

RESULTS-DRIVEN



PERFORMANCE-BASED

# FISCAL YEAR 2014 ANNUAL REPORT

Pretrial Services Agency for the District of Columbia  
July 2015

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[www.PretrialServices.gov](http://www.PretrialServices.gov)



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## FOREWORD

In Fiscal Year 2014, the Pretrial Services Agency for the District of Columbia (PSA) committed to improve the quality and value of its mission critical work and products—in short, to ensure that our work is not only done, but also is done well and supports our mission and goals. PSA met or exceeded all of its outcome measures, made significant

progress under the initiatives outlined in the Agency's *Strategic Plan*, implemented evidence-based and data-driven practices in its diagnostic, supervision, and treatment areas, established performance management measures based on goal achievement and customer



and staff satisfaction, promoted community and justice partnerships, and approved a new strategic framework to ensure continued results-driven management culture.

Our commitment to quality and performance is the foundation for current and future developments in our mission critical areas, with the results being more effective and efficient risk assessment, supervision, and treatment services. We will continue our nearly 50 years of continued support to and collaboration with our major partners in the District of Columbia criminal justice system to enhance public safety among its residents.

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## INTRODUCTION

The *FY 2014 Annual Report* summarizes the Pretrial Services Agency for the District of Columbia's (PSA or the Agency) performance within its mission critical areas and significant program accomplishments during the fiscal year. PSA's mission—to promote pretrial justice and enhance community safety—is the foundation upon which the Agency's programs are designed and executed. Consistent with its mission and the legal status of pretrial defendants, PSA's three key strategic outcomes are:

- *Promoting public safety* by minimizing rearrests among defendants released to the community while pending trial.
- *Enhancing court appearance rates* by minimizing the risk of failures to appear for scheduled court appearances.
- *Encouraging defendant accountability* by maximizing the number of defendants who remain on pretrial supervision with no revocation or pending requests for removal at the conclusion of their pretrial status.



## ABOUT PSA

PSA assists judicial officers in the Superior Court of the District of Columbia (DCSC) and the United States District Court for the District of Columbia (USDC) by formulating release or detention recommendations and providing supervision and treatment services that reasonably assure that defendants on conditional release

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*PSA's mission is to promote pretrial justice and enhance community safety.*

*Our vision is to thrive as a leader within the justice system through a diverse, inclusive and empowered workforce that embodies integrity, excellence, accountability, and innovation in the delivery of the highest quality services.*

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return to court and do not engage in criminal activity pending trial and/or sentencing. The result is that, in the District of Columbia, unnecessary pretrial detention is minimized, jail crowding is reduced, public safety is increased, and, most significantly, the pretrial release process is fair.

PSA has served the District of Columbia for nearly 50 years and is a widely-recognized national leader in the pretrial field. Its innovative supervision and treatment programs are regarded as models for the criminal justice system. Adherence to evidence-based practices, effective use of technology, and the development of an empowered workforce lead to organizational excellence, transparency, high professional and ethical standards, and accountability to the public.

### Organizational Structure

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PSA was created by an act of Congress (*the District of Columbia Bail Agency Act*) in 1967. *The National Capital Revitalization and Self-Government Improvement Act of 1997* (111 Stat. 748, Pub. L. 105-33, § 11233) established PSA as an independent entity within the Court Services and Offender Supervision Agency (CSOSA) within the Executive Branch of the Federal Government.

PSA's organizational structure supports the effective management of risk assessment, drug testing, supervision, and treatment services for pretrial defendants and the performance of management and administrative functions. Under the direction of the Associate Director for Operations, the Court Services, Supervision, and Treatment Programs carry out PSA's court- and defendant-related operations. The Office of the Director oversees all management, program development, and administrative support, including forensic toxicology services.

## Court Services Program

The Court Services Program consists of the Diagnostic Unit, Release Services Unit, and the Drug Testing and Compliance Unit.

The *Diagnostic Unit* interviews defendants arrested on criminal charges processed in the D.C. Superior Court, formulates release recommendations based on a comprehensive, scientifically validated risk assessment, and provides the recommendations to judicial officers in a pretrial services report (PSR). This pre-release process includes an extensive background investigation, during which information collected in defendant interviews is verified and criminal history information is gathered and analyzed. Staff uses this information to assess each defendant's risk and to make an individualized recommendation to the Court for pretrial release or detention at the initial court appearance or arraignment. Staff represents PSA in court at the initial appearance to provide information upon request by the judiciary and to facilitate the placement of defendants released into various PSA supervision programs. The Diagnostic Unit also screens arrestees to determine eligibility for release on citation (so they will not be detained pending their first appearance before a judicial officer) through the arresting law enforcement agency.

Following a defendant's release, the *Release Services Unit* conducts a post-release interview that includes a review of the defendant's release conditions and an explanation of the penalties that could result from non-compliance, failure to appear, and rearrest. This Unit also investigates outstanding bench warrants to re-establish contact with defendants who have failed to appear for court. When preparing the surrender of defendants to the Court, the Unit conducts a new risk assessment to determine whether additional release conditions are warranted should the defendant be released following surrender. The Unit also prevents the issuance of bench warrants by verifying the defendant's inability to appear in court (e.g., due to incarceration in another jurisdiction or hospitalization) and notifying the Court. The Unit also conducts criminal history investigations and prepares pretrial services reports on non-criminal D.C. Code violations and traffic lock-ups.

The *Drug Testing and Compliance Unit (DTCU)* collects urine samples from arrestees for analysis prior to the initial court appearance as well as from defendants ordered to drug test as a condition of pretrial release. Because a substantial number of criminal defendants have substance use disorders that must be addressed to mitigate their risk to public safety, drug testing provides vital data that informs judiciary release decisions and PSA supervision approaches.



## Supervision Program

The Supervision Program consists of the General Supervision Unit, the U.S. District Court Unit, and the High Intensity Supervision Program.

The *General Supervision Unit (GSU)* supervises the majority of defendants released by D.C. Superior Court (DCSC) to PSA. Court-ordered conditions may include orders to stay away from designated persons and places, regular in-person or telephone contact with PSA, drug testing, and referrals for treatment assessment and program placement. Pretrial Services Officers (PSOs) assigned to GSU ensure that current and relevant information regarding compliance continuously is available to the Court. PSOs use a variety of case management techniques to encourage defendant compliance with release conditions. If a defendant cannot be brought into compliance through these efforts, the PSO sends a violation report to the Court, including specific recommendations, such as substance use disorder treatment or mental health treatment, designed to address the non-compliance. GSU PSOs also provide daily courtroom support to judicial officers to ensure placement of defendants into appropriate pretrial programs through designated Court Representative PSOs.

Defendants under GSU supervision have been charged with offenses ranging from misdemeanors to dangerous and/or violent felonies. Many defendants are statutorily eligible for pretrial detention based on their charge (e.g., robbery, burglary, aggravated assault) or criminal history (e.g., they are arrested while on release in a pending case or while on probation). However, the Court can determine, after considering PSA's risk assessment and release recommendations, that supervised release in the community with appropriate conditions is more consistent with the presumption of release required by the statute. In such cases, the Court's expectation is that PSA will closely supervise compliance with release conditions and promptly report any non-compliance to the Court.

GSU also monitors defendants placed into the D.C. Department of Corrections work release (halfway house) program when the Court orders additional conditions, such as drug testing and reporting in person to PSA.

The *U.S. District Court Unit* conducts pre-release assessment and investigation services for federal defendants similar to those conducted in the Diagnostic Unit. In addition, the Unit supervises released defendants and convicted persons pending surrender for service of their sentences. Like their counterparts in DCSC, PSOs in the District Court Unit notify USDC judges and magistrate judges of violations of release conditions in federal criminal cases. An added responsibility of the District Court Unit is preparation of compliance reports that are incorporated into pre-sentence investigations conducted by the U.S. Probation Office.



The *High Intensity Supervision Program (HISP)* supervises higher risk defendants who have supervision-related failures from other PSA units, are charged with violent misdemeanors and felonies, were initially detained, but are now being considered for release, or are compliant with halfway house conditions of work release and are now being considered for placement back into the community. Supervision requirements include face-to-face contact and drug testing at least once per week and a daily electronically monitored curfew. HISP monitors curfews and location-based stay away orders imposed by the courts using Global Positioning Surveillance (GPS). Due to the heightened risk associated with this population, PSA reports all program violations to the court within an expedited timeframe.

HISP consists of a Community Supervision phase and a Home Confinement phase. During the Community Supervision phase, supervised defendants must comply with curfew requirements and report to PSA at least weekly for drug testing and meetings with their supervising PSO. Home Confinement is used primarily as a graduated sanction for defendants who violate the program requirements under Community Supervision. However, the Court may opt to order a defendant directly into Home Confinement and require the defendant to demonstrate compliance before graduating down to the Community Supervision phase. During Home Confinement, defendants are subject to up to 21 days of 24-hour electronically monitored curfew. They may leave their homes only for work, to attend school, to report to PSA for face-to-face contacts and drug testing, and other pre-approved purposes. Defendants return to Community Supervision once they have completed the 21 days without incurring any infractions.

### **Treatment Program**

The Treatment Program is staffed by clinically trained PSOs and includes the Superior Court Drug Intervention Program (Drug Court), the Sanction-Based Treatment Track, the Specialized Supervision Unit (SSU), the D.C. Misdemeanor and Traffic Initiative (DCMTI), and the Social Services and Assessment Center (SSAC).

*Drug Court* is a treatment/supervision program that implements an evidence-based model for treating substance use disorders and addicted defendants charged with non-violent offenses. Participants appear frequently before the Drug Court judge, submit to random drug testing, participate in substance use disorder treatment, and agree to immediate administrative or court-imposed sanctions for non-compliance with program requirements. The program incorporates contingency management (*i.e.*, incentives and sanctions) to modify behavior. Sanctions range from treatment-oriented administrative responses to judicially-imposed jail sanctions. Incentives such as judicial verbal acknowledgement, tokens and related items, and recognition in progression ceremonies are rewards for positive behavior. Program completion can result in dismissal of a misdemeanor case and favorable consideration (such as probation) in sentencing for felony-charged defendants.

The *Sanction-Based Treatment Track (SBTT)* includes many features of the Drug Court, but is intended for defendants not eligible for that program. SBTT defendants receive treatment through contracted treatment providers. Defendants are subject to the same administrative and judicially-imposed sanctions as Drug Court defendants. PSOs in SBTT also recommend swift sanctions and a limited array of incentives. Defendants with violent and non-violent charges are eligible, though diversion from prosecution/amended sentencing is not offered. SBTT defendants have limited judicial interaction (except when being sanctioned) and are not eligible for case dismissal or other favorable case disposition upon successful completion.

The *Specialized Supervision Unit (SSU)* provides critical supervision and case management services for defendants with severe and persistent mental health disorders, as well as those dually-diagnosed with both mental illness and substance use disorders. The SSU ensures that these defendants are linked with community-based mental health treatment through the D.C. Department of Behavioral Health and similar agencies in Maryland and Virginia, for residents of those states. Personnel in this unit have mental health expertise and/or specialized training in working effectively with mentally-ill and dually-diagnosed defendants.

SSU plays a vital role in supporting the Mental Health Community Court (MHCC), which is a partnership among the D.C. Superior Court, U.S. Attorney's Office, local defense bar and PSA created to provide an alternative to traditional case processing for appropriate defendants with mental health issues. The MHCC is available to eligible defendants charged with either misdemeanors or felonies and enables positive defendant judicial interaction and full participation in mental health services.

The *D.C. Misdemeanor and Traffic Initiative (DCMTI)* provides supervision, referrals for substance use disorder and/or mental health treatment, and monitoring of compliance with treatment for defendants charged with certain misdemeanor traffic or D.C. Code offenses. The program primarily serves defendants charged with Driving Under the Influence (DUI), Operating While Impaired (OWI), and Driving While Intoxicated (DWI). Other defendants eligible for this program include those charged with reckless driving, aggressive panhandling, indecent exposure, and fleeing from a police officer. PSOs in this unit ensure the defendants are assessed for and referred to appropriate substance use disorder (particularly alcohol) and/or mental health treatment.

The *Social Services and Assessment Center (SSAC)* conducts substance use disorder and mental health assessments and provides social service referrals for defendants under pretrial supervision. These services are provided in response to a court-ordered release condition and/or as the result of a needs assessment. The SSAC also tests and evaluates defendants suspected of having a mental illness. Staff in the SSAC identify and maintain information on available treatment, employment, education, housing

and other social services that may be utilized by defendants in meeting pretrial release obligations.

### **Forensic Toxicology Services**

The Office of Forensic Toxicology Services (OFTS) processes urine specimens and conducts drug testing for pretrial defendants under PSA's supervision and offenders under the CSOSA Community Supervision Program (CSP) (*i.e.*, persons on probation, parole, and supervised release), as well as respondents ordered into testing by the D.C. Superior Court Family Court. Each sample is tested for three to seven drugs and all positive samples are retested for confirmation. Gas chromatograph/mass spectrometry (GC/MS) analyses are conducted to confirm test results and provide affirmation of the identity of a drug when results are challenged. Toxicologists conduct levels analysis to determine drug concentrations. These interpretations are essential to the courts for determining continued drug use by a defendant. Expert witness court testimony and forensic consultations also are provided to assist the judicial officers.

OFTS conducts forensic analysis that leads directly to practical enhancements in drug testing, improves technical procedures in surveillance monitoring, develops beneficial bi-directional partnerships with the scientific and social research community, and implements cutting edge technologies that improve operational and cost efficiency.

### **Information Technology**

The Office of Information Technology (OIT) plans, develops, and manages the information technology systems that support PSA programs and management operations as well as information technology-related standards, policies and procedures. OIT assesses PSA technology requirements, analyzes potential return on technology investment for internal systems and for PSA interface with external systems; designs and administers system configuration and architecture including hardware and software, telecommunications, network operations, desktop systems, and system security; reviews and approves acquisition of all PSA major hardware, software, and information technology contracts. In conjunction with the Agency management, OIT develops and implements an information technology plan that supports PSA's mission.

### **Human Capital Management**

The Office of Human Capital Management (OHCM) develops and administers the full range of human resources programs including organizational design; a comprehensive classification, pay, and position management program; staffing and recruitment; awards and recognition; payroll administration; employee and labor relations, benefits and assistance; and personnel security.

OHCM also includes the Training and Career Development Center (TCDC), which manages programmatic, systems and management training; performs training needs assessments; develops curricula; prepares, presents, procures and administers training courses; and designs training on PSA programs and systems for external agencies.

### Finance and Administration

The Office of Finance and Administration (OFA) assures the effective management and financial integrity of PSA programs, activities, and resources by developing, implementing and monitoring policies, procedures and systems in the areas of budget formulation and execution, finance and accounting, travel, internal controls, financial systems, and contract management. OFA also has responsibility for developing and administering policies, standards, and procedures regarding facilities management, property management and control, space management, vehicles, mail and distribution services, and printing and reproduction services.

### Justice and Community Relations

The Office of Justice and Community Relations establishes and maintains effective partnerships with the judicial system, law enforcement and the community to enhance PSA's ability to provide effective community supervision, enforce accountability, increase community awareness of PSA's public safety role, and develop opportunities for defendants under pretrial supervision and pretrial diversion. It is through these partnerships with the courts, the United States Attorney's Office, various District government agencies and non-profit community-based organizations that PSA can effectuate close supervision to reasonably assure that defendants will return to court and not pose a danger to the community while on pretrial release. In addition, the partnerships foster development and expansion of treatment and social service options to address the social problems that contribute to criminal behavior.

### Strategic Development

The Office of Strategic Development (OSD) promotes informed action within PSA by leading the Agency's strategic planning, performance improvement, and research efforts. OSD encourages innovative thinking within the Agency to advance best practices in risk assessment, supervision and treatment. OSD's Director serves as PSA's Performance Improvement Officer. Primary efforts within OSD include:

- *Development of evidence-based practices for pretrial services programs;*
- *Guiding PSA's strategic planning;*
- *Facilitating objective quality assurance and quality control within the Agency;*

- *Analyzing performance measure and operational data to help management make more informed and objective decisions;*
- *Fostering collaborative research relationships; and*
- *Developing, implementing and monitoring action plans.*

## STRATEGIC AND MANAGEMENT GOALS

PSA's *Strategic and Management Goals* span the Agency's major functions and operations and are linked to the outcomes of promoting public safety, court appearance and defendant accountability.

### **Strategic Goal 1: Help judicial officers make informed release and detention decisions throughout the pretrial period**

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PSA promotes informed and effective nonfinancial release determinations by formulating and recommending the least restrictive release conditions to reasonably assure future court appearance and enhance public safety.

#### Objectives:

- *Conduct a risk assessment on each arrestee charged with a criminal offense to determine the probability of the risk of flight and the potential for criminal behavior.*
- *Provide to the courts current, verified, and complete information about the criminal history, relevant characteristics of each pretrial arrestee.*
- *Recommend for each arrestee charged with a criminal offense the least restrictive nonfinancial release conditions needed to protect the community and reasonably assure the defendant's return to court.*

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#### **Guiding Principle I:**

*The presumption of innocence of the pretrial defendant should lead to the least restrictive release consistent with community safety and return to court, and preventive detention only as a last resort, based on a judicial determination of the risk of non-appearance in court and/or danger to any person or to the community*

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#### **Means and Strategies**

Pre-release investigation: PSA uses a risk assessment that examines relevant defendant data to help identify the most appropriate supervision levels for released defendants. Gathering and verifying relevant information about each arrestee is one of the primary activities conducted by PSA during the pre-release investigation. PSOs interview arrestees before the initial appearance hearing and document the information gathered. The risk assessment includes 70 risk factors spread across four distinct risk categories. No questions concerning the circumstances of the current arrest are asked. The PSO reviews the defendant's criminal history at both the local and national levels. Other information obtained by the PSO includes probation and parole information, lock-up drug test results, and compliance reports from PSA supervision units.



Release recommendations: PSA makes recommendations for release or detention based on an assessment of a defendant's risk of flight and rearrest. PSA's recommended supervision levels and conditions are the least restrictive suggested by the defendant's assessed risk level to reasonably assure appearance in court and protection of the community.

#### Significant Achievements in FY 2014:

- ✓ Prepared timely pretrial services reports (PSRs) for 15,504 of the 15,524 cases (over 99 percent) papered by the U.S. Attorney's Office.
- ✓ Interviewed defendants in 11,677 papered cases (75 percent).
- ✓ Conducted 533 failure-to-appear investigations. Staff attempted to contact defendants, verified the reason for the failure to appear, and submitted a report to the assigned calendar judge outlining the investigation results and making a recommendation for court action. Court Services staff facilitated the surrender to court of 198 defendants who missed scheduled court dates and had outstanding bench warrants issued.
- ✓ Prepared 1,014 updated PSRs for defendants who were held for a preliminary/detention hearing following their initial appearance.
- ✓ *Implemented a scientifically validated risk assessment instrument for formulating release condition recommendations. The new risk assessment continues PSA's commitment to grounding its operations and practices in solid, evidence-based research by more closely aligning release and detention recommendations with factors associated with failure to appear and rearrest. The new risk assessment improves PSA's ability to predict defendant misconduct and target supervision resources accordingly. The new assessment enhances the former risk assessment by examining additional risk factors that look specifically at risk of committing dangerous and violent offenses and domestic violence offenses.*
- ✓ Pilot tested a mobile application for conducting defendant interviews to improve efficiency of operations. The mobile application allows PSOs to collect interview information using tablet technology instead of using paper folders. The information is downloaded into the Agency's information management system in real-time, reducing the time it takes to complete the preparation and production of PSRs.
- ✓ *Provided support for the D.C. Service Members, Veterans and Their Families Action Plan released in 2014. This Plan lays out goals, objectives and strategies to guide District government agencies in developing a coordinated system of care that addresses the important needs of service members, veterans and their families (SMVF) along five priority areas: criminal justice, economic security and employment,*



*housing and homelessness, education, and health care. The goal for the criminal justice segment is to decrease the number of incarcerated service members and veterans for which the following objectives were identified:*

1. Improve identification of veterans and service members involved in the DC criminal justice system.
2. Educate law enforcement, judges, corrections officers and mental health services providers on the unique issues faced by SMVF population.
3. Ensure that veterans and services members are represented on advisory bodies.
4. Improve awareness of and access to resources that serve criminal justice-involved SMVF.
5. Improve discharge planning for veterans exiting DC Jail.

PSA has an important role in meeting the goals of this plan for the city since its Court Services Program interviews every person arrested in the District on federal and local criminal charges. Whereas a few years ago, PSA had only one “yes/no” question asking if the defendant is a veteran, the Agency now asks if the defendant is in current or had previous military status, which military branch, type of discharge, and discharge date. PSA began collecting data on veteran status in 2011. In FY 2014, there were 327 defendants who identified themselves as veterans. Each year, about 330 new defendants identify themselves as veterans.

The criminal justice system is by no means the best place to address the unique issues faced by service members and veterans. However, it is one of the key places where these individuals are identified as needing services. For this reason, in the interest of public health and public safety, the criminal justice system must be proactive in expanding ways to not only identify service members and veterans, but also connect them to comprehensive and appropriate services.

### **Strategic Goal 2: Supervise defendants to support court appearance and enhance public safety**

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PSA effectively monitors or supervises pretrial defendants—consistent with release conditions—to promote court appearance and public safety. The Agency’s supervision objectives are to:

- *Provide a continuum of release conditions – ranging from monitoring to intensive supervision.*
- *Promote swift and effective consequences for violations of release conditions.*
- *Promote incentives for defendants who consistently obey release conditions.*

TABLE 1: FY 2014 PSA SUPERVISION UNIT PLACEMENTS\*

Superior Court General Supervision	13,302
High Intensity Supervision Program	1,570
U.S. District Court General Supervision	329
Work Release	539

\* Placements include open cases as of September 30, 2013, and new cases added during FY 2014.

## Means and Strategies

Supervision based on release conditions that minimize risk to the community and maximize return to court: PSA focuses its supervision resources on defendants most at risk of violating their release conditions and employs graduated levels of supervision consistent with each defendant’s identified risk level. Very low risk defendants (those released on recognizance without conditions of supervision) receive only notification of court dates. Low risk defendants are placed in monitoring programs that require limited contact with PSA. Medium-risk defendants are placed under PSA’s extensive supervision which may include maintaining regular contact through drug testing or reporting to a PSO case manager. Higher-risk defendants who qualify for pretrial release may be subject to frequent contact with an assigned case manager and drug testing, curfew, electronic monitoring, substance use disorder treatment or other conditions.

### Guiding Principle II:

*Non-financial conditional release, based on the history, characteristics, and reliability of the defendants, is more effective than financial release conditions. Reliance on money bail discriminates against indigent defendants and cannot effectively address the need for release conditions that protect the public.*

Swift response to noncompliance with release conditions: Failure to appear for a supervisory contact, a resumption of drug use, absconding from substance use disorder treatment or mental health services, and other condition violations can be precursors to serious criminal activity. Responding quickly to noncompliance is directly related to meeting the goals of reducing failures to appear and protecting the public. PSA uses graduated sanctions to modify a defendant’s behavior and focuses on modifying the behaviors most closely associated with a return to criminal activity or with absconding. Numerous studies document the power of incentives to modify behavior.<sup>1</sup> Common incentives recommended by

<sup>1</sup> Finigan, M.W. et al. (2007). *Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs*. Washington, D.C.: United States Department of Justice, National Institute of Justice. Meyer, W. (2007). *Developing and Delivering Incentives and Sanctions*. Alexandria, VA: National Drug Court Institute. Lindquist, C., et. al. (2006). *Sanctions and Rewards in Drug Court Programs: Implementation, Perceived Efficacy and Decision* (footnote continued)

PSA include reduction in the number of contacts required, reduction in the frequency of drug testing, and placement in less intensive treatment or supervision programs.

### Significant Achievements in FY 2014:

- ✓ Supervised 1,517 higher risk defendants under electronic surveillance.
- ✓ Successfully closed out cases for 874 HISP defendants. This means that the defendants' cases were closed without the defendants incurring any unexcused failures to appear, papered rearrests or requests for removal from PSA supervision.

### Strategic Goal 3: Integrate treatment and pro-social interventions into supervision to support court appearance and enhance public safety

PSA provides or makes referrals to effective substance use disorder, mental health, and social services that will assist in reasonably assuring that defendants return to court and do not pose a danger to the community. Treatment Program objectives include:

- Coordinate and provide for substance use disorder and mental health interventions, including evaluation and referral to appropriate community-based treatment services.
- Coordinate with community and social services organizations to provide for medical, educational, housing, and employment services.

### Means and Strategies

#### Guiding Principle III:

*Pro-social interventions that address substance dependence, employment, housing, medical, educational, and mental health issues afford defendants the opportunity for personal improvement and decrease the likelihood of criminal behavior.*

Integration of treatment into supervision: Drug use and mental health issues can both contribute to public safety and flight risks. Therefore, PSA has developed specialized supervision programs that include treatment as an essential component for defendants with substance use disorder problems, mental health problems, or both. Treatment, either for substance dependence or mental health, is never provided in lieu of supervision. Just as defendants are assigned to supervision levels based on risk, they are assigned

Making" *Journal of Drug Issues* Volume 36(1), pp.119-144. Marlowe, Douglas B. and Kimberly C. Kirby. (2000). "Effective Use of Sanctions in Drug Courts: Lessons from Behavioral Research," *National Drug Court Institute Review*, Vol. 2, No. 1. Alexandria, VA: National Drug Court Institute. Harrell, A. and Roman, J. (2001). "Reducing Drug Use and Crime Among Offenders: The impact of graduated sanctions. *Journal of Drug Issues* (Vol. 31(1) pp. 207-232).

to supervision units that provide treatment based both on risk and need. Defendants placed in these programs have drug testing, contact, and other release conditions.

Provision of or referral to substance use disorder and mental health interventions: PSA’s specialized treatment and supervision programs offer centralized case management and access to various treatment modalities. This organizational structure facilitates consistent sanctioning and supervision practices, and leads to better interim outcomes for defendants. PSA also uses a combination of in-house, contract-funded and community-based drug intervention programs. Defendants with mental health issues and other special needs are referred to appropriate community-based treatment programs as part of supervision.

Referral to social services: Defendants placed under PSA’s supervision have a variety of needs. PSA works with defendants to identify their social service needs and refer them to appropriate services. PSA identifies community-based resources to address a variety of defendant needs, including medical, educational and employment services, family services and other social services.

Drug Court	387
Specialized Supervision Unit	2,360
DC Traffic/Misdemeanor Initiative	1,364
Sanctions Based Treatment	381

*\* Placements include open cases as of September 30, 2013, and new cases added during FY 2014.*

**Significant Achievements in FY 2014:**

- ✓ Eighty-four defendants successfully graduated from Drug Court, with 69 defendants charged with misdemeanors having their cases dismissed due to successful participation.

Enhanced the Agency’s on-site intensive outpatient treatment services to address the needs of defendants supervised in the SSU who have a substance use disorder as defined by American Society of Addiction Medicine (ASAM) criteria and a DSM-V recognized serious and persistent mental health disorder. SSU defendants referred to the program receive nine hours of group psychotherapy services per week and individual psychotherapy, as appropriate.

- ✓ Trained 50 PSA staff in Mental Health First Aid (MHFA). Two staff members became certified MHFA instructors, which brings the total number on staff to four. This training is an eight-hour interactive course that teaches the risk factors,

warning signs and symptoms of depression, anxiety disorders, trauma, psychotic disorders, eating disorders, and substance use disorders. It is designed to help non-mental health professionals provide emergency support until an individual can be linked to appropriate professional resources.

#### **Strategic Goal 4: Partner with stakeholders to address defendant needs and produce better system outcomes**

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PSA's partnerships with the judicial system, local government, law enforcement and the community enhance its ability to provide effective community supervision, enforce accountability, increase community awareness of PSA's public safety role, and develop opportunities for defendants under pretrial supervision and pretrial diversion.

##### *Objectives:*

- *Establish and maintain partnerships with national and local law enforcement agencies to advance city-wide justice goals and objectives.*
- *Maintain community-based resources for social services provision.*

##### **Means and Strategies**

Through partnerships with the Courts, the United States Attorney's Office (USAO), the Office of the Attorney General for the District of Columbia (OAG), the District's Criminal Justice Coordinating Council (CJCC), various D.C. government agencies, and non-profit community-based organizations, PSA effectuates close supervision to assure that defendants will return to court and not be a danger to the community while on pretrial release. In addition, PSA uses existing partnerships to develop and expand its treatment and social service options that address the social problems that contribute to criminal behavior, thereby increasing a defendant's likelihood of success while under pretrial supervision. In order for partnerships to be viable, PSA proactively identifies initiatives, seeks partnering entities, and collaborates with stakeholders to develop goals, objectives, and implementation plans.

##### **Significant Achievements in FY 2014:**

- ✓ *PSA has been a participant in the District of Columbia Service Members, Veterans and their Families (SMVF) Workgroup. During FY 2014, the SMVF Workgroup developed a strategic plan of objectives to guide the District in developing a coordinated system*

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##### **Guiding Principle IV:**

***Innovative, effective use of technology and the development of human capital lead to organizational excellence, transparency, high professional and ethical standards, and accountability to the public.***

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of care that addresses the important needs of the city's military population in five priority areas: criminal justice, economic security and employment, housing and homelessness, education and health care.

- ✓ PSA was a member of the DC delegation participating in the 2014 Justice-Involved Service Members and Veterans Implementation Academy sponsored by Substance Abuse and Mental Health Services Administration (SAMHSA). The delegation developed an infographic map that presented the total number of veterans in DC, existing Veterans Justice Outreach Offices, Treatment Courts, and other services for justice-involved veterans. The infographic map will be used by the SMVF Workgroup to encourage partnerships across existing systems of care and promote collaboration. The DC delegation also distilled the overarching goal of the criminal justice priority area and identified objectives that were measurable and time-bound. Additionally, the DC delegation identified "next steps" and developed plan to reach out to the Criminal Justice Coordinating Council's Substance Abuse Treatment and Mental Health Services Integration Task Force (SATMHSIT) and conduct a presentation on the unique needs of SMVF. SATMHSIT members represent leadership from the District's substance abuse, criminal justice, and mental health systems.

### Management Goal: Maintain a results-oriented culture

PSA strives to be a performance-based, results-oriented organization that can directly link costs to outcomes. This goal demands an organizational culture that emphasizes performance and measures for results. PSA's performance-based culture stresses **organization results** (measured by appropriate outcome and performance measures), **employee results** (measured by results from the Federal Employee Viewpoint Survey [FEVS]), and **customer results** (measured by customer satisfaction surveys of Agency performance and products).

PSA set the following performance targets under this management goal:

- Organizational Results: Meeting all annual outcome measures and 80 percent of performance measures.
- Employee Results: Achievement of at least 65 percent in employee satisfaction ratings in the Human Capital Assessment and Accountability Framework (HCAAF) indices<sup>2</sup> of Leadership and Knowledge Management, Talent Management, Job Satisfaction, and Results-Oriented Performance Culture areas.

<sup>2</sup> OPM created the HCAAF indices to guide agencies in building high-performing organizations by providing consistent metrics for measuring progress toward HCAAF objectives. 2013 Federal Employee Viewpoint Survey Results: Government-wide Management Report. Washington, D.C.: Office of Personnel Management 2013.



- Customer Results: Achievement of at least 90 percent in judicial satisfaction on provision of PSA services, usefulness and quality of PSA reports, and staff professionalism.
- Achievement of at least 90 percent in judicial satisfaction on provision of PSA services, usefulness and quality of PSA reports, and staff professionalism.

Measure	FY 2014 Actual	FY 2014-2016 Target
Outcome measure targets	100%	100%
Performance measure targets	55%	80%
HCAAF indices		
Leadership and Knowledge Management	63%	65%
➤ Talent Management	65%	65%
➤ Job Satisfaction	65%	65%
➤ Results-Oriented Performance Culture areas	55%	65%
Judicial Satisfaction		
Provision of PSA services	93%	90%
Usefulness and quality of PSA reports	100%	90%
Staff professionalism.	100%	90%



## STRATEGIC DEVELOPMENT

### Strategic Plan Development

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PSA posted the *FY 2014-2018 Strategic Plan* in February 2014. The plan outlines PSA's strategic and management goals and objectives and priority and performance goals over the next four years, based on feedback from its criminal justice and community-based partners. The plan also incorporated requirements for federal agencies mandated by **Government Performance and Results Act Modernization Act** (GPRAMA), particularly the requirement to link identified strategic enhancement to PSA's annual performance budgets for fiscal years 2014-2016.

Strategic and management objectives for the next four fiscal years include:

- *Risk assessment validation*
- *Reducing recidivism among youthful defendants*
- *Improving monitoring of dually-supervised defendants*
- *Creating a Technology Advisory Committee*
- *Investigating effective supervision options for special populations*
- Promoting increased collaboration to improve community-based services
- Establishing Agency-wide quality control/quality assurance procedures
- Incorporating evidence-based practices
- Improve outcome and performance measurement
- Enhancements of the Treatment Program
- Dynamic drug use within the defendant population.
- Diversity and Inclusion as Agency-wide Core Values
- "Lessons Learned" from Federal Employee Viewpoint Survey Results

### Outcome and Performance Measurement

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For FY 2014, PSA met or exceeded all of its outcome measure targets:

- *Eighty-nine percent of released defendants remained arrest free, one percent better than the established target.*
- *Eighty-eight percent of released defendants also made all scheduled court appearances, one percent better than the established target.*
- *Eighty-eight percent of defendants remained on release at the conclusion of their pretrial status without a pending request for removal or revocation due to noncompliance, three percent above the established target.*

PSA met or exceeded targets in six of its ten performance measure categories. In Table 5, numbers highlighted in red and underlined indicate the target was not met.

Table 4: OUTCOME MEASURE RESULTS FY 2014			
OUTCOMES	FY 2014 Actual	FY 2014 Target	FY 2015 Target
<b>Percentage of Defendants Who Remain Arrest-free During the Pretrial Release Period</b>			
<b>Arrest-free for all defendants:</b>			
Any crimes	89%	88%	<b>88%</b>
Violent crimes	99%	98%	<b>98%</b>
<b>Percentage of Cases in Which Defendants Make All Scheduled Court Appearances During the Pretrial Period</b>			
	88%	87%	<b>87%</b>
<b>Percentage of Defendants Who Remain on Release at the Conclusion of Their Pretrial Status Without a Pending Request for Removal or Revocation Due to Noncompliance</b>			
	88%	85%	<b>85%</b>

Source: PSA Performance Improvement Center, October 1, 2014

## PROGRESS ON STRATEGIC INITIATIVES

### **Strategic Goal 1: Help judicial officers make informed release and detention decisions throughout the pretrial period**

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**Impact Review of the Validated Risk Assessment Instrument:** In FY 2014, PSA began efforts to measure the new risk assessment instrument's (RAI) effect on Agency release/detention recommendations, court-ordered defendant assignments to supervision and non-supervision categories, and outcome rates. PSA also engaged staff and stakeholders to gauge opinions about the new RAI. The milestone under this goal is an impact review report which will be completed in FY 2015.

In FY 2014, PSA:

- ✓ *Created a RAI Working Group within the Court Services Program to troubleshoot issues involving RAI implementation and to track staff progress in incorporating the RAI into regular diagnostic protocols.*
- ✓ *Updated the Agency's Performance Improvement Center (PSA's data warehouse) to track RAI results, PSA recommendations and court-ordered releases pre- and post-implementation of the new RAI. The tracker shows the rates and types of recommendations and court-ordered releases and allows comparisons between risk levels, PSA recommended release conditions and subsequent court-ordered release and detention decisions.*

### **Strategic Goal 2: Supervise defendants to support court appearance and enhance public safety**

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**Explore Evidence-based Supervision Techniques to Reduce Recidivism among Youthful Defendants:** PSA outlined plans to identify evidence-based strategies to add to its current case management of youthful defendants that can help reduce future criminality and be employed within the relatively short time frame of pretrial supervision. Specifically, OSD would report to the PSA Director, Deputy Director and Supervision Program on youthful defendant demographics, risk characteristics, criminal history, and pretrial outcomes compared to other pretrial defendants and identify factors most associated with pretrial failure and continued criminality following case disposition.

Table 5: PERFORMANCE MEASURE RESULTS FY 2014\*

Measure	FY 2014 Actual	FY 2014 Target	FY 2015 Target
<b>I. Risk Assessment</b>			
1.1: Percentage of defendants who are assessed for risk of failure to appear and rearrest.	99	96	96
1.2: Percentage of defendants for whom PSA identifies eligibility for appropriate appearance and safety-based detention hearings	95	94	94
<b>II. Supervision</b>			
2.1: Percentage of defendants who are in compliance with release conditions at the end of supervision.	<u>76</u>	77	77
2.2: Percentage of defendants whose noncompliance is addressed by PSA either through the use of an administrative sanction or through recommendation for judicial action.			
Drug Testing	90	80	80
Contact	85	70	70
Treatment	<u>39</u>	80	80
Electronic Surveillance	<u>88</u>	92	92
<b>III. Integrating Treatment into Supervision</b>			
3.1: Percentage of referred defendants who are assessed for substance abuse treatment	<u>94</u>	95	95
3.2: Percentage of eligible assessed defendants placed in substance use disorder treatment programs <sup>1</sup>	<u>40</u>	50	50
3.3: Percentage of defendants who have a reduction in drug usage following placement in a sanction-based treatment program	85	74	74
3.5: Percentage of referred defendants who are assessed or screened for mental health treatment <sup>2</sup>	96	95	95
3.6: Percentage of service-eligible assessed defendants connected to mental health services	85	80	80
<b>IV. Partnerships</b>			
4.1: Number of agreements established and maintained with organizations and/or agencies to provide education, employment, or treatment related services or through which defendants can fulfill community service requirements	20	20	20

Source: PSA Performance Improvement Center, November 17, 2014.

\* Numbers highlighted in red and underlined indicate the target was not met.

<sup>1</sup> The 50% target reflects the voluntary nature of substance use disorder treatment and other defendant-specific factors that complicate or delay placement.

<sup>2</sup> PSA discontinued performance measure 3.4 in FY 2014.

In FY 2014, PSA:

- ✓ *Analyzed youthful defendant populations, using cutoff ages of 18, 21 and 25 and over 38,000 cases filed in DCSC and USDC from October 2010 to September 2012. OSD compared these defendant age groups to each other and older defendants on variables including gender, case type, pretrial appearance and safety, release and detention rates and the risk factors from PSA's former RAI. The data show that defendants age 21 and younger had a 10 percent higher rate of felony filings, though age 18 defendants had more than double that of other defendants. Youthful defendants in all age categories had similar rates of appearance and safety as other defendants. OSD recommended that PSA classify defendants age 20 and younger as youthful defendants, given the manageability of this population for current staff, but recommended against additional or specialized supervision techniques for this population.*

In FY 2015, PSA:

- ✓ *Will update the analysis described above using risk variables and scores from the revised RAI. The new analysis will help determine whether development of supervision techniques specific to youthful defendants will remain a strategic priority.*

**Investigate Effective Supervision Options for Special Populations:** When interviewed during development of the *Strategic Plan*, several of PSA's external stakeholders identified defendant populations that may require additional PSA supervision or support. These groups include veterans, defendants charged with domestic violence, prostitution or felony sex offenses, and those identifying as transgendered. During the strategic period, PSA committed to gauging these defendant groups' levels of risk and need, and comparing these levels to current PSA diagnostic, supervision, and treatment options. Using these and other data, PSA will identify and integrate appropriate supervision options into current PSA supervision and treatment protocols.

In FY 2014, PSA:

- ✓ *Completed a review of identified special populations, using data compiled from a six-year period (October 2007 to November 2012). The data did not have enough self-identified veterans and transgendered defendants for reliable analysis of these groups. The data suggested women charged with domestic violence offenses—especially weapons related domestic offenses—and defendants with past arrests for domestic violence related offenses as groups that should be considered for supervision or services beyond what PSA already offers.*

In FY 2015, PSA:

- ✓ *Will investigate whether certain defendant populations are more likely to engage in pretrial misconduct at certain points in time during their supervision period (e.g., within the first 30 days of supervision, after a certain number of scheduled court appearances, etc.). The investigation will use standard survival analysis techniques to calculate hazard rates for failure to appear, re-arrest on any criminal charge, rearrest on dangerous or violent charges and rearrests on domestic violence charges at 30-day intervals following pretrial release. If the analysis uncovers consistent timeframes where misconduct is most likely to occur, staff will attempt to identify commonalities in risk assessment factors, supervision level and release conditions of defendants that fail within these time periods. If core characteristics can be identified, PSA will consider whether specialized supervision approaches should be adopted for defendants with similar profiles to help mitigate the risk of pretrial misconduct during the identified timeframes.*

**Investigate Dynamic Drug Use Trends within the Defendant Population:** To ensure that drug testing remains an effective deterrent to future drug use and a control on potential pretrial misconduct, PSA committed during the strategic period to track and report more proactively drug use trends within the defendant population. This will include periodically adding tests for newly-discovered drugs in arrest and supervision drug screens, collaborating with research partners, and conducting internal evaluations of relationships between synthetic drugs and pretrial misconduct. For example, during FY 2013 and 2014, PSA worked with the University of Maryland's Center for Substance Abuse Research (CESAR) to develop a "Community Drug Early Warning System" (CDEWS) within the Washington, D.C., Maryland and Virginia area.

In FY 2015, PSA:

- ✓ *Will evaluate the updated CDEWS data sample to determine rates of case filings, pretrial release and detention, and condition supervision placement for defendants identified as synthetic-drug users. The internal evaluation also will study the possible relationship between synthetic drug use and increased risk of failure to appear and rearrest and whether additional external research may be needed on this topic.*
- ✓ *Will continue the partnership with the District of Columbia's Office of the Chief Medical Examiner (OCME) and will begin use of the Radox analyzer to explore drug use trends.*
- ✓ *Will obtain testing assays for a Radox Analyzer and begin to validate testing procedures for screening specimens for drugs of abuse in oral fluids as well as synthetic cannabinoids and synthetic stimulants in urine. This will enhance PSA's capacity to track new drugs of abuse such as synthetic cannabinoids and synthetic stimulants within the defendant population.*

**Improve Monitoring of Dually-Supervised Defendants:** To ensure better compliance by PSA-supervised defendants that are also under the supervision of other entities such as CSP, the District of Columbia Department of Youth Rehabilitation Services (DYRS), and the Department of Child and Family Services, PSA will improve coordination of supervision and services with these other organizations. Objectives here will be reduction of duplicate supervision and service provision, better communication between case managers, regular reporting of defendant compliance to all supervising agencies, and improved management of all agencies' resources. Milestones here included approved memoranda of understanding between PSA and other supervision agencies, revisions to PSA and CSP joint Policy Statement on dual supervision of pretrial defendants and supervised offenders, and improved data sharing between PSA's PRISM and CSP's SMART systems.

PSA revised its policy statement on dual supervision in January 2014.

### **Strategic Goal 3: Integrate treatment and pro-social interventions into supervision to support court appearance and enhance public safety**

**Assess the Efficacy of Treatment Program Enhancements:** PSA planned to evaluate the outcomes of implementing recommended changes to its Drug Court program. The evaluation design was to include a process component to determine whether recommended enhancements actually were implemented according to the original assessment team's recommendations and an evaluation component to measure changes in Drug Court enrollment and participant composition, defendant compliance to treatment requirements, program completion rates, and rearrests and recidivism.

However, in FY 2014, the DCSC contracted with an independent researcher to conduct process, outcome, and cost evaluations of the Drug Court. This evaluation includes the same process and impact questions and design features as PSA's planned evaluation. It is due to be completed in 2018. Rather than duplicate these efforts, PSA will support the independent research during the strategic period. PSA expects to play an active role during the evaluation by helping the principal investigators develop a suitable evaluation data base and making Agency subject matter experts available for consultation on data collection, explanations of changes in the PSA treatment protocols, and proposed research design. We anticipate the evaluation to begin in FY 2015 and to be completed in early to mid FY 2016.

### **Strategic Goal 4: Partner with stakeholders to address defendant needs and produce better system outcomes**

**Collaboration with the District's Department of Behavioral Health to Improve Community-based Substance Dependence and Mental Health Services and Support:** Under the initiative, PSA plans to enhance its partnerships with the District's



Department of Behavioral Health (DBH) and its work under the Criminal Justice Coordinating Council's Substance Abuse Treatment and Mental Health Services Integration Taskforce (the Taskforce) to improve community-based services and support. The objective here will be to adopt an approach that treats the whole person, not just individual issues. This approach promotes better coordination of assessment and treatment resources and communication between PSA and DBH and improve data sharing on treatment provider compliance with local certification standards and contract obligations.

In FY 2014, PSA:

- *Partnered with DBH and the Taskforce to create a Resource Locator, which is a searchable, online database of treatment and community services providers in the Washington, D.C. metropolitan area. The Locator was derived from the Public Defender Service for the District of Columbia's Directory of Adult Services and allows users to navigate easily through services available to those in the community who require assistance on a variety of matters including, but not limited to housing, substance use disorder, mental health, social services, medical and legal needs. The Locator is available to the general public as well as legal, medical, education, and social service practitioners and will be an invaluable tool for service location for defendants in need of treatment and other services to attend scheduled court appearances and avoid pretrial criminal behavior.*
- *Participated in a symposium, hosted by the aforementioned Taskforce, that brought law enforcement, criminal justice, health, human services, and business leaders together to raise awareness about the proliferation of synthetic drug use in the District. The Real Deal on Synthetic Drugs included presentations by subject matter experts that described the innovative approaches nationally and locally to address this issue. The symposium also allowed Taskforce member agencies to report on progress on monitoring synthetic drug use made since the first symposium that was held in 2013 and continue the dialogue on local response strategies.*
- *With CSP and DBH, created the Referral Process Work Group to consider strategies to share and consolidate defendant and offender substance use disorder and mental health case management information housed within the agencies' three management information systems. The Work Group is now accepting vendor proposals for solutions that would allow electronic sending and receipt of defendant and offender information from the separate PRISM (PSA), SMART (CSP) and DATA (DBH) systems. This would streamline data entry and reduce duplication of data in the three systems. Better coordinated data entry and sharing also would provide DBH with immediate access to pertinent information from PSA and CSP regarding defendants and offenders currently in treatment, resulting in better treatment assessments and placements for these populations.*

## Management Goal: Maintain a results-oriented culture

**Create a Technology Advisory Committee to Assess and Recommend Emerging Technologies in Mission Critical and Work Management areas:** PSA created the Technology Advisory Committee (TAC) in FY 2013 and comprised it of staff from the OIT, OSD, and Operations. The TAC investigates and recommends to PSA management the latest diagnostic, supervision, treatment and work management technologies to help the Agency meet its mission, goals and objectives more efficiently and less expensively. In FY 2014, PSA incorporated the TAC as a subcommittee of the Agency's information technology advisory group.

In FY 2014:

- ✓ The TAC recommended using liquid chromatography tandem mass spectrometry (LC MS/MS) to identify emerging drugs of choice among defendants and offenders. LC-MS/MS offers analytical specificity superiority over immunoassay and other testing methods in detecting newer synthetic and designer drugs.

In FY 2015, PSA:

- ✓ Will pursue acquisition of the liquid chromatography-tandem mass spectrometry (LC-MS/MS) technology. The LC-MS/MS technology will improve PSA's internal capacity to identify drug use trends within the defendant population in real time.

**The Evidence to Practice Series:** PSA's *Evidence-to-Practice Lecture Series* showcases a particular evidence-based practice in a set of lectures by leading authorities in that area. In its inaugural year, FY 2013, the lecture series centered on using outcome and performance measurement data to achieve organizational results. Discussions here were instrumental in PSA's revision of its mission statement and the logic modeling of all Agency office and program activities to PSA's outcomes and performance measures.

In FY 2015, PSA will refocus efforts under this initiative to enhance management's familiarity with data and encourage the use of data in decision-making.

**Establish Agency-wide Quality Control/Quality Assurance Procedures:** A report detailing PSA's current quality assurance and quality control protocols and recommending several improvements to these procedures was prepared. Recommended changes accepted by PSA management will be implemented in each office and program area beginning in FY 2015.

**Improve Outcome and Performance Measurement:** GPRAMA requires Federal agencies to review outcome and performance measure targets regularly and when appropriate, suggest revisions to OMB. Recommended measures and targets must

be ambitious, but reasonable and linked to the Agency's strategic mission and objectives. The 2014-2018 *Strategic Plan* introduced a new management goal of maintaining a results-driven culture. This measure stresses **employee results** (measured through employee satisfaction and performance ratings), **organization results** (measured by appropriate outcome and performance measures), and **customer results** (measured by customer satisfaction with Agency performance and products).

In FY 2014, PSA:

- *Established targets for management goals based on past performance in these categories and expectations of future performance.*
- *Received the Urban Institute's (UI) final report on its performance measures system. The two-year assessment involved UI staff critically reviewing, analyzing and providing feedback on PSA's measurement activities and the use of its performance measures. UI's primary functions under this project were to examine PSA's compliance with GPRAMA and recommend enhancements to existing activities to improve future measurement and management activities. The evaluation included a literature review of existing pretrial services performance management, a summary of UI's findings from interviews with internal and external stakeholders and the report on PSA's compliance with GPRAMA. The latter report included results from UI-developed rating criteria of PSA's performance system. Overall, UI found PSA's performance measure protocols to be well advanced and believed the Agency was engaged in many activities encouraged by advocates in the performance measurement field. However, UI found that PSA could make improvements in several key measurement areas, such as making data easier for PSA's executive leadership and supervisors to obtain and use for decision making, enhancing the value of PSA's quarterly measures meeting by focusing on specific issues arising from the data and having PSA management lead the data discussions, and using performance data to help improve quality assurance. In addition, UI suggested several new operational and administrative performance measures for PSA's consideration.*

In FY 2015, PSA:

- ✓ Will adopt certain UI recommendations—such as having PSA management lead future quarterly performance measure review meeting—and determine next steps for evaluation and implementation of other recommendations. The Agency also will review UI's suggested performance measures during a more comprehensive review of current outcome and performance metrics scheduled during the first quarter.

**Emphasize Diversity and Inclusion as Agency-wide Core Values:** During the strategic period, PSA will continue to focus on recruitment and retention efforts to address workforce underrepresentation of targeted employee groups, particularly Hispanic

Americans, Asian Americans, and persons with targeted disabilities. During FY 2014, PSA expanded outreach to these groups, with particular focus on Hispanic recruitment. Specific activities included:

- *Achieved a 17 percent hiring rate for new Hispanic staff (two of twelve new hires in FY 2014).*
- *Contracted for the Agency's third Hispanic Association of Colleges and Universities intern to begin the first quarter of FY 2015.*
- *Incorporated diversity and inclusion strategic activities into the Human Capital Plan, with new performance data on percentage of workforce that is Hispanic in year-end reporting.*
- *Made training resources available in PSA's Learning Management System for supervisors, managers and employees to increase awareness of how persons with disabilities can contribute to the Agency's mission-critical efforts. PSA previously made training in these areas mandatory for all supervisors and human capital management employees.*

**FEVS “Lessons Learned”:** Beginning in FY 2014, PSA tracked and reported trends in employee satisfaction obtained from the Federal Employee Viewpoint Survey (FEVS). This included not only a review of FEVS data, but also feedback obtained from PSA staff through focus groups and smaller select surveys. PSA is closely examining areas of continued strength, increases over reporting periods, and areas of decreases and continued low ratings. Trend data will help PSA Management take advantage of identified strengths and address continued deficits and new challenges.

In FY 2014:

- *PSA conducted FEVS follow-up focus groups with 49 PSA staff. These discussions gathered more in depth and specific information about staff perceptions of problem areas identified in the 2012 and 2013 FEVS, such as staff perception of how poor performance is handled, career advancement opportunities with the agency, and the connection between pay raises and job performance. Focus groups also touched upon other areas, such as overall Agency communication, organization leadership's standard of honesty and integrity, and motivation and commitment within the workforce. A final report was completed in September 2014 that included expanded staff opinions on topics such as the Agency's strategic direction, communication among leadership and staff, staff development and opportunities, morale and work environment. The report also included specific recommendations for PSA Management's consideration in FY 2015.*
- *The PSA and CSP Diversity and Inclusion Council conducted a series of action planning exercises targeting the FEVS “Diversity and Fairness Index.” In September 2014, the Council voted to concentrate its work on identified empowerment concerns, namely,*

*“Employees have a feeling of personal empowerment with respect to work processes” as an action item.*

## STRATEGIC MANAGEMENT ACHIEVEMENTS

### Forensic Toxicology Services

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By testing for illicit drug use by defendants, offenders and other populations, OFTS performs a line function that is critical to all of PSA and CSOSA's Strategic Areas. Sixty-eight percent of pretrial programs nationwide now use drug testing as a condition of supervision. PSA, however, is among only a handful with in-house full service laboratories. Additionally, the OFTS is certified by the U.S. Department of Health and Human Services as meeting quality standards established by Congress, and is staffed by professionals with credentials in forensic toxicology, forensic science, medical technology, chemistry, and biology.

Monitoring drug use facilitates risk assessment, enables close supervision and the prediction of future criminality, measures success of drug treatment, is key to effective supervision of those on pretrial release and probation and parole, provides data for law enforcement partners and provides additional service to the D.C. Superior Court in testing for juveniles and families.

#### Significant Achievements in FY 2014:

- ✓ *Conducted 2,317,690 drug tests on 348,721 urine samples of persons on pretrial release probation, parole, and supervised release, as well as for persons (juveniles and adults) whose matters are handled in the Family Court.*
- ✓ *Performed over 20,369 levels analyses, which aid in the determination of continuing drug use and performed 7,529 GC/MS confirmation tests.*
- ✓ *Provided expert witness testimony in 107 cases to interpret drug test results in the face of challenges by defendants, as well as during Drug Court daily pre-court interdisciplinary team meetings.*
- ✓ *Completed a pilot study on identifying new alcohol use through testing of Ethylglucuronide (EtG). EtG testing allows for alcohol detection within two to five days of use. The test is also better than traditional breath, blood and urine tests in detecting true alcohol use by diabetic defendants.*
- ✓ *Partnered with the District of Columbia's Office of the Chief Medical Examiner (OCME) to research and develop methods for analyzing and characterizing the identities of emerging new synthetic drugs and their urinary metabolites. This partnership allows PSA to stay at the forefront in monitoring this relatively new phenomenon as it relates to drug use in the juvenile, defendant and offender populations. To date, the varieties of the synthetic cannabinoids identified by the OFTS laboratory are all documented as Schedule I drugs in the DC Register.*



In FY 2015, PSA:

- Relocated drug testing operations from 300 Indiana Avenue, NW, to 90 K Street, NE in Washington, DC, once again establishing a state-of-the-art laboratory environment poised to provide quality forensic services to the justice community. It features an open layout so the inside of the lab where the sample analysis is done is visible through sound-proof glass, but viewers cannot disturb or compromise the scientific activities within. The new laboratory also boasts the acquisition of two new state-of-the-art high speed analyzers, which will improve the turn-around time of test results. Additionally, space has been set aside for the future addition of instruments geared toward our readiness to test for emerging new drugs.

### **Business Processes and Information Technology**

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- In FY 2014, PSA continued to maintain and support two in-house mission-critical systems, the Pretrial Real-time Information System Manager (PRISM) and the Drug Test Management System (DTMS).
- Launched a pilot program for an automated lock-up interview process in PRISM using iPad tablets. In FY 2017, if funding is provided, PSA's planned systems enhancements include increased use of mobile devices and a major revision of both systems to facilitate testing for various synthetic drugs.
- Expanded Storage Area Network (SAN), which provides centralized storage for all of PSA's electronic data and improves disaster recovery capability.

### **Performance Improvement**

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OMB Memorandum M-14-06, "Guidance for Providing and Using Administrative Data for Statistical Purposes," advises agencies to document efforts to 1) use evidence, evaluation, and data as tools to improve program outcomes and 2) support scaling up new approaches that have been tested and shown to work. Documentation should include specific evaluations or data collections completed in the last year that have actionable implications for budget, policy, or management.

As part of its commitment to results-driven performance, PSA has made internal evaluation a priority in helping to build evidence-based capacity in mission critical areas. In FY 2014, the Agency conducted several internal evaluation projects and studies within its strategic and management priority areas, these included:

- ✓ In an effort to improve court appearance outcomes, PSA has notified released defendants of upcoming court appearances since its inception. With recent research



validating this as a best practice for pretrial services agencies,<sup>3</sup> the Agency tested the efficiency of court notification by mail, text message and e-mail to determine which method may be the most efficient means of court notification. Preliminary data show text and e-mail messaging as promising approaches. A final report has been issued and is currently under review.

- ✓ The Annual Judicial Survey allows PSA to gauge the opinions of its principle consumers about the Agency's risk assessment, supervision and treatment services and support. In FY 2014, 93 percent of responding judicial officers were "Satisfied" or "Very Satisfied" with PSA services, while 100 percent were "Satisfied" or "Very Satisfied" with the information PSA provides about its services and programs. Judicial officers made several recommendations to improve how PSA presents information used for judicial decision-making, including better explanations for release or detention recommendations, more options for defendants on the domestic violence calendars besides release to electronic monitoring, offering judges a menu of release conditions instead of specific Agency programs, and improving on the timeliness of reports.
- ✓ PSA also augmented its survey with follow-up interviews with judges that expressed an interest in follow-up discussions in their survey responses. This will become a regular feature with future surveys.
- ✓ PSA's annual review of the rates of initial detention and subsequent release in both DC Superior Court and US District Court for DC helps the Agency monitor detention in the District and track placements of subsequently released defendants into PSA's supervision and treatment units. Data from FY 2013 (reported in FY 2014) show that 58.3 percent of initially detained defendants were later released (71.5 percent within 7 days), usually to PSA's General Supervision Unit. Subsequent release rates were highest (76.9 percent) for defendants initially detained due to probation/parole supervision at the time of the new arrest and lowest (5.3 percent) for defendants initially held after being arrested for Murder I, Murder II or Assault with Intent to Kill or on financial bonds (41.9 percent). Subsequently released defendants had similar appearance and safety rates as defendants released at initial appearance; however, their short-term incarceration cost the District of Columbia Department of Corrections just under \$1.4 million.<sup>4</sup>

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<sup>3</sup> Herian, M.N. and Bornstein, B.H. (2010). *Reducing Failure to Appear in Nebraska: A Field Study*. Lincoln, NE: University of Nebraska at Lincoln. Jefferson County Criminal Justice Strategic Planning Committee 2005. Jefferson County, Colorado Court Date Notification Program FTA Pilot Project Summary. O'Keefe, M. (2007). *Court Appearance Notification System: 2007 Analysis Highlights*. Portland, OR: Multnomah County Budget Office.

<sup>4</sup> Kainu, M. (2014). *Initial Detention and Subsequent Release in the District of Columbia FY 2012 Report of Findings*. Washington, D.C.: Pretrial Services Agency for the District of Columbia. This figure does not include a one-time initial assessment and classification fee, which DC DOC estimates at about \$2,000 per inmate. This cost would have added an additional \$2.9 million to initial detention/subsequent release costs.

- ✓ PSA shared results with the United States Attorney for the District of Columbia, with a recommendation that the Assistant U.S. Attorneys assigned to initial appearance court only recommend detention for those defendants eligible by statute and that score as high risk on PSA's RAI. (The U.S. Attorney has access to RAI results prior to making a charging decision and determining a bail recommendation.)
- ✓ *The Defendant Focus Group series collects qualitative data from defendants completing PSA's substance disorder treatment units on overall treatment quality and the impact of various treatment and supervision components on drug use reduction. PSA has used data from previous defendant focus groups to help restructure the PSA STARS program and identify suitable incentives for continued treatment compliance. In FY 2015, OSD and Treatment staff will revise the focus group format to better gauge defendant opinions about specific treatment and supervision strategies. PSA also will expand qualitative data collection on defendant opinions to all Agency supervision units.*
- ✓ *In partnership with the District of Columbia Criminal Justice Coordinating Council (CJCC), PSA is replicating national research on the link between pretrial detention and recidivism. Using data from over 153,000 pretrial defendants processed in the Commonwealth of Kentucky, researchers with the Laura and John Arnold Foundation investigated the relationship between the length of pretrial detention and new criminal activity post-disposition. The research team used multivariate models to control for relevant factors including risk level, supervision status, offense type, offense level, time at risk in the community, and defendant demographics. The research found longer pretrial detentions were associated with the likelihood of failure to appear pending trial and the likelihood of new criminal charges pending trial. Defendants detained two to three days were 1.39 times more likely to have a new rearrest than defendants released within a day. Persons detained 31 or more days were 1.74 times more likely. Pretrial detention of two days or more also was related to the likelihood of post-disposition recidivism. Generally, as the length of time in pretrial detention increases, so does the likelihood of recidivism at both the 12-month and 24-month points.<sup>5</sup>*
- ✓ *The proposed local research would study the effect of pretrial detention on post-disposition recidivism. The research would help determine whether pretrial detention in the District promotes post-disposition recidivism, the defendant populations most susceptible to this effect, and the best strategies to alleviate this relationship. This would benefit the District by helping reduce or control future criminality within the local defendant population and reduce the costs associated with unnecessary or counter-productive detention. PSA expects to complete data*

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<sup>5</sup> Lowenkamp, C.T., VanNostrand, M. and Holsinger, A. (2013) *The Hidden Costs of Pretrial Detention*. New York, New York: Laura and John Arnold Foundation.

collection during the fourth quarter and submit data to CJC for analysis by the end of the fiscal year.

### **Strategic Human Capital Management**

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- Continued to foster effective labor-management partnerships, particularly by expanding the use of pre-decisional meetings with the union to resolve potential issues at the earliest stage and to ensure Agency-wide investment in changes to procedures and practices.
- Developed a standardized process for completing security investigations, resulting in improved efficiencies. Risk and sensitivity designations have been reviewed for all employees to ensure that the appropriate level of investigation is conducted.
- Continued to manage a Training and Career Development program committed to developing a workforce capable of effectively responding to current and future demands in administering pretrial services and creating a work environment that promotes inclusiveness and growth:
  - PSA employees completed over 7,600 training events including on-line courses, instructor-led courses and on-the-job instruction.
  - Over 200 employees participated in diversity training which focused on the lesbian, gay, bi-sexual and transgender (LGBT) community, workplace issues, awareness, and communication.
  - An internal Leadership Academy targeting employees at the GS-9 grade level and below was developed to enhance skill sets and aid in career development.
  - Nine employees competed for and were selected to participate in various USA Graduate School leadership programs which are designed to strengthen both individual and organizational performance and develop future public service leaders.
  - Successfully collaborated with the D.C. Metropolitan Police Department in conducting training in drug use trends, gangs and intelligence, and active shooter awareness.
  - Strengthened the training needs assessment process which is used to identify performance requirements and the knowledge, skills and abilities needed by the workforce to achieve the requirements. Revamped the performance gap analysis to create targeted development goals based on 'needs' versus 'wants'. Used the improved gap analysis results to determine the best training or other managerial intervention approach to help employees achieve goals and to devise Agency-wide training objectives.

### Employee Wellness Program

- ✓ Expanded the Federal Occupational Health's (FOH) Employee Assistance Program (EAP) contract to include the medical employability program to allow FOH to make medical determination for continued employment, to review worker's compensation cases, to determine need for reasonable accommodation, and to determine fitness for duty.

### Auditing

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- ✓ PSA received an "unmodified" (clean) opinion on the FY 2014 financial statements. The independent auditing firm KPMG found no significant issues or material weaknesses, and verified that PSA's financial records accurately reflected the financial condition of the Agency.

## CONCLUSION

*Don't lower your expectations to meet your performance. Raise your level of performance to meet your expectations. Expect the best of yourself, and then do what is necessary to make it a reality.*

*Ralph Marst*

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FY 2014 marked another successful year for PSA, as the Agency met each of its strategic outcomes and adopted new measures for management effectiveness, advanced evidence-based practice in risk assessment, supervision and treatment, and strengthened relationships with justice and community partners. PSA's achievements during FY 2014, development of a new strategic framework in FY 2015 and ongoing commitment to quality and performance will be the foundation for future successes in improving the quality and value of the Agency's mission critical work.

## APPENDIX

### **It's About Results, Not Money<sup>6</sup>**

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Author: Clifford T. Keenan, Director, Pretrial Services Agency for the District of Columbia

Washington, DC, is considered a model for its overall administration of pretrial justice, not just because of its statutory framework, but also due to the agency that supports the courts in this process – the Pretrial Services Agency for the District of Columbia (PSA). PSA has received national recognition for the quality and breadth of its programs and services, and receives a steady stream of visitors from around the globe to learn about what PSA does and how we do it. Yet along with this interest, when hearing about all that PSA offers, many may think, “Sure – you’re DC. You’re Federal, you’re so big, you have so many resources, you have so many staff. We can’t do that.” If you want to establish, improve or expand your pretrial services program to more effectively administer pretrial justice, my message is this: Don’t be discouraged. If you look at how PSA’s budget compares to those of other pretrial agencies, you would see that much of what we do to administer true pretrial justice is possible for smaller agencies, and it is not about the money.

PSA’s outcomes speak volumes about what is possible under a high functioning and well-funded pretrial system. Over the last five years, an average 88% of DC’s pretrial defendants were released pending trial—of those, 89% remained arrest-free (and of those re-arrested, less than 1% were charged with a violent crime) and 88% made all scheduled court appearances. PSA supervised just over 70% of those who were released and, annually, 78% under pretrial supervision completed all supervision requirements. Partly because of these successes, the city’s jail operates at below 60% of its rated capacity with only about 12% of its population being pretrial detainees. PSA is fortunate to have the resources to deliver the additional programs and services that exemplify best practices in pretrial justice. However, your jurisdiction does not have to do it all – a lot that can be accomplished by delivering just the core essential services the courts need to appropriately release more people, and this can be done at relatively low cost.

It is useful to understand what comprises PSA’s funding. As an independent Federal agency, our budget includes administrative support functions that would not be needed for pretrial programs housed within another agency (e.g., probation department). These functions include human capital services, finance and administration, IT and strategic development. PSA’s budget also includes a robust drug specimen collection program and drug testing laboratory, also not a part of a

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<sup>6</sup> This article first appeared as a feature in PSA’s electronic newsletter, The Advocate for Pretrial Justice.

typical pretrial services agency's budget. If your costs are derived primarily from delivery of core services, you can do a lot, even with a smaller budget.

Here are some details to get a better picture. If you exclude our administrative support and drug specimen collection and testing functions, PSA's FY 2014 budget contains \$29.4 million for its core pretrial operations, which includes risk assessment, supervision and integration of treatment into supervision. Of this amount, roughly 80% is allocated to salary costs. While this percentage might be similar in other jurisdictions, their cost likely is less than that for Federal employees working in the District of Columbia. All of this goes to help manage the nearly 21,000 cases a year processed in the District's Superior Court and the U.S. District Court for the District of Columbia. In FY 2013, PSA prepared bail reports on 99% of cases heard at Superior Court and District Court initial appearance (bail setting) hearings and supervised throughout the year just over 14,000 defendants in 18,000 cases. On any given day, PSA supervises over 4,500 defendants with conditions ranging from address verification to electronically-monitored curfews and stay-away orders.

In breaking this down further, PSA's core pretrial functions costs about \$81,000 per day over the course of a year ( $365 \times 81,000 = 29,565,000$ ). The supervision cost for each defendant is about \$18 per day ( $81,000 / 4500 = 18$ ). How much does it cost to keep a person in jail for a day in your jurisdiction?

To offer an additional comparison for non-Federal agencies, we can look at PSA's funding levels before we became a Federal agency (which occurred in 2000). In FY 1996 – a typical funding year for PSA as a locally-funded agency, our budget was \$7 million to support 118 staff, mostly in our core operational functions. Our FY 1999 budget of \$21.1 million was a mix of local and Federal funding for 279 staff and enhanced supporting functions. Of that amount, only \$11.1 million were local funds. Our budget has grown since becoming Federal in order to provide the enhanced programs and services that have become our hallmark.

Perhaps the best reason that any jurisdiction should provide the necessary funding for an effective pretrial services function is that anything less actually costs more. The developing body of research on pretrial risk assessment shows that most defendants present a low to moderate risk of pretrial failure; and that it is only the moderate- to high-risk defendants who need supervision that would be resource intensive. Certainly, there are defendants that need close supervision, but most do not require resource intensive conditions, such as substance use disorder treatment, mental health services, and electronic surveillance to control risk of pretrial failure. An average 25% of defendants in Washington, DC, are released on personal recognizance with no additional court-ordered conditions. Only 10% of defendants on pretrial supervision are on higher-level supervision (which includes electronic surveillance and home confinement), while 25% receive substance use disorder treatment and/or mental health services. Almost two-thirds of supervised defendants are ordered to



comply with conditions—such as drug testing, weekly telephone or in-person reporting, and stay-away orders—that require more moderate resources to manage. Following the evidence-based principle of matching supervision and services to individual risk levels makes sense not only in ensuring fairness and defendant accountability, but also in controlling and managing costs.

The topic of budget was raised at a recent site visit from justice executives from Cook County, Illinois. In response to the suggestion that what happens in DC is possible primarily because of the size of PSA's budget, D.C. Superior Court Senior Associate Judge Truman Morrison said, "You don't need a huge budget to run a fair, efficient, safe pretrial system. What we do here is possible where you work." I suggest the same can be said for many other jurisdictions as well.

Pretrial Services Agency for the District of Columbia  
[PretrialServices.gov](http://PretrialServices.gov)

