avoidance to County (Estimate based on FY 2019 Actuals)	Supervised Release Program	Probation
# of placements	2,521	1,036
# of active supervision days	244,999	281,441
% defendants likely to remain incarcerated without SRP	15%	5%
Estimated jail days saved	36,750	14,072
Cost to house inmate for one day	\$222	\$222
Estimated Cost Avoidance to County	\$8,158,500	\$3,123,984

See the Performance Measurement Results section for more detail on Supervised Release Program (SRP) and Probation Program statistics.

The Volunteer Unit recorded 1,737 hours performed by volunteers in FY 2019, equal to a 0.8 full-time position. In FY 2019, volunteers conducted 12 percent fewer client interviews for eligibility for court-appointed attorneys compared to the previous year (4,529 in FY 2018 and 4,005 in FY 2019).

The Clerk’s Office performs case and financial management, including collection of \$9.9 million in revenue per year for the County. Approximately \$6.8 million is collected for General District Court fines, court costs, interest on local charges, attorney fees and for courthouse maintenance and \$3.1 million is collected for other County agencies such as the Sheriff’s Department, Police Department, and the Law Library. The Clerk’s Office collects an additional \$3.4 million for the Towns of Vienna and Herndon and for Toll Road and Hot Lanes operators as well as \$18 million in revenue for the State of Virginia. Some County revenue collected offsets expenditures for legal counsel for indigent defendants on County charges and a small fraction of revenue is from postage reimbursement from the state. In FY 2019, there was a six percent increase in new case filings (315,048 in FY 2019 up

from 296,213 in FY 2018) in the Clerk's Office which is composed of approximately 83 state employees who support 11 state Judges. The Clerk's Office operates 11-12 courtrooms daily and in three distinct locations, Fairfax on a daily basis and in the Towns of Vienna and Herndon on a weekly basis. The office is the face of the court to the public and serves hundreds of thousands of citizens through its over 20 public service counters and demanding telephone call center. It is an integral part of the GDC and is supported by the County according to the Code of Virginia. Previously monitored by the Court Services Division, the Clerk's Office conducts mental health monitoring that provides Judges, defense attorneys, the courts, and mental health staff with prompt updates on status and expedites processing of mental health cases to improve outcomes for this vulnerable population. In FY 2019, a pilot Supervised Release Program mental health review docket expedited hearings, reducing the typical wait time for hearing while incarcerated by 88 percent (typically 120 days in jail down to 14 days in jail). There were 107 cases where citizens were evaluated for determination of mental competency in FY 2019. If all were released, expediting hearings produces a cost avoidance of \$2.5 million as citizens' wait time for a hearing is drastically reduced. Following a successful pilot, the Mental Health Docket was implemented in early FY 2020 after Supreme Court approval.

State Salary Supplements

As part of the FY 2017 Adopted Budget Plan, the Board approved a 15 percent local salary supplement for eligible Clerk's Office deputized staff. The salary supplement for the Clerk's Office assists with employee retention, provides more equitable compensation, provides comparable salaries to surrounding jurisdictions, improves service delivery, and reduces the risk that citizens' civil liberties are negatively impacted. The salary supplements are effective as the Clerk's Office resignation rate was down to 18 percent on average from the high 20's, staff's top reason for leaving was no longer pay, staff have transferred in from surrounding jurisdictions without supplement, and some civil case processing times reduced over 80 percent eliminating delay and improving service to citizens and businesses. In addition, management has been freed to implement docket enhancements that significantly expedite hearings, particularly those of incarcerated individuals, this while countering a six percent increase or close to 19,000 new case filings in FY 2019. A local salary supplement was also approved for eligible state positions in the Office of the Public Defender (OPD) in FY 2017 in order to raise their salaries to be consistent with their counterparts at the Office of the Commonwealth's Attorney. The OPD has not experienced any attorney turnover in the past two years. It should be noted, that in the FY 2021 Adopted Budget Plan salary supplements for the OPD will be standardized at 15 percent moving forward for all new hires.

Shared Resources

Criminal Record Specialists in the Pretrial Evaluation Unit are the primary providers of mandated criminal record checks, rather than the arresting officer, which allows police to return to their public safety duties more quickly. Criminal record checks are also provided to the judiciary of the GDC, Circuit Court, and JDRDC to assist with bond determination, and to the Alcohol Safety Action Program (ASAP), the Opportunities, Alternatives & Resources Program (OAR), and the Court Services Supervision Unit who determine eligibility for placement into various programs and monitor that no further criminal activity occurs. Criminal Record Specialists provided 30,995 in FY 2019, up nine percent compared to the previous year (28,543 criminal record checks in FY 2018), mainly for police seeking criminal arrest warrants but also attributed to additional judicial review.

The agency's only Network Telecommunications Analyst II position continues to be part of a shared Court Department of Information Technology (Court DIT) team in order to improve efficiencies.

Community Resources: Additional critical and effective CSD programs for the community include the Alcohol Diversion Program (ADP), the Driving on Suspended Program (DOS), the Veterans Treatment Docket (VTD), and Diversion First.

The ADP program clients decreased 47 percent from the previous year, serving 24 clients in FY 2019 down from 45 clients in FY 2018. In recent years, overall program participation typically has declined due to fewer underage drinking charges, often issued at concerts attended by college students, and the institution of on-campus diversion programs.

The VTD program provided active supervision to 26 Veterans in FY 2019. There were 11 total closures, up from four total closures in FY 2018, with nine successful graduates after roughly 13-22 months of intensive program participation to address issues such as substance abuse, post-traumatic stress disorder, mental health issues, and traumatic brain injury. At the beginning of FY 2020, there were 16 Veteran participants, and program administration continues under the Fairfax-Falls Church Community Services Board (CSB), with continued collaboration with the CSD.

The highly effective DOS program served 185 clients in FY 2019, a drop from 270 clients in FY 2018, an indication of the program's success. The program assists participants in preparing for and navigating the requirements of license reinstatement. A new law implemented in FY 2020 is expected to reduce the number of Virginians whose driving privileges are suspended for failure to pay fines and costs.

In collaboration with the CSB, the Diversion First program identifies and screens incarcerated individuals for mental health needs with the aim of diverting qualified individuals to treatment in lieu of incarceration while under intensive court supervision. In FY 2019, the Diversion First review docket (now the Mental Health Docket and a sub-set of the Supervised Release Program Review Docket), produced an estimated \$573,204 in cost avoidance through 2,582 jail days saved through supervision in lieu of incarceration. At arraignments, 230 individuals were placed on SRP with a release plan including mental health evaluation, outpatient or residential treatment plans, and/or referral to jail diversion. In FY 2019, 510 defendants were placed in the Diversion First Program based on a positive screen. Of the 362 clients administered an advanced screening, 83 percent indicated a need for a more in-depth mental health evaluation. There were 369 total advanced screenings administered. There were 59 percent more clients referred to a private provider and 15 percent more clients referred to CSB for a mental health evaluation than in the previous year. In the end, 392 defendants were formally referred for mental health treatment, up five percent from the previous year. In FY 2019, there were 496 individuals court ordered to have mental health evaluation and/or comply with treatment, an increase of 78 percent compared to the prior year. At advisement hearings, 230 individuals were placed on SRP with a release plan, aimed at connecting clients to treatment immediately upon release while awaiting trial. The number of intensive supervision participants is growing, in turn reducing the jail population, as clients are supervised in the community with access to treatment.

Restitution collections totaled \$419,145 in FY 2019, an 11 percent decrease from \$471,522 in FY 2018 and community service hours performed decreased eight percent to 2,449 hours in FY 2019 compared to 2,667 hours in FY 2018.

Diversity

Interpreter assignments have increased 98 percent since FY 2010 (714 assignments in FY 2010 to 1,413 assignments in FY 2019) due to increasing diversity of clients and increased access and awareness about language services. The CSD staff manages interpretation services for languages other than Spanish, including sign-language. Recruitment of bilingual probation counselors allows

for effective management of the caseload of Spanish-speaking clients and ensures equitable services are provided.

Court appointed attorneys are assigned to indigent defendants to ensure they have adequate legal representation when conviction could result in jail time. Attorney assignments decreased four percent from 15,009 assignments in FY 2018 to 14,402 assignments in FY 2019.

At the beginning of FY 2020, the state revised the state employment application to create a modern, streamlined, competitive application process, highlighting diversity and inclusion to mitigate unconscious bias.

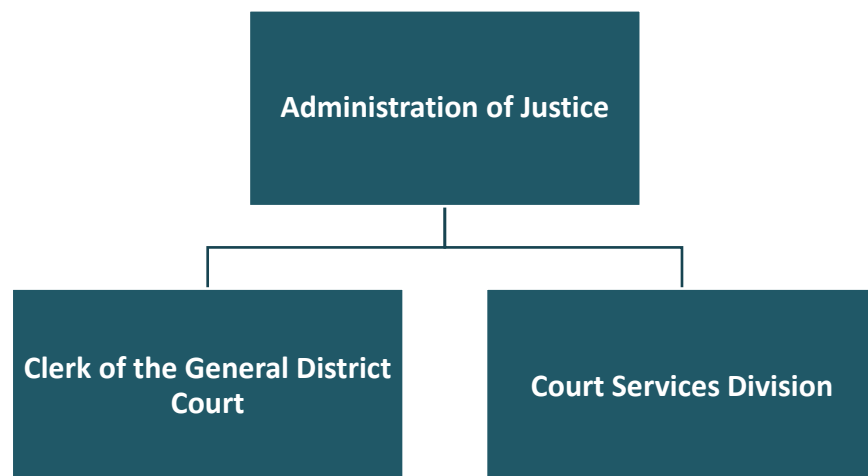
The addition of valuable risk assessment tools and an increase in mandatory reporting requirements have increased the workload, but have improved equity, allowing more inmates to qualify for community supervision in lieu of incarceration.

- Virginia Pretrial Risk Assessment Instrument (VPRAI)
- Modified Offender Screening Tool (M/OST)
- Offender Screening Tool (OST)
- PRAXIS Case Management Tool (STEPS)

Pandemic Response and Impact

In March 2020, the General District Court responded to a federal, state, and local state of emergency due to COVID-19. As some inmates were released from jail in an effort to protect their health, the Court Services Division provided pretrial and post-trial supervision to ensure community safety, while increasing interaction with clients and providing no-contact supervision to reduce viral transmission. Advisement hearings and emergency matters such as motions and protective orders continued to be heard throughout the emergency, with non-emergency matters postponed and Clerk's Office services performed at a distance. Revenue declined sharply, most notably from a steep decline in new case filings. In late May to early June 2020, additional cases such as Civil trials and Criminal and Traffic misdemeanors were phased into the court's docket in an effort to mitigate substantial backlogs in court hearings and to expedite justice.

Organizational Chart



Budget and Staff Resources

Category	FY 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised	FY 2021 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$2,979,318	\$3,474,942	\$3,439,942	\$4,270,684	\$3,474,942
Operating Expenses	924,556	910,559	1,293,005	915,059	910,559
Total Expenditures	\$3,903,874	\$4,385,501	\$4,732,947	\$5,185,743	\$4,385,501
Income:					
Courthouse Maintenance Fees	\$371,107	\$365,730	\$365,730	\$365,730	\$365,730
General District Court Fines/Interest	149,984	147,649	147,649	147,649	147,649
General District Court Fines	6,227,827	6,606,091	5,835,355	5,835,355	5,835,355
Recovered Costs - General District Court	78,548	80,271	71,391	71,391	71,391
State Reimbursement - General District Court	75,455	85,265	85,265	85,265	85,265
Total Income	\$6,902,921	\$7,285,006	\$6,505,390	\$6,505,390	\$6,505,390
NET COST TO THE COUNTY	(\$2,999,047)	(\$2,899,505)	(\$1,772,443)	(\$1,319,647)	(\$2,119,889)
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	33 / 33	34 / 34	35 / 35	38 / 38	35 / 35
State	117 / 114.1	117 / 114.1	117 / 114.1	178 / 175.1	117 / 114.1

This department has 8/8.0 FTE Grant Positions in Fund 50000, Federal-State Grants.

FY 2021 Funding Adjustments

The following funding adjustments from the FY 2020 Adopted Budget Plan are necessary to support the FY 2021 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 12, 2020.

FY 2021 funding remains at the same level as the FY 2020 Adopted Budget Plan.

Changes to FY 2020 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2020 Revised Budget Plan since passage of the FY 2020 Adopted Budget Plan. Included are all adjustments made as part of the FY 2019 Carryover Review, FY 2020 Third Quarter Review, and all other approved changes through April 30, 2020.

Carryover Adjustments \$347,446

As part of the FY 2019 Carryover Review, the Board of Supervisors approved encumbered funding of \$347,446 in Operating Expenses.

Position Adjustment \$0

The County Executive approved the redirection of 1/1.0 FTE position to this agency to support human resource functions, including the management and administration of state supplements.

Position Detail

The FY 2021 Adopted Budget Plan includes the following positions:

GENERAL DISTRICT COURT – 152 Positions			
Administration of Justice			
1	Chief Judge S		
10	General District Judges S		
Office of the Public Defender¹			
1	Public Defender S	1	Office Manager S
1	Chief Dep. Public Defender S	1	Assistant Office Manager S
4	Sr. Asst. Public Defenders S		
8	Attorney II Public Defenders S		
7	Entry Level Public Defenders S		
Clerk of the General District Court²			
1	Clerk of the General District Court S	15	Supervising Deputy Clerks S
1	Chief Deputy Clerk S	66	Deputy Clerks S, 7 PT
Court Services Division			
1	Manager, Gen. Dist. Court Services	1	Network/Telecom. Analyst II
1	Probation Supervisor II	1	Management Analyst II
3	Probation Supervisors I	1	Human Resources Generalist I
13	Probation Counselors II	1	Administrative Assistant V
5	Probation Counselors I	3	Administrative Assistants III
		5	Administrative Assistants II
S	Denotes State Position(s)		
PT	Denotes Part-time Position(s)		

¹ In FY 2017, 23/23.0 FTE Office of the Public Defender (OPD) positions were added to the state position count only to administer the pay supplement for state employees approved as part of the FY 2017 Adopted Budget Plan.

² It should be noted that Personnel Services-related costs for Clerk of the General District Court state positions are primarily funded by the state; however, the County does provide a salary supplement as well as miscellaneous operating support for these positions.

Performance Measurement Results

All services provided by the Court Services Division (CSD) address the agency mission. CSD provides information on incarcerated defendants, provides pretrial and post-trial community supervision, manages the court-appointed attorney system for indigent defendants, manages interpretation services for the non-English speaking and hearing-impaired population, manages volunteer services, and answers questions about the judicial process for the public.

Pretrial Investigations

The Pretrial Evaluation Unit provides critical information about defendants to the judiciary (magistrates and judges) in order to assist them in making informed decisions about defendants' release/detention status. The investigation process has several components: defendant's interview, phone calls to references (family, employers, neighbors, etc.), and extensive record checks to include the National Crime Information Center (NCIC), the Virginia Crime Information Network (VCIN), local criminal records, DMV, and court records throughout the Commonwealth for pending charges. In FY 2019, 5,656 pretrial investigations were conducted, an increase of 19 percent from FY 2018 where 4,748 investigations were conducted, attributed to an increase in referrals and available staff. The percent of staff bond recommendations accepted by the Judiciary was 92 percent in FY 2019 above the 91 percent target.

Supervised Release Program (SRP) and Probation Program

SRP placements increased 53 percent over two years from 1,646 placements in FY 2017 to 2,521 placements in FY 2019. This significant increase is mainly due to the implementation of Diversion First, an intensive supervision program for mental health clients, who are supervised in the community in lieu of incarceration. The implementation of a recommendation instrument for pretrial supervision eligibility in early FY 2018 increased the number of those eligible for pretrial supervision.

Referrals, both SRP and Probation, are primarily by magistrates or General District Court judges and from mental health screenings and evaluations. The program provides intensive supervision and monitoring of lower risk defendants who might otherwise remain in the jail while awaiting trial in addition to serving higher needs clients through Diversion First. In FY 2018, the percent of SRP cases successfully closed was 80 percent, higher than the target measure of 74 percent, which was adjusted to account for an increase in supervision of higher risk and higher needs clients.

Probation counselors in the Probation Unit supervise both SRP clients and those referred to probation at the final court date by court order. Probation counselors are required to see defendants either bi-monthly or weekly and must conduct weekly telephone check-ins and random drug testing. With each contact, it is strongly reinforced to the defendant that, to successfully complete the program, there must be no new violations of the law and that they must appear for all court dates. Probation caseloads leveled out after a 20 percent decrease in FY 2019, following a 20 percent increase in FY 2018 (1,036 cases in FY 2019, 1,290 cases in FY 2018, 1,076 cases in FY 2017) partially attributed to fluctuations in criminal arrests. Caseloads in the Supervised Release Program (SRP) and Probation vary from year to year based on the number and types of arrests. An increase in SRP cases has a far greater impact on staffing than an increase in standard probation cases. The percent of probation cases successfully closed was 76 percent, greater than the target of 73 percent.

Indicator	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate/Actual	FY 2020 Estimate	FY 2021 Estimate
Percent of staff recommendations accepted by the Judiciary	96%	91%	91%/92%	91%	91%
Percent of SRP cases successfully closed	76%	74%	74%/80%	74%	74%
Percent of probation cases successfully closed	73%	73%	73%/76%	73%	73%

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2021-adopted-performance-measures-pm>