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# **Congressional Budget Justification And Performance Information Fiscal Year 2008**

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*District of Columbia*

# **Pretrial Services Agency**

February 5, 2007





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PSA Role in the Criminal Justice System .....1

**Note: This Congressional Budget Justification represents Pretrial Services Agency’s combined request for both FY 2007 and FY 2008 program increases and Adjustments to Base (ATB). Under the current Continuing Resolution (CR), FY 2007 operating levels are, in fact, the FY 2006 approved levels. The FY 2007 President’s Budget level had previously been justified in the FY 2007 budget submission; those justifications will be re-presented in an abbreviated format within this document as well. At times the amounts justified in the FY 2007 justification will be referred to as the “technical adjustment” portion of the FY 2008 request.**

## Mission Statement

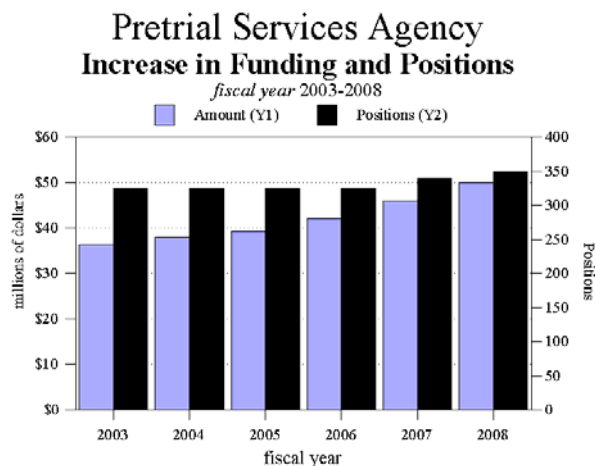
**Pretrial Services Agency’s (PSA) mission is to assess, supervise, and provide services for defendants and collaborate with the justice community to assist the courts in making pretrial release decisions. PSA promotes community safety and return to court while honoring the constitutional presumption of innocence.**

## In Brief

### Funding History

As a new Federal agency, PSA experienced dramatic growth in both funding and number of positions between FY 1998 and FY 2003. From FY 2003 through FY 2006, PSA’s authorized positions grew more gradually and funding increases were limited mainly to inflation adjustments and modest programmatic expansions.

The 2008 President’s Budget requests a total budget increase of \$8,121,000 over the FY 2007 CR level (which was the FY 2006 enacted level). Consequently, this submission represents the FY 2008 request and a resubmission of the FY 2007 request. Total adjustments to base (ATB) for the two years are \$3,999,000, representing mandatory pay increases and non-personnel



inflation adjustments. Requested program changes for the two years are \$4,122,000 and 25 FTEs. The program increases are reflective of, substantially, two initiatives, one to reduce extensive supervision caseloads, and one to fund the agency's electronic monitoring/GPS/Cellular program. The detail presented later in this submission will reflect the dollar and FTE breakdown between the two initiatives as well as the breakdown between the increments originally requested in FY2007 and those requested specific to FY 2008.

The agency's total FY 2008 request is \$49.894 million, an increase of \$3.698 million or 8.0% above the President's FY 2007 budget level, and \$8.121 million or 19.4% above the FY 2007 CR level.

This request constitutes a moderate percentage increase over a two year period, and represents only a modest real-dollar increase to address significant public safety concerns such as those leading to last summer's declaration of a crime emergency by the Mayor of the District of Columbia.

## **Supervision Caseloads**

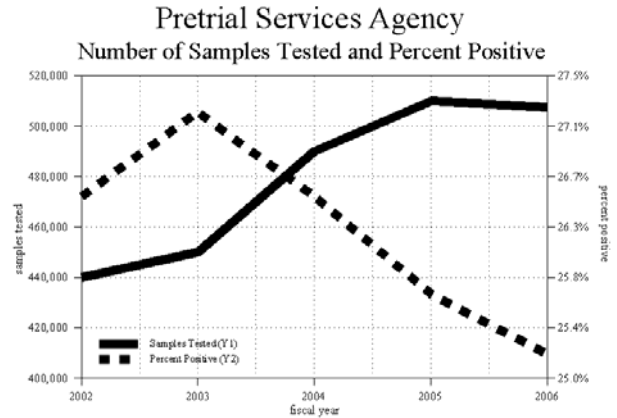
<b>Twelve Month Average Caseload Ratios</b>			
<i>June 2005 thru June 2006</i>			
<b>Category</b>	<b>PSOs</b>	<b>Defendants</b>	<b>Ratio</b>
<b>General Supervision</b>			
Condition Monitoring/ Courtroom Support	16	503	
Extensive Supervision	27	3,100	<b>1:115</b>
Community Court	4	343	<b>1:86</b>
<b>Subtotal – General</b>	<b>47</b>	<b>3,946</b>	
Specialized Supervision	49	1,107	<b>1:23</b>
U. S. District Court	4	330	<b>1:83</b>
	<b>100</b>	<b>5,383</b>	
<b>BENCH WARRANTS OVER 60 DAYS</b>		<b>3,616</b>	
<b>Total Supervision</b>		<b>8,999</b>	

Defendants with extensive supervision conditions within the General Supervision Units account for approximately 51% of all cases with pretrial conditions of release. Defendants who fall into this category have been charged with a range of offenses — from serious misdemeanors to dangerous and/or violent felonies. Even though many of the felony defendants potentially are eligible for pretrial detention based on their charge (e.g., robbery, burglary, aggravated assault) or criminal history (e.g., a pending case or on probation), the Court has determined that initial supervised release placement in the community under extensive conditions is appropriate and cost effective by avoiding the high cost of incarceration. The Court's expectation,

however, is that, in order to mitigate the risk to public safety while on pretrial release, conditions such as drug testing and regular reporting will be closely supervised by PSA and violators promptly will be reported to the Court. This expected and statutorily required response does not occur in all cases because of extremely high caseload ratios. In FY 2006 two pretrial service officers were reassigned from other duties to Extensive Supervision in an effort to reduce caseloads. However, caseloads during this time period remained high, averaging 1:115. Caseloads at the FY 2007 Presidential budget level would have declined to 1:100.

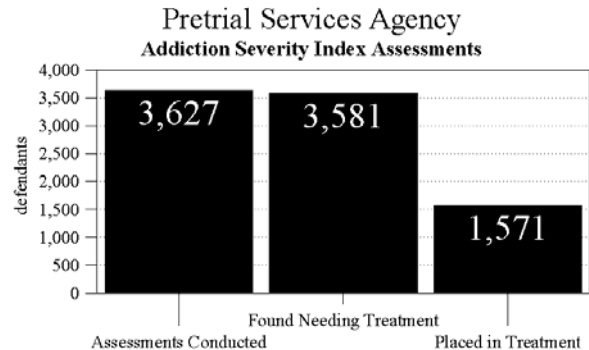
## Drug Testing

The PSA Forensic Toxicology Drug Testing laboratory conducts drug testing for pretrial defendants under PSA’s supervision and for offenders under Court Services and Offender Supervision Agency’s (CSOSA) supervision (probation, parole, and supervised release). During the past twelve months, PSA conducted drug tests on over 507, 464 urine samples... *(each sample can be tested for up to seven different drugs)* collected from defendants and offenders. The number of samples tested by the lab has increased by 35% since FY 2001. The current volume of tests has stretched both the lab’s testing equipment and the ability of current staff to process and analyze test results in a timely manner. Over the last few years, CSOSA and PSA have added new programs and facilities such as additional drug collection sites, treatment programs, Saturday testing, and additional programs to support the Court by reallocating resources from other programs. The lab currently stays open 24 hours per day during the week and has extended hours on weekends as well.



## Drug Treatment

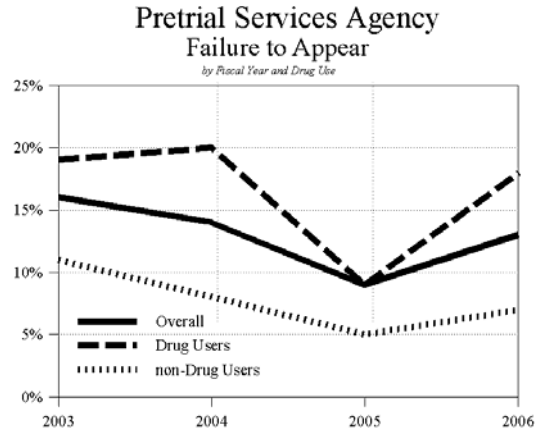
PSA conducted 3,627 Addiction Severity Index (ASI) assessments in FY 2006. Of these, 99% indicated the defendant was in need of treatment. PSA placed 1,571 defendants (44% of those found to be in need of treatment) into some type of sanction-based substance abuse treatment (in-house, contractual, or a combination of both).



## Failure to Appear

When defendants fail to appear (FTA) for scheduled court hearings, court resources are expended even though the case does not advance through the system. PSA assists the Court by notifying defendants in writing and in person of scheduled hearings.

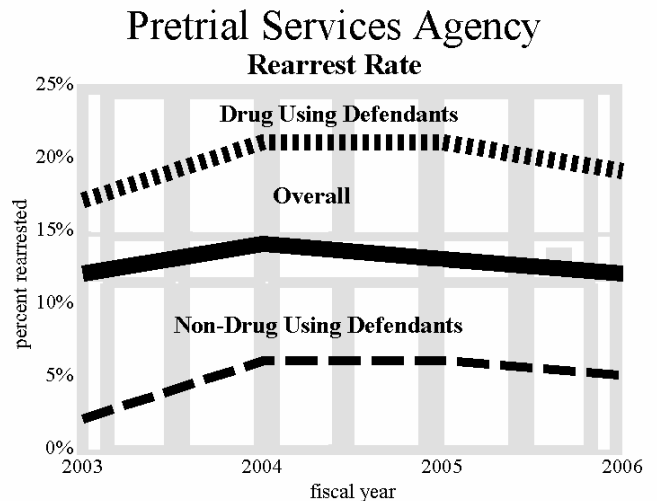
Between FY 2003 and FY 2006, the FTA rate decreased substantially for all defendants, non-drug using defendants and drug using defendants. Overall, the FTA rate decreased from 16% to 13%. The FTA rate for non-drug using defendants decreased from 10% to 7%, while the FTA rate for defendants using drugs decreased from 20% to 18%. The FTA rate for defendants who do not use drugs is only 40% that of drug using defendants.



## Rearrest Rate

Rearrest is the outcome most closely related to public safety. PSA identifies each defendant's risk of rearrest and provides a corresponding level of supervision to minimize that risk. Through its automated system, PSA is alerted immediately if a defendant is rearrested in the District of Columbia so that the appropriate response can occur.

Similar to its causal link to FTA, drug use also appears related to rearrest. The rearrest rates for both drug using and non-drug using defendants have decreased only slightly during the period FY 2003 – FY 2006. However, like FTA, there appears to be a strong link between drug use and rearrest. The rearrest rate for drug using defendants is almost four times the rearrest rate for non-drug using defendants.





*District of Columbia*  
**Pretrial Services Agency**  
**FY 2008 Budget Justification**

**Resource Requests**

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**Pretrial Services Agency**  
**Summary of Change**  
*fiscal year 2008*

	Permanent Positions	FTE	Amount \$(000)
<b>FY 2007 Estimated Budget(FY 2006 Enacted)</b>	<b>325</b>	<b>325</b>	<b>41,773</b>
<b>Adjustment to Base</b>			
FY 2007 Pay Raise			1,666
FY 2007 General Price Index			286
<b>Total ATB</b>			<b>1,952</b>
<b>FY 2007 Base</b>	<b>325</b>	<b>325</b>	<b>43,725</b>
<b>Program Changes</b>			
Extensive Supervision	12	12	1,703
Electronic Monitoring - Cellular/GPS	3	3	768
<b>Total Program Changes</b>	<b>15</b>	<b>15</b>	<b>2,471</b>
<b>Total Changes</b>	<b>15</b>	<b>15</b>	<b>4,423</b>
<b>FY 2007 President's Budget</b>	<b>340</b>	<b>340</b>	<b>46,196</b>
<b>Adjustment to Base</b>			
FY 2008 Pay Raise	0	0	1,736
FY 2008 General Price Increase	0	0	311
<b>Total ATB</b>	<b>0</b>	<b>0</b>	<b>2,047</b>
<b>FY 2008 Base</b>	<b>340</b>	<b>340</b>	<b>48,243</b>
<b>Program Changes</b>			
Extensive Supervision	10	10	1,651
<b>Total Program Changes</b>	<b>10</b>	<b>10</b>	<b>1,651</b>
<b>Total Changes</b>	<b>10</b>	<b>10</b>	<b>3,698</b>
<b>FY 2008 Request</b>	<b>350</b>	<b>350</b>	<b>49,894</b>
<b>Percent Increase over FY 2007 Estimate</b>	<b>7.7%</b>	<b>7.7%</b>	<b>19.4%</b>
<b>Percent Increase over FY 2007 President's Budget</b>	<b>2.9%</b>	<b>2.9%</b>	<b>8.0%</b>

The total FY 2008 Budget Request for the Pretrial Services Agency (PSA) is \$49,894,000, an increase of \$3.698 million or 8.0% above the President's FY 2007 budget level, and \$8.121 million or 19.4% above the FY 2007 CR level. The request includes a total of \$3,999,000 in Adjustments to Base (ATB), which includes mandatory pay increases, as well as non-personnel cost adjustments. In addition to the ATB increases, the 2007 and 2008 President's Budgets propose \$4,122,000 in program increases to reduce caseloads and to fund Electronic Monitoring/Cellular/GPS.

## **Strategic Plan, Government Performance and Results Act (GPRA) Goals, Outcomes, and Strategies**

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PSA's Strategic Plan (2005-2010) contains PSA's vision for fiscal years 2005 through 2010, and includes the steps PSA will take to complete its evolution to a performance-based results-oriented organization that can directly link costs and outcomes. The Strategic Plan sets out a set of core beliefs and values that guide PSA in carrying out its day-to-day activities in support of its mission. These core values and beliefs include:

- The Constitutional presumption of innocence of each pretrial defendant should lead to:
  - Least restrictive release in the community.
  - Preventive detention only as a last resort based on a judicial determination of the risk of non-appearance at court and/or danger to any person or to the community.
- Accountability to the public for carrying out the PSA mission is essential.
- Non-financial conditional release, based on the history, characteristics, and reliability of the defendant, is more effective than financial release conditions. Reliance on money bail discriminates against indigent defendants and cannot effectively address conditioning defendants' conduct to protect the public.
- Pro-social interventions that address substance abuse, employment, housing, medical, educational, and mental health issues afford defendants the opportunity for personal improvement and decrease the likelihood of criminal behavior.
- All of PSA's work is performed to the highest professional and ethical standards.
- Innovation and the development of human capital lead to organizational excellence.

Based on the Strategic Plan, PSA has identified two critical outcomes:

- reduction in the rearrest rate for violent and drug crimes during the period of pretrial supervision, and,
- reduction in the rate of failure to appear for court.

Achievement of these two outcomes depends on many factors. Evaluating each defendant's potential for flight and rearrest is critical as it allows PSA to make the most appropriate release recommendations for each defendant. Based on PSA's understanding of the defendant population and research conducted in the District and in other jurisdictions, providing close supervision coupled with sanctions for noncompliance and reducing drug use are also of primary importance. Further, PSA's use of social services, e.g., employment and job training, contributes to behavioral change in the defendant population.

PSA established the following four Critical Success Factors (CSFs) corresponding to the basic operational strategies. CSFs form the core of PSA's day-to-day activities. Without these activities, it would be impossible to make progress toward the long-term outcomes.

1. *Risk and Needs Assessment* – Support judicial officers in making the most informed and effective nonfinancial release determinations throughout the pretrial period by formulating and recommending to the courts the least restrictive release conditions to promote the defendant's appearance for scheduled court dates and minimize the risk the defendant's release may pose to any person or to the community.
2. *Close Supervision* – Provide effective monitoring or supervision of pretrial defendants, consistent with release conditions, so that they return to court and do not engage in criminal activity while under pretrial supervision.
3. *Treatment and Support Services* – Provide for, or refer defendants to, effective substance abuse, 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.
4. *Partnerships* – Establish and maintain 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.

The CSFs shape the primary activities through which PSA achieves both intermediate and long-term outcomes. These outcomes are interdependent. Risk and needs assessments continually determine how defendants are supervised and which services they receive. Through partnerships with the community and other criminal justice agencies, PSA develops and expands service capacity and improves its supervision practices.

Eleven performance measures are used to track activities and results. These measures are used to manage PSA's progress toward achievement of its goals and its consequent contributions to CSOSA's success. PSA has selected measures that address the most important activities conducted for each CSF. Many other activities occur, but those selected for presentation in this document are those that PSA has identified as making the most important contributions to outcomes.

**Pretrial Services Agency**  
**Fiscal Year 2008 Proposed Budget Distribution**  
**by Performance Measure and Major Program Office**

*dollars in thousands*

<b>Performance Measure</b>	<b>Diagnostic</b>	<b>Release Services</b>	<b>Evening</b>	<b>US District Court</b>	<b>General Supervision</b>	<b>High Intensity Supervision Program</b>	<b>Court Representation Team</b>	<b>Specialized Supervision Unit</b>	<b>Social Services and Assessment Center</b>	<b>Superior Drug Court Intervention Program</b>	<b>New Directions</b>	<b>Sanction Based Treatment Program</b>	<b>Contract Treatment</b>	<b>Drug Testing/Compliance Unit</b>	<b>Forensic Toxicology Drug Testing Laboratory</b>	<b>Total</b>
1.1 - Risk Assessment	1,601	0	694	196	0	0	0	0	0	0	0	0	0	1,483	0	<b>3,974</b>
1.2 - Initial Release Recommendation	1,633	0	1,944	196	0	0	0	0	0	0	0	0	0	0	0	<b>3,773</b>
2.1 - Compliance with Release Conditions	0	1,294	111	523	4,832	3,220	553	922	0	1,518	1,518	947	0	0	1,956	<b>17,393</b>
2.2 - Sanctions for Noncompliance	0	0	0	261	3,759	1,486	2,327	184	0	506	506	316	0	1,483	0	<b>10,829</b>
3.1 - Substance Abuse Assessment	0	0	0	0	0	0	0	0	1,181	0	0	0	0	0	0	<b>1,181</b>
3.2 - Placement in Drug Treatment	0	0	0	52	2,041	198	0	0	0	0	0	0	0	0	0	<b>2,291</b>
3.3 - Reduction in Drug Use	0	0	0	65	0	0	0	0	0	506	506	316	2,690	2,967	1,956	<b>9,006</b>
3.4 - Connection to Education/Employment Services	0	0	0	0	0	0	0	0	295	0	0	0	0	0	0	<b>295</b>
3.5 - Mental Health Assessment	0	0	0	0	0	0	0	553	0	0	0	0	0	0	0	<b>553</b>
3.6 - Connection to Mental Health Services	0	0	0	0	0	0	0	184	0	0	0	0	142	0	0	<b>326</b>
4.1 - Partnerships	33	13	28	13	107	50	29	0	0	0	0	0	0	0	0	<b>273</b>
<b>TOTAL</b>	<b>3,267</b>	<b>1,307</b>	<b>2,777</b>	<b>1,307</b>	<b>10,739</b>	<b>4,954</b>	<b>2,909</b>	<b>1,844</b>	<b>1,476</b>	<b>2,530</b>	<b>2,530</b>	<b>1,578</b>	<b>2,832</b>	<b>5,934</b>	<b>3,912</b>	<b>49,894</b>

# Pretrial Services Agency

## Fiscal Year 2008 Proposed Budget Distribution of New Initiatives by Performance Measure and Major Program Office

*dollars in thousands*

Performance Measure	Diagnostic	Release Services	Evening	US District Court	General Supervision	High Intensity Supervision Program	Court Representation Team	Specialized Supervision Unit	Social Services and Assessment Center	Superior Drug Court Intervention Program	New Directions	Sanction Based Treatment Program	Contract Treatment	Drug Testing/Compliance Unit	Forensic Toxicology Drug Testing Laboratory	Total
1.1 - Risk Assessment	0	0	0	0	0	0	0	0	0	0	0	0	0	52	0	52
1.2 - Initial Release Recommendation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.1 - Compliance with Release Conditions	0	0	0	0	1,414	499	0	0	0	0	0	0	0	0	0	1,913
2.2 - Sanctions for Noncompliance	0	0	0	0	1,101	230	0	0	0	0	0	0	0	52	0	1,383
3.1 - Substance Abuse Assessment	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
3.2 - Placement in Drug Treatment	0	0	0	0	598	31	0	0	0	0	0	0	0	0	0	628
3.3 - Reduction in Drug Use	0	0	0	0	0	0	0	0	0	0	0	0	0	105	0	105
3.4 - Connection to Education/Employment Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.5 - Mental Health Assessment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3.6 - Connection to Mental Health Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4.1 - Partnerships	0	0	0	0	31	8	0	0	0	0	0	0	0	0	0	39
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,144</b>	<b>768</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>209</b>	<b>0</b>	<b>4,122</b>

**Pretrial Services Agency**  
**Summary of Proposed Program Increases**  
*Fiscal year 2008*

Extensive Supervision Caseload Reduction	\$1,651,000	10 FTE	(FY 2008) Portion)
Extensive Supervision Caseload Reduction	\$1,703,000	12 FTE	(FY 2007 Portion)
<b>Total Extensive Supervision Caseload Reduction</b>	<b>\$3,354,000</b>	<b>22 FTE</b>	<b>Total Request</b>
<b>Electronic Monitoring/Cellular/GPS</b>	<b>\$ 768,000</b>	<b>3 FTE</b>	<b>(FY 2007 Request)</b>

The 2007 and 2008 Budgets propose \$4,122,000 in program increases to reduce caseloads and to fund electronic monitoring/cellular/GPS programs as well as enhancement of extensive supervision case management in two areas: 1) reduction in current caseload sizes for better response to condition infractions and application of supervision interventions; 2) closer supervision of persons charged with domestic violence offenses. Note that the 12 FTE requested in the FY 2007 justification would have provided for seven Pretrial Service Officers and five additional employees in critical supporting positions.

Over the last two years, defendants with extensive supervision conditions assigned to the General Supervision Unit (GSU) accounted for over 50% of all cases with pretrial conditions of release. Defendants assigned to GSU have been charged with a range of offenses—from serious misdemeanors to dangerous and violent felonies. In FY 2006, approximately 28% of the defendants assigned to GSU had been charged with crimes that were dangerous, violent or both; and 37% were charged with crimes against persons. Even though many of the felony defendants potentially are eligible for pretrial detention based on their charge (e.g., robbery, burglary, aggravated assault) or criminal history (e.g., a pending case or on probation), the Court has determined that initial placement in the community under extensive supervised release conditions is appropriate and cost effective. The Court’s expectation, however, is that, in order to mitigate the risk to public safety while on pretrial release, conditions such as drug testing and regular reporting will be closely supervised by PSA and violators will be promptly reported to the Court.

In FY 2007, the increase of 12 additional FTE was projected to bring GSU caseload ratios to an average of 1:100. Even this reduced caseload would have made it exceedingly difficult for PSOs to consistently meet with defendants in person, respond swiftly to violations of release conditions, and apply supervision interventions. With the additional 10 FTE now being requested, PSA could add two teams to the extensive supervision teams now operating. This would reduce caseload ratios from the expected 1:100 (in FY 2007) to approximately 1:75. Even at this level, the caseload ratios will be higher than caseload ratios at the federal pretrial office in the Eastern District of Virginia (EDVA) and the District of Maryland (MD). According to federal officials, the caseload ratios for EDVA average 1:42 while caseload ratios average 1:45 in MD. Many of the defendants under federal jurisdiction are charged with similar drug and firearm offenses, burglaries, and other theft-related offenses, but defendants prosecuted in the District of Columbia have more extensive prior criminal records (the 16,285 DC defendants with prior cases under pretrial supervision in FY 2006 have an average of 5 prior arrests and 4 prior convictions since 1977), and they are more often in need of employment, literacy education, and substance abuse treatment.

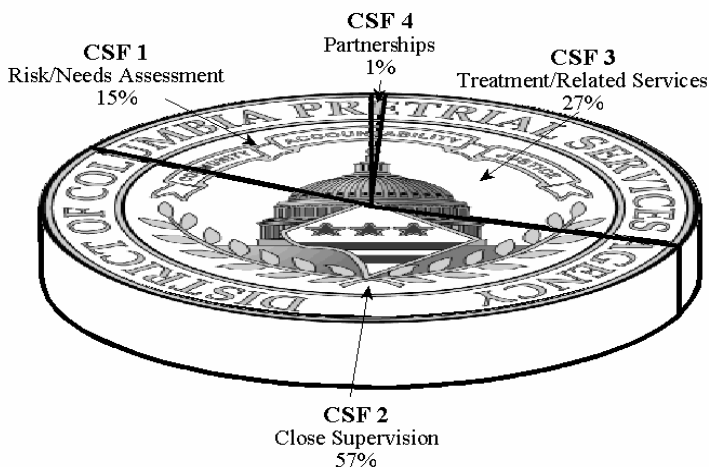
Defendants under extensive supervision also have numerous issues that PSA endeavors to address as part of its mission to reduce rearrest and failure to appear for court. Supervision efforts are made more complicated by the countless social conditions that plague this population, including unstable home environments, homelessness, lack of job skills, illiteracy, and substance abuse and mental health problems. Without stable home environments, efforts to address these basic needs and assist defendants to remain arrest-free and drug-free are challenging. Every failure results in a potential safety issue.

The second request under Close Supervision is Electronic Monitoring/Cellular/GPS. The funding and 3 FTE requested in this initiative will allow PSA to expand its Electronic Monitoring (EM) Program beyond the traditional EM systems to include both wireless cellular and global positioning systems (GPS) monitoring. These two newer, more effective technologies are currently being used in many jurisdictions to monitor defendants who cannot be effectively supervised using traditional EM.



## Pretrial Services Agency Proposed FY 2008 Funding *by Critical Success Factor*

For FY 2008, Close Supervision will receive the majority of PSA's resources, 57%. Treatment and Support Services will receive 27% while Risk and Needs Assessment will receive 15% of PSA's resources. Partnerships will receive the smallest share, approximately 1%. The activities under each Critical Success Factor play a crucial role in the overall accomplishment of PSA's mission and goals.



Pretrial Services Agency  
**Funding by Strategic Plan Critical Success Factor (CSF)**  
*fiscal year 2008*

	Critical Success Factors	Major Activities	FY 2008	
			(\$000)	FTE
<p><b>Goal 1</b> Support the fair administration of justice by providing accurate information to the Court.</p> <p><b>Goal 2</b> Establish strict accountability of defendants to prevent criminal activity</p>	CSF 1 Risk/Needs Assessment	Diagnostics Risk Assessment Drug Testing Court Reports	\$ 7,747	69
	CSF 2 Close Supervision	Monitoring Drug Testing Supervision Sanctions	\$28,222	223
	CSF 3 Treatment/Related Activities	Supervision Treatment Sanctions	\$13,652	56
	CSF 4 Partnerships	Supervision through Community Linkages	\$ 273	2
			<b>\$49,894</b>	<b>350</b>

The above table illustrates the relationship between the agency's Critical Success Factors (CSF), major operational activities, and budget authority/request. Management, program development and operational support functions are represented within each activity based on a prorated share of direct operational costs.

## **Program Assessment Rating Tool ( PART )**

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The PART is OMB's method for assessing program performance and how the program achieves goals. The PART reinforces the ambitious outcome-oriented performance measurement framework developed under the Government Performance and Results Act (GPRA). Also, PART builds on GPRA by encouraging agencies to integrate operational decisions with strategic and performance planning; improving performance measurement when existing measures are not outcome-oriented or sufficiently ambitious. Performance measures in GPRA plans and reports, and those developed or revised through the PART process, must be consistent.

The FY 2006 budget-year marked the first time PSA participated in the PART process. PSA's score of 71% translated into a rating of Moderately Effective. As a relatively new agency, it was not surprising that PSA's lowest scores were in the Program Results section.

PSA is still in the process of cultivating resources for

independent evaluation of its programs and processes. PSA's budget request reflects its growth process, and its progressively sophisticated understanding of the resources needed to serve its stakeholders and enhance public safety.

### **PART Summary Pretrial Services Agency**

Section	OMB Weighting	Score	Weighted Score
Program Purpose/Design	20%	100%	20%
Strategic Planning	10%	75%	8%
Program Management	20%	100%	20%
Program Results	50%	47%	23%
<b>Total Score</b>	<b>100%</b>		<b>71%</b>

## **PSA Organizational Structure**

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PSA provides risk assessment, drug testing, monitoring, supervision, and treatment services for pretrial defendants and performs a variety of other management, program development and support functions. The Agency's **Office of Operations**, the Office responsible for providing court and defendant-related services, consists of the Court Services Branch, the Supervision Branch, the Treatment Branch, and the Drug Testing and Compliance Unit. The Forensic Toxicology Drug Testing Laboratory along with other management, program development, and support functions report to the Office of the Director.

The **Court Services Branch** consists of the Diagnostic and U. S. District Court Units. The Diagnostic staff interview defendants charged with criminal offenses in the D.C. Superior Court and formulate release recommendations. This pre-release process includes background investigations and defendant interviews. Diagnostic Unit staff verifies information collected from the defendant, researches and updates prior and/or current criminal history, formulates a risk assessment, and prepares a written recommendation to the judicial officer. The Diagnostic Unit also conducts citation interviews and investigations, and schedules citation arraignment dates. Following a defendant's release, the Diagnostic Unit conducts a post-release interview

that includes a review of the defendant's release conditions and an advisement to the defendant of the penalties that could result from non-compliance, failure to appear, and rearrest. This unit also investigates outstanding bench warrants for the purpose of re-establishing contact with defendants who have failed to appear for court. In preparing the surrender of defendants to the Court, the unit updates PSA's existing records and conducts a new risk assessment to determine whether or not additional release conditions are warranted. The Unit also prevents the issuance of bench warrants by verifying a defendant's inability to appear in court, e.g., due to incarceration in another jurisdiction, and notifying the Court. The Diagnostic Unit is also responsible for conducting criminal history investigations and preparing the pretrial service reports on all D.C. Code violation and Traffic lock-ups.

The U.S. District Court Unit follows the same pre-release procedures as the Diagnostic Unit for Federal defendants. In addition to those responsibilities, the Unit supervises released defendants and convicted persons pending surrender for service of their sentences. Like their counterparts in the D.C. Superior Court, Pretrial Services Officers (PSOs) in the U. S. District Court Unit notify U.S. District Court judges and magistrate judges of violations of release conditions in federal criminal cases. An added responsibility of the U.S. District Court Unit is preparation of compliance reports that are incorporated into pre-sentence investigations by the U.S. Probation Office.

The **Supervision Branch** consists of the General Supervision Unit (GSU), the High Intensity Supervision Program (HISP), and the Work Release Program. GSU supervises compliance with release conditions imposed by the D.C. Superior Court for the majority of defendants released to PSA's supervision. Release conditions may include stay away orders from designated people and places, regular contact with PSA and drug testing. The GSU PSO ensures that relevant information regarding compliance is current and available to the judge. If the defendant cannot be brought into compliance with the conditions of release, the PSO sends a violation report to the Court, including specific recommendations such as drug treatment or mental health treatment designed to address the violation. PSOs also provide daily courtroom support to judicial officers to ensure placement of defendants in appropriate pretrial programs.

The High Intensity Supervision Program (HISP) represents a consolidation of the former Heightened Supervision Program and Intensive Supervision Program. The HISP makes available the same range of supervision options offered through the two individual programs, but these have been restructured into one program with two primary components – the Community Supervision Phase and the Home Confinement Phase.

The Community Supervision component targets defendants who have supervision-related failures from General Supervision, Sanction-Based Treatment, New Directions and Drug Court; violent misdemeanors and felonies, based on risk classification; and compliant defendants on work release who may be able to be moved out of the halfway house. Supervision requirements include face-to-face contact and drug testing at least once per week, and curfew with electronic monitoring (EM) daily from 10:00 p.m. to 6:00 a.m. Unemployed defendants charged with violent crimes also are required to attend the Violence Interruption Program session once per week.

Home Confinement is intended primarily for defendants who violate the program requirements under Community Supervision. However, the court maintains the option of ordering defendants directly into this increased level of supervision. Defendants are subject to 21 days of 24-hour

curfew and otherwise will have the same supervision requirements as Community Supervision. They are only allowed to leave their homes for work, to attend school, to report to PSA for face-to-face contacts and drug testing, and for other pre-approved purposes. Defendants are returned to Community Supervision once they have completed the 21 days without incurring any infractions. PSA continues to notify the court of all program violations.

The HISP staff also co-supervises, with the D.C. Department of Corrections, defendants placed in work release with conditions such as drug testing, and reports non-compliance to the Court.

The **Treatment Branch** includes the Superior Court Drug Intervention Program (Drug Court), the New Directions Program, and the Sanction-Based Treatment Unit. Each of these sanction-based drug treatment programs includes a system of sanctions and incentives designed to motivate compliant behavior and to reduce drug use. Further, each program features the use of a treatment plan that guides case managers in tailoring and modifying therapeutic interventions for a population involved in the criminal justice system. The Specialized Supervision Unit and the Social Services and Assessment Center are also in the Treatment Branch.

Drug Court is a sanction-based program with a proven approach to dealing with a non-violent population of drug-involved defendants. Participants in the program appear before one judge throughout their time in the program, must meet strict eligibility criteria to participate, must submit to twice-weekly drug testing, must participate in substance abuse treatment, and must agree to immediate administrative or court-imposed sanctions for noncompliance with program requirements. Sanctions are graduated and initially involve a treatment response, e.g., mandatory participation in motivational enhancement groups, leading up to two days participation in the “jury box” and then three nights in jail for ongoing drug-testing infractions. Incentives, such as recognized phase progression and reduced drug testing, are also offered to motivate defendants’ compliance and recovery from addiction.

The New Directions Program includes many of the features of the Drug Court Program. The key differences are that New Directions provides treatment to defendants charged with violent as well as non-violent crimes, does not offer diversion from prosecution, and does not maintain strict eligibility criteria. Defendants in New Directions must also participate in sanction-based substance abuse treatment. PSOs in New Directions utilize swift administrative sanctions in response to defendant noncompliance and rely on court-imposed sanctions only when a defendant refuses to comply with an administrative sanction or when discharge from the program seems warranted. Sanctions in New Directions are also graduated and also initially involve treatment responses. However, jury box and jail sanctions are replaced with enhanced treatment placements. Incentives, such as recognized phase progressions and reduced drug testing and reporting requirements, are also offered to motivate defendants’ compliance and recovery from addiction.

The Sanction-Based Treatment Unit (SBT) also includes many features of the Drug Court Program. Defendants in SBT are subject to the same administrative and court-imposed sanctions as Drug Court defendants. Like other Treatment Branch programs, PSOs in SBT recommend swift sanctions and provide recognized incentives to defendants, but the SBT program is unique in that all forms of substance abuse treatment are provided by contracted treatment providers. Like New Directions, the eligibility criteria for participating in SBT are minimal (violent as well as non-violent charges are eligible), and diversion from prosecution is not offered.

The Specialized Supervision Unit provides critical supervision and case management services for defendants with severe and persistent mental health disorders, as well as for those with co-occurring mental illness and substance use disorders. The Unit ensures that these defendants are linked with community-based mental health treatment through the D.C. Department of Mental Health. Personnel in this unit have mental health expertise and/or specialized training in working effectively with the mentally ill and dually diagnosed defendants.

The Social Services and Assessment Center provides substance abuse assessments and social service referrals for any defendant 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 Center conducts over 300 substance abuse assessments per month. The Unit also tests and evaluates defendants suspected of having a mental illness. Staff in the unit identify and maintain information on treatment, employment, education, housing and other social services that may be utilized by defendants in meeting pretrial release obligations. In addition, the SSAC liaisons with community organizations that provide opportunities for defendants to perform community service as part of diversion in the Community Court.

The **Drug Testing and Compliance Unit** is responsible for collecting urine samples for analysis. With a majority of all criminal defendants having substance abuse problems, drug testing is vital for several reasons. The criminal justice system must identify defendants using drugs for *risk assessment* purposes. Drug-dependent defendants are significantly more likely to become involved in future criminal activity than their non-drug using counterparts. Drug testing is also critical for *risk reduction* purposes. Supervision of drug-dependent individuals is most effective when the criminal justice system is capable of responding quickly – through treatment and immediate sanctions – to continued drug use.

The **Forensic Toxicology Drug Testing Laboratory** processes urine specimens for the entire agency. This includes testing for the sentenced offender population as well as those under pretrial supervision. Each sample is tested for three to five drugs of abuse. All positive samples are retested. Toxicologists conduct levels analysis to determine drug concentration, gas chromatograph/mass spectrometry to confirm test results, and provide forensic consultations and court testimony.

The following areas within the agency provide management, program development, and frontline operational support<sup>1</sup>:

- Justice and Community Relations
- Forensic Research
- Finance and Administration
- Office of Human Capital Management and Training
- Information Technology
- Research, Analysis and Development (RAD)

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<sup>1</sup> Certain functions are performed by CSOSA for PSA, including those of the Office of General Counsel; Legislative, Intergovernmental, Public Affairs; Equal Employment Opportunity; Diversity and Special Programs; and Professional Responsibility.

## Progress Towards Outcomes

Driven by its mission to enhance public safety through the formulation of appropriate and fair release recommendations and to provide effective community supervision for defendants, PSA has established two critical outcomes: 1) reduction in the rearrest rate for violent and drug crimes during the period of supervision and 2) reduction in the rate of failures to appear for court. These outcomes are related to the defendant population and are the end result of PSA activities.

Outcomes	FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target
<b>Percentage of defendants rearrested for violent or drug crimes during the period of pretrial supervision.</b>							
For all defendants rearrested for:							
- any crimes	12%	14%	13%	12%	13%	12%	12%
- violent crimes	1%	3%	3%	3%	1%	1%	1%
- drug crimes	5%	5%	4%	4%	4%	4%	4%
For drug-using defendants rearrested for:							
- any crimes	17%	23%	20%	19%	19%	18%	18%
- violent crimes	1%	5%	4%	4%	2%	2%	2%
- drug crimes	8%	8%	7%	7%	7%	7%	7%
For non-drug-using defendants rearrested for:							
- any crimes	2%	6%	6%	5%	5%	5%	5%
- violent crimes	<1%	1%	1%	1%	1%	1%	1%
- drug crimes	<1%	1%	1%	1%	1%	1%	1%
<b>Percentage of cases in which a defendant failed to appear for at least one court hearing.</b>							
- any defendants	15.6%	14%	9%	13%	14%	13%	13%
- drug-users	18.8%	20%	13%	18%	17%	15%	15%
- non-drug-users	10.6%	8%	6%	7%	9%	9%	9%

**Rearrest:** Rearrest is the outcome most closely related to public safety. PSA identifies a defendant's risk of rearrest and provides a corresponding level of supervision to reasonably assure the defendant will not be a danger to the community while on pretrial release. Through its automated system, PSA is alerted immediately if a defendant is rearrested in the District of Columbia so that the appropriate response can occur.

**Failure to appear:** When defendants fail to appear for scheduled court hearings, court resources are expended even though the case does not advance through the system. PSA assists the court by notifying defendants in writing and in person of scheduled hearings.

## Critical Success Factor 1: Risk and Needs Assessment

### Analysis by Critical Success Factor Budget Request

CSF 1		2007 Estimate (CR Level)	2007 Pres. Budget	Total ATBs	Total Program Changes	2008 Request	Change 2007/2008
<b>Risk/Needs Assessment</b>	\$000	\$6,938	\$7,895	\$757	\$52	\$7,747	\$809
	FTE	69	69		0	69	0

\$52,250 For Extensive Supervision Caseload Reduction

### Program Summary

The foundation of effective pretrial supervision is based upon appropriate release conditions. The bail report provides much of the information the judicial officer uses to make a determination of the risk the defendant poses to the community and to determine what level of supervision, if any, the defendant requires. The bail report includes prior and current criminal history, lock-up drug test results, risk assessment, and verified defendant information (residence, employment status, community ties, etc.). An initial drug test at lock-up is fundamental to the determination of PSA release conditions. Approximately 48% of defendants test positive at lock-up for cocaine, opiates, or PCP.

For individuals arrested and charged with nonviolent misdemeanors, citations issued by law enforcement officers constitute the quickest and least restrictive form of

release. In providing background criminal history checks and verified information on community ties, PSA may elicit additional data that supports the release of the defendant on citation. This reduces the unnecessary detention of defendants charged with misdemeanors (with the exception of domestic violence), regulatory and traffic offenses. Alternatively, data provided by PSA may indicate that the defendant is not a good risk for citation release, and should be held pending a first appearance before the Court.

PSA operates as an independent component of the criminal justice system and avoids biases toward either the defense or the prosecution. The Agency conveys factual information to the Court and in deference to the fact that the defendant is presumed innocent, bail recommendations reflect the statutory preference for the least restrictive release that reasonably assures appearance in court and minimizes potential danger to the community.

**S**upport judicial officers in making the most informed and effective non-financial release determinations throughout the pretrial period by formulating and recommending to the courts the least restrictive release conditions that will reasonably assure that the defendant will:

- Appear for scheduled court dates; and
- Not pose a threat to any person or to the community while on release.

## Performance Measures

Measures		FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target
1.1	Percentage of defendants who are assessed for risk of failure to appear and rearrest.	99%	99%	94%	93% <sup>2</sup>	99%	99%	99%
1.2	Percentage of defendants for whom PSA recommends the least restrictive conditions consistent with public safety and return to court.	91%	89%	92%	85%	94%	94%	94%

PSA’s pre-release process strives to properly classify defendants. Defendants are classified into risk categories (for both risk of rearrest and failure to appear for court) based on criminal history, substance abuse and mental health history, drug test results, and individual factors such as community ties. Assessment is successful when PSA has formulated its release recommendations using all available and relevant defendant information. PSA’s assessment process has two components:

**Risk Assessment:** PSA conducts a risk assessment for each defendant to determine the probability of the risk of flight and the potential for criminal behavior. By statute, PSA is required to collect information on each defendant and use the information to assess risk. Factors associated with the risk of rearrest and flights from prosecution are identified. Each defendant is assessed and recommendations are made to the court that match the risk associated with each defendant to appropriate levels of monitoring and supervision.

**Recommendation to the Court:** For each defendant, PSA recommends the least restrictive non-financial release conditions needed to protect the community and reasonably assure the defendant’s return to court. PSA begins the defendant assessment process with a presumption in favor of release without conditions. Based on evidence gathered during the pretrial investigation, PSA recommends the least restrictive conditions warranted for each defendant given the need for public safety, but does not make financial release recommendations. When warranted, PSA recommends to the Court a variety of restrictive conditions including, but not limited to, drug testing, drug treatment, mental health treatment, “stay-aways” from specified persons or places, regular and frequent face-to-face contact with a Pretrial Services Officer

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<sup>2</sup> The frequency with which the Pretrial Services Report (under PRISM 2.0) is submitted to the court in time for the initial hearing is used as the basis for this measure. Until we are able to track submission of Pretrial Service Reports (PSRs) to the Court using PRISM, this data will be collected manually. It should be noted that this percentage is lower than in previous years, in part because improvements in the case management system require that additional criminal history information be entered in the system, causing delays in the completion of PSRs.



(PSO), halfway house placement, and electronic monitoring. The electronic monitoring may include a period of home confinement with release authorized by the PSO for limited purposes.

## **Accomplishments**

PSA has established a 24-hour, 7-day a week operation. This allows PSA to screen and assess more defendants for citation release eligibility. It also allows PSA to begin the assessment process earlier so that pretrial services reports can be ready for arraignment court by 1:00 pm the next day.

PSA increased the lock-up urinalysis collection rate (or the percentage of successful collections) for drug testing by 2% over the previous fiscal year despite an increase in the overall number of intakes, placements, and evaluations for both adult and family court.

In FY 2006, almost 19,000 Pretrial Services Reports (PSRs) were prepared for defendants charged with felonies and misdemeanors. Approximately 80% of these were prepared in the morning in order to meet the requirements of the four arraignment courts held each afternoon. In order to accomplish this, PSOs worked throughout the night.

This year, PSA completed over 5,000 PSRs for D.C. Code and traffic cases and over 3,000 PSRs for defendants released on citation.

PSA continues to provide courtroom coverage to all assigned arraignment judges.

## Critical Success Factor 2: Close Supervision

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### Analysis by Critical Success Factor Budget Request

CSF 2		2007 Estimate (CR Level)	2007 Pres. Budget	Total ATBs	Total Program Changes	2008 Request	Change 2007/2008
Close	\$000	\$22,619	\$25,387	\$2,305	\$3,298	\$28,222	\$5,603
Supervision	FTE	200	13		23	223	23

\$2,568,250 For Extensive Supervision Caseload Reduction

### Program Summary

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Conditions of release are imposed in an effort to reduce the probability of nonappearance in court and to reasonably assure that the community is not endangered. Compliance with release conditions must be strictly supervised. Compliance monitoring allows PSA to detect and respond to condition violations. Noncompliant defendants are subject to administrative or judicial sanctions. Information on a defendant's performance during the pretrial period may also be useful to the judge for consideration during sentencing.

PSA provides a wide range of supervision programs to support local and federal courts. Some defendants are released without conditions, but the majority of defendants are monitored or extensively supervised by the General Supervision Unit. These defendants have a wide variety of risk profiles, from those posing limited risk and requiring condition

**P**rovide effective monitoring or supervision of pretrial defendants, consistent with release conditions, so that they return to court and are less likely to engage in criminal activity while under pretrial supervision.

monitoring, to those posing considerable risk with extensive release conditions such as frequent drug testing, stay away orders, drug treatment or mental health treatment if deemed appropriate through PSA's assessment process, and/or frequent contact requirements with PSOs.

The Agency also has a number of programs that provide increasing levels of restrictive and specialized supervision. In addition to the extensive conditions noted above, the highest risk defendants who are eligible may be subject to curfew, electronic monitoring, home confinement or residence in a halfway house. Sanctions for this population are immediate.

Caseload size influences the quality of supervision. Successful pretrial supervision hinges on the ability of the PSO to respond quickly to violations of the conditions of release. To be effective, sanctions must be swift and certain in order to prompt changes in behavior. Prior to the National Capital Revitalization and Self-Government Improvement Act of 1997, with the exception of a few specialized programs such as Drug Court and Intensive Supervision, most of the pretrial population was monitored at a ratio of over 1:400, which allowed for no more than general

monitoring of defendants' drug test results. PSA has made significant strides in reducing caseloads to somewhat more appropriate levels. However, for the vast majority of defendants under PSA's supervision, the caseloads remain too high to provide prompt responses to violation of court orders. Current PSA supervision caseloads are profiled in the chart below.

## Supervision Caseload Ratios

*for June 2005 - June 2006*

Category	PSOs	Defendants	Ratios	
<b>General Supervision</b>				
Condition Monitoring/ Courtroom Support	16	503	NA	Lower risk defendants requiring only monitoring plus daily courtroom representation regarding release condition compliance
Extensive Supervision	27	3,100	1:115	Higher risk felony and serious misdemeanor defendants with drug testing, drug treatment, and reporting conditions.
Community Court	4	343	1:86	Misdemeanor defendants in East of the River community court who are extensively supervised.
<i>Subtotal</i>	<b>47</b>	<b>3,946</b>		
<b>Specialized Supervision</b>				
	<b>49</b>	<b>1,107</b>	<b>1:23</b>	Highest risk defendants ordered to electronic monitoring, home confinement or residence in a halfway house, in-house and contractual sanction-based substance abuse treatment programs, or mental health treatment.
<b>U.S. District Court</b>	<b>4</b>	<b>330</b>	<b>1:83</b>	Felony and misdemeanor defendants charged in U. S. District Court.
<b>Extended Bench Warrants</b> <i>(over 60 days old)</i>		<b>3,616</b>		
<i>Total</i>		<b>8,999</b>		

## Performance Measures

Measures		FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target
2.1	Percentage of defendants who are in compliance with release conditions at the end of the pretrial period.	45%	51%	56%	77% <sup>3</sup>	55%	55%	80%
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 violations		80%	90%	95%	80%	80%	80%
	- contact violations	60%	79%	84%	77%	70%	70%	70%
	- sanction-based treatment program violations	75%	97%	75%	67% <sup>4</sup>	80%	80%	80%
	- electronic monitoring violations	86%	83%	88%	99%	92%	92%	92%

PSA supervises defendants in accordance with release conditions that are designed to minimize risk to the community and maximize return to court. PSA is concerned with assuring defendant compliance with all conditions it recommends. PSA's monitoring and supervision has multiple components:

**Notification of Upcoming Court Dates:** Research conducted on various pretrial programs, including PSA, clearly demonstrates that most instances of failure to appear for court result from misunderstandings on the part of the defendants. Very few failures to appear are deliberate flights from prosecution. In order to minimize failures to appear, PSA notifies defendants of upcoming court hearings in person (when possible) and in writing. PSA is notified by the court

<sup>3</sup> PSA changed the categorization for this measure from a final compliance rating to a level rating in October, 2006 which likely accounts for the dramatic increase in the actual percentage of defendants classified as compliant at the end of the pretrial period. Under the new system, a defendant is rated as a Level 1 if there was no pending request for removal from PSA supervision in that case that applied at the time of closeout, there was no rearrest on a papered U.S. or serious D.C. charge during the entire supervision period and there was no unexcused failure to appear in that case during the entire supervision period. A defendant is rated as Level 2 if there was a pending request for removal from PSA supervision in that case that applied at the time of closeout, there was a papered rearrest for a U.S. or serious D.C. charge during the entire supervision period, there was an unexcused failure to appear in that case, or the defendant had been removed at the time of closeout from PSA supervision in that case due to noncompliance. The actual percentage represents the exiting defendants for whom a levels rating was recorded and who were rated as Level 1.

<sup>4</sup> Responses to treatment infractions were not separately recorded if the response also addressed a violation of another condition and was recorded as a response to that condition. As a result, PSA's response to this measure was underreported.

system of upcoming court appearance dates. Once PSA receives this information, automatic notification letters are generated and mailed to defendants.

**Appropriate Supervision:** Appropriate supervision may reduce rearrest and failures to appear. Defendants who are appropriately supervised are held accountable to the court. Supervision provides structure for defendants and reinforces the courts' expectations. An important function that PSOs perform is to make defendants aware of behavioral expectations while on pretrial release. Defendants are informed of the conditions by which they must abide and the consequences of noncompliance. Because violations of conditions may indicate that defendants are about to engage in illegal behavior, noncompliance must be addressed as quickly as possible. Holding defendants accountable is critical to keeping PSA's supervision credible in as perceived by defendants, the court and the community. When violations of conditions are detected, PSA informs the court, and when warranted, seeks sanctions, including revocation of release. Defendants in certain programs are also subject to administrative sanctions for noncompliance.

### **Accomplishments**

PSA has developed a process to allow defendants under PSA and post-conviction supervision with drug testing conditions to test at a single location. To date, 187 defendants/or offenders have participated in this process.

PSA has worked with the CSOSA collection unit and laboratory personnel to develop and implement a process to conduct oral fluid drug screening for defendants who for medical or other reasons, cannot submit a urine specimen.

The PSA Lab conducted drug tests on 507,464 urine samples collected from both defendants and offenders during this year. Each sample was tested for multiple drugs.

PSA, in collaboration with CSOSA, has moved a number of high risk defendants from electronic monitoring to Global Positioning Systems (GPS), where their movements are tracked 24 hours a day.

PSA continues to provide courtroom coverage to all assigned judges, including daily coverage of the domestic violence and community courts. This ensures that judges' needs are expeditiously addressed.

PSA has restructured the sanctions for its High Intensity Supervision Program so that multiple infractions can be addressed within 24 hours.

PSA staff has continued to improve the rate with which they respond to drug testing violations and electronic monitoring violations. In FY 2006, PSOs levied administrative sanctions or requested judicial sanctions for 95% of drug testing violations and 99% of electronic monitoring violations.

## Justification for Change

### Extensive Supervision Caseload Reduction

		2007 Estimate (CR Level)	2007 Pres. Budget	Additional 2008 Request	Change 2007/2008
	\$000	\$0	\$1,703	\$1,651	\$3,354
<b>Extensive Supervision Caseload Reduction</b>	FTE	0	12	10	<b>22</b>

### Background

The 2008 President's Budget requests an FY 2008 increase of \$1.651 million, and a corresponding ten PSOs to reduce supervision caseloads. In addition, the President's Budget is also requesting \$1.703 million and 12 FTE for the same program as a technical adjustment, i.e., the amount originally requested in the FY 2007 budget justification. The adjacent chart provides comparisons of comparable jurisdictions which reflect the disparity between PSA's caseload ratios and theirs. PSA proposes enhancement of extensive supervision case management in two areas: 1) reduction in current caseload sizes for better response to condition infractions and application of supervision interventions, and 2) closer supervision of persons charged with domestic violence offenses.

<b>Caseload Statistics For Comparable Jurisdictions</b>	
<b>Federal Pretrial Agencies:</b>	
Central District of California (Los Angeles)	1:65
With some special caseloads, i.e., GPS	1:40
Southern District of Texas (Houston)	1:65
Spec. units for GPS, mental health, drug treatment	1:30
District of Arizona (entire state)	1:40
"Harder to handle" cases; homeless, drug users	1:35
Southern District of New York	1:60
Special EM, GPS, courtesy cases	1:35
Southern District of Florida (Miami)	1:75
Special units for EM, GPS, treatment	1:35
<b>County/Local Pretrial Agencies</b>	
Maricopa County (Phoenix)	1:70
GPS cases	1:25
Montgomery County, MD	1:65

Over the last two years, defendants with extensive supervision conditions assigned to the General Supervision Unit (GSU) accounted for over 50% of all cases with pretrial conditions of release. Defendants assigned to GSU have been charged with a range of offenses—from serious misdemeanors to dangerous and violent felonies. In FY 2006, approximately 28% of the defendants assigned to GSU had been charged with crimes that were dangerous, violent or both. Thirty-seven percent (37%) were charged with crimes against persons. Even though many of the felony defendants are potentially eligible for pretrial detention based on their charge (e.g., robbery, burglary, aggravated assault) or criminal history (e.g., a pending case or on probation), the Court has determined that initial placement in the community under extensively supervised release conditions is appropriate. The Court's expectation, however, is that, in order to mitigate the risk to public safety while on pretrial release, conditions such as drug testing and regular reporting will be closely supervised by PSA and violators will be promptly reported to the Court.

In FY 2007, the increase of seven Pretrial Services Officers along with additional support was projected to bring GSU caseload ratios to an average of 1:100. Even with this reduced caseload it would have been exceedingly difficult for PSOs to consistently meet with defendants in person, respond swiftly to violations of release conditions, and apply supervision interventions. Swift response to release violations can make the difference between correcting a defendant's noncompliance with release conditions and allowing time for that defendant to engage in criminal behavior.

Defendants under extensive supervision also have numerous issues that PSA should address as part of its mission to reduce rearrest and failure to appear for court. Unstable home environments, homelessness, lack of job skills, illiteracy, and substance abuse and mental health problems plague many in this group and contribute to the complexities of supervision. Without stable home environments, efforts to address these basic needs and assist defendants in remaining arrest-free and drug-free are challenging.

GSU also supervises defendants who have a history of domestic violence and/or have restraining, "stay-away," or civil protection orders as a result of one or more domestic violence incidents. PSA data from FY 2004 showed about one-third of the approximate 400 defendants charged with domestic violence offenses, who were rearrested while on pretrial release, were rearrested for another incident of domestic violence, including charges of assault, violation of a civil protective order, threats and destruction of property. In total, about 24% of the rearrests were crimes against persons. Another 38% involved drug possession or distribution charges. In addition, these defendants also tended to be arrested and charged with a new crime earlier in the pretrial process than other pretrial defendants. All of these factors (potential danger to the alleged victim and the requirement that the defendant "stay-away," the serious nature of the charges for rearrested domestic violence offenses, and substance abuse issues) contribute to the need for closer supervision and rapid response to infractions for this population. A caseload reduction from 1:115 to 1:75 will enable PSA to achieve the needed levels of supervision.

### **Justification**

Defendants identified by the Court as needing extensive supervision put a significant burden on PSA resources. Properly supervising these defendants is much more resource-intensive compared to general supervision defendants. In order to be effective and influence defendant outcomes, PSA needs to increase the resources devoted to supervising these defendants while further reducing overall caseloads. With the additional resources now being requested, PSA could add two teams to the extensive supervision teams now operating. This would reduce caseload ratios from the expected FY 2007 level of 1:100 to approximately 1:75. Even at this level the caseload ratios will be higher than caseload ratios at the federal pretrial office in the Eastern District of Virginia (EDVA) and the District of Maryland (MD). According to federal officials, the caseload ratios for EDVA average 1:42 while caseload ratios average 1:45 in MD. Many of the defendants under federal jurisdiction are charged with similar drug and firearm offenses, burglaries, and other theft-related offenses, but defendants prosecuted in the District of Columbia have more extensive prior criminal records (the 16,285 DC defendants with prior cases under pretrial supervision in FY 2006 had an average of 5 prior arrests and 4 prior convictions since 1977) and they are more often in need of employment, literacy education, and substance abuse treatment.

In order to secure release, the Court often assigns release conditions with the expectation that violations in those conditions will be reported promptly to the Court. As an example, in FY 2006, over 9,500 defendants were released with a drug testing condition as part of their supervision. Of those with this requirement, 67% were noncompliant with this condition at least once or more while under pretrial supervision, and 48% were noncompliant at least three times or more. Those defendants with three noncompliant drug testing events become eligible for movement into a higher level of supervision and may be removed completely from pretrial supervision. With the current high caseload ratios, PSA is not able to provide the supervision expected by the Court or required by PSA's internal policies and procedures. Currently, PSOs often cannot respond quickly to violations of release conditions, despite the statutory requirement that every violation be reported to the prosecutor and the Court. This is particularly troubling with high-risk felonies pending indictment, where the first court date after the preliminary hearing is often many months after the defendant has been released to PSA. During that time, because the PSOs are managing their caseloads on the basis of court dates rather than violations of release conditions, warrant checks and criminal records checks are not done regularly to see if defendants have been arrested again in a neighboring jurisdiction while on release. This is particularly troublesome for defendants charged with domestic violence. In addition, treatment or employment opportunities are not pursued. More restrictive release conditions are not promptly suggested to the Court. In short, these defendants are not being appropriately supervised, at considerable risk to public safety and to individual victims.

### **Summary of Requested Resources**

The proposed request would fund new supervision teams and support resources.

- 10 Pretrial Services Officers (FY 2008 request)
- 12 FTE including seven Pretrial Services Officers (FY 2007 request)



## Justification for Change

### Electronic Monitoring/Cellular/GPS

		2007 Estimate (CR Level)	2007 Pres. Budget	Additional 2008 Request	Change 2007/2008
<b>Electronic Monitoring</b>	\$000	\$0	\$768	\$0	\$768
<b>Cellular/GPS</b>	FTE	0	3	0	<b>3</b>

### **Background**

During FY 2002, PSA implemented electronic monitoring (EM) of curfew conditions for high-risk defendants in its Intensive Supervision Program. This tool expanded PSA's options for close supervision and served as an administrative sanction for noncompliant defendants. To better meet its goal of reducing the risk of failure to appear and rearrest, PSA expanded EM in FY 2003 to defendants supervised by the Heightened Supervision Unit. This decision was supported by data from the first half of FY 2003 showing that non-compliance with the curfew condition dropped from 23.5 percent to 13.5 percent after EM was imposed as a surveillance method. Further, PSA's use of EM as a standard release condition under its Intensive Supervision Program highlighted several advantages to that condition, including:

- Better compliance rate than phone-monitored curfew;
- Continuous coverage of a defendant's curfew compliance;
- Easier administration of the condition due to access to the vendor's automated computer system; and
- Defendants' preference of EM over phone monitoring, since the former eliminates calls to residences during the middle of the night.

In January 2005, PSA merged its Intensive Supervision Program and Heightened Supervision Program to form the High Intensity Supervision Program. All defendants placed in this program for high risk defendants are subject to EM, which allows PSA staff to monitor compliance with curfews and home confinement requirements.

### **Justification**

While EM is an important tool in the supervision of defendants, it has two major limitations. First, EM requires the defendant to have standard hardwired telephone service (traditional telephone as opposed to a cell phone). EM's second major limitation is that it can only be used for curfew or home confinement situations. The funding requested will allow PSA to expand its Electronic Monitoring (EM) Program beyond the traditional EM systems to include both wireless cellular and global positioning systems (GPS) monitoring. GPS monitoring would allow PSA to quickly determine the location of a defendant at any time as well as track the movements of defendants. In addition, GPS monitoring can be used to notify the authorities when a defendant enters court-restricted areas such as schools, known drug areas, or a victim's neighborhood.

The two newer, more effective technologies, wireless cellular and Global Positioning Systems (GPS), are currently being used in many jurisdictions to monitor defendants who cannot be effectively supervised using traditional EM. Wireless cellular monitoring technology allows the defendant population who do not have a hard wired home telephone to be monitored electronically. Defendants who are noncompliant with general supervision requirements will no longer be able to avoid the High Intensity Supervision Program by claiming the absence of a traditional telephone. Wireless cellular monitoring can provide an alert for tamper detection, motion sensors to ensure the unit remains attached, call in, no call out, and voice communication.

Global Positioning Systems (GPS) are being used in many jurisdictions to monitor the movements of defendants charged with domestic violence offenses. In the District of Columbia, 3,618 defendants charged with domestic violence were released into the community during FY 2004. PSA data shows that defendants charged with domestic violence tend to be rearrested significantly faster than defendants charged with other offenses. In FY 2004, 377 defendants were charged with domestic violence on more than one occasion. Additionally, 228 defendants were charged with domestic violence and violating a civil protection order. The numbers of defendants charged with multiple domestic violence offenses present a significant safety issue for the District of Columbia.

The use of GPS to monitor pretrial defendants and offenders released to the community is not a new concept. Within the past five years more jurisdictions have developed the use of GPS as a tool to assist in the monitoring of both offenders and pretrial defendants. GPS is currently used in many states and local jurisdictions for monitoring and tracking their community supervision population. In the District of Columbia, CSOSA's Community Supervision Program is conducting a pilot GPS monitoring project to track offenders on parole or probation. To date hundreds of offenders in the District of Columbia have been

## Types of Electronic Monitoring

**Electronic Monitoring (EM)** is used when a defendant is placed under a curfew or home confinement. The defendant wears a tamper-resistant transmitter on his/her ankle or wrist 24 hours a day. The transmitter emits a radio frequency signal that is detected by a receiver/dialer unit connected to the home phone. When the transmitter comes within range of the receiver/dialer unit, the unit calls a monitoring center to indicate the defendant is at home. The defendant must stay within 150 feet of the receiver/dialer unit. The transmitter and the receiver/dialer work together as a unit to detect and report if and when the defendant leaves the home. This type of system cannot provide information on where the defendant goes if he/she leaves the home and will only work with a traditional landline telephone.

**Wireless Cellular** consists of a transmitter worn by the defendant and a field-monitoring device (FMD) which is connected through a wireless telephone line. The FMD is connected to a motion detection unit, which prevents the unit from being moved. Like the EM systems, the wireless cellular systems cannot provide information on where the defendant goes if he leaves the home.

**Global Positioning Systems (GPS)** consists of a tamper proof ankle bracelet and a personal tracking unit, which must remain within 150 feet of each other, and a base station for charging the personal tracking device. A network of 24 GPS satellites receive constant signals from the personal tracking unit, allowing the defendant's position (within 100 feet) to be determined at all times. In addition, the system can alert authorities if the defendant enters predetermined exclusion zones.

monitored using GPS. Using GPS monitoring technology for the pretrial domestic violence recidivist population is equally appropriate.

The funding requested in this initiative will allow PSA to expand its Electronic Monitoring Program beyond the traditional EM systems to include both wireless cellular and GPS monitoring.

### **Summary of Requested Resources**

This initiative requests funding for three FTEs (PSOs) and includes \$114,000 for wireless cellular monitoring (50 defendants at \$6.25 per day) and \$183,000 for GPS monitoring (50 defendants at \$10.00 per day).

### **Relationship to the PART/Strategic Plan**

The ability to closely supervise those defendants who represent the greatest risk to public safety is inherent in the mission of the Pretrial Services Agency. The PSA Strategic Plan establishes two major goals: reducing the rearrest rate for defendants under pretrial supervision and reducing defendant's rate of failure to appear for court. PSA seeks to accomplish these goals by assuring each defendant under supervision is assigned the appropriate levels of pretrial supervision. Incorporating new technologies into PSA's arsenal of supervision tools will allow PSA to better protect the community and assure defendants receive the least restrictive release conditions.

## Critical Success Factor 3: Treatment and Related Services

### Analysis by Critical Success Factor

#### Budget Request

CSF 3		2007 Estimate (CR Level)	2007 Pres. Budget	Total ATBs	Total Program Changes	2008 Request	Change 2007/2008
<b>Treatment</b>	\$000	\$12,005	\$12,672	\$914	\$733	\$13,652	\$1,647
<b>Related</b>	FTE	54	2		2	56	2

\$702,050 for Extensive supervision Caseload Reduction

### Program Summary

The connection between substance abuse and crime has been well established. Success in reducing rearrest and failure to appear for court depends on two key factors: 1) identifying and treating drug use and other social problems, and 2) establishing swift and certain consequences for continued drug use. Sanction-Based Treatment (SBT) is one of the most effective

**P**rovide for, or refer defendants to, effective substance abuse, 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.

tools for breaking the cycle of substance abuse and crime. In addition to public safety benefits, the community also benefits from the cost savings of providing treatment in lieu of incarceration. PSA is committed to providing SBT programs to the defendant population as a mechanism for enhancing community safety. In FY 2006, defendants using drugs had a rearrest rate of 19%, while non-drug using defendants had a rearrest rate of only 5%.

Drug use also can contribute to failures to appear for scheduled court dates. Drug use is often an indicator of a disorganized lifestyle, and disorganization is the most frequently cited reason for failures to appear.<sup>5</sup> Assuring that defendants appear for scheduled court hearings is central to PSA's mission. To fulfill its mission, the Agency must therefore address drug usage issues with the defendants the Agency supervises.

<sup>5</sup> Clarke, Stevens H., "Pretrial Release: Concepts, Issues and Strategies for Improvement," Research in Corrections, Vol. 1, Issue 3, National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1988.

The D.C. Superior Court Drug Intervention Program (Drug Court), which is administered by PSA, participated in an independent experimental evaluation<sup>6</sup> designed to compare the impact of sanction-based contingency contracts with an intensive drug treatment program. The sanction-based contingency contract program, which did not require mandatory treatment, and the intensive drug treatment program both were compared with traditional case processing. PSA used drug test results to identify defendants in need of drug treatment. Drug testing was found to be an effective and efficient way of identifying habitual drug users, and test results helped PSA focus its resources on known users.

The evaluation established that defendants participating in the intensive drug treatment program had greater reductions in drug use and reported significantly fewer drug-related social problems in the year following sentencing than did those defendants whose cases were traditionally processed through the D.C. Superior Court. Defendants participating in the sanction-based contingency contract program received graduated sanctions for failing compulsory drug tests. Participants in this program were significantly less likely than traditionally processed defendants to be arrested in the year following sentencing. In response to the evaluation findings, PSA has combined intensive drug treatment with graduated sanctions for all defendants participating in the Drug Court. The synergistic impact of treatment and graduated sanctions is expected to produce better results than either approach individually.

Research performed by the Washington/Baltimore High Intensity Drug Trafficking Area project has found that the length of time in treatment contributes proportionately to reductions in arrest, drug use and technical violations. In addition, this study found that involvement in drug treatment programs with regular drug testing and immediate sanctions for violations resulted in a 70% reduction in recidivism in the 12 months following completion of the programs.<sup>7</sup>

Given PSA's mission of enhancing public safety, the Agency must address drug use in the defendant population. PSA has done this in a number of ways. PSA has expanded the use of sanction-based drug treatment and continues to expand the range of tools available to assist in the supervision of higher risk defendants. Defendant access to education, employment and other types of social services has improved. PSA is also working closely with CSOSA's Community Supervision Program (CSP) to leverage their investments in community-based resources.

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<sup>6</sup> Harrell, A., Cavanagh, S., and John Roman, "Evaluation of the D.C. Superior Court Drug Intervention Programs," Research in Brief, National Institute of Justice, U.S. Department of Justice, 2000.

<sup>7</sup> Certification Report, CSOSA, 2000

## Performance Measures

Measures		FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target
3.1	Percentage of referred defendants who are assessed for substance abuse treatment	70%	99%	98%	99%	99%	99%	99%
3.2	Percentage of eligible assessed defendants placed in substance abuse treatment programs <i>IH – In-House;</i> <i>C – Contractual Program;</i> <i>B – Both</i>	54% IH 86% C	46%B	51% B	44%	70%	70%	50%
3.3	Percentage of defendants who have a reduction in drug usage following placement in a sanction-based treatment program	63%	72%	81%	81%	65%	65%	80%
3.4	Percentage of defendants connected to educational or employment services following assessment by the Social Services and Assessment Center	38%	36%	100%	81% <sup>8</sup>	65%	65%	75%
3.5	Percentage of referred defendants who are assessed or screened for mental health treatment		99%	97%	99%	99%	99%	99%
3.6	Percentage of eligible assessed defendants connected to mental health services		78% (based on data from last half of FY 2004)	67%	76%	80%	80%	80%

Drug using, mentally ill, or dually diagnosed defendants are at higher risk for rearrest and failure to appear for court. The measures associated with PSA's integration of supervision with treatment are focused on addressing the specialized needs (e.g., drug use, unemployment, and mental health problems) of released defendants and are applied to in-house and contractual sanction-based substance abuse treatment programs and social and mental health services.

In addition to drug use, other factors such as unemployment, low educational attainment, and homelessness can contribute to criminal activity. As PSA builds successful relationships with a broad range of service providers, other services are being identified that may impact criminal behavior or provide support to defendants.

<sup>8</sup> This represents the percentage of defendants referred to the Social Services and Assessment Center (SSAC) for educational or employment services for whom an appointment was made with community service providers. Because PSA does not regularly track actual placements for services that are not court ordered, connection to service (an appointment made for the defendant with an external service provider) was used as a proxy.

Treatment and support services are provided in the following three areas:

**Substance Abuse:** Given the nexus between drug use and crime, PSA is compelled to address drug use in the defendant population. PSA responds to drug use by referring defendants to appropriate treatment and working to ensure their placement. PSA utilizes a variety of treatment resources. For certain categories of defendants, PSA provides both close supervision and in-house treatment. For others, PSA refers and places defendants in sanction-based treatment via contractual providers while continuing to provide supervision. Finally, if sanction-based treatment is not available or is not ordered by the court, PSA will provide supervision and refer defendants to community-based providers.

**Social Services:** Research supports the premise that employment and education services can contribute to a reduction in recidivism. Recognizing this, PSA utilizes its Social Services and Assessment Center to coordinate education, employment and other social services for defendants on the “front end” of the criminal justice system and begin the process through which defendants will be able to secure gainful employment.

**Mental Health:** Many defendants in the District’s criminal justice population have mental health problems severe enough to affect their ability to appear in court and to remain arrest-free. Based on surveys in jail systems across the country, it is expected that over 15% of defendants will have a serious mental illness. Many of these defendants are in need of substance abuse treatment as well. The Specialized Supervision Unit, which was established during the third quarter of FY 2003, addresses the needs of this dually diagnosed population by providing specialized supervision and by arranging for needed mental health and substance abuse services.

## **Accomplishments**

PSA, in conjunction with CSOSA, opened its Assessment and Treatment Readiness Unit in the Reentry and Sanction Center. The unit will provide 18 residential pre-treatment beds for defendants who are assessed to need substance abuse residential treatment, but are resistant to treatment and/or need additional assessment.

PSA has moved its Specialized Supervision Unit and its Social Services and Assessment Center into the Treatment Branch. With this realignment, PSA placed substance abuse and mental health assessment and treatment and supportive services in one area. PSA also transferred responsibilities for completing mental health assessments and referral for mental health services from the Specialized Supervision Unit to the Social Service and Assessment Center. This has allowed defendants to receive substance use, mental health, and social service assessments and referrals in one office. This also has enhanced continuity of care and improved coordination of treatment and supervision for substance abusing defendants and allows the Specialized Supervision Unit to focus exclusively on providing close supervision for the challenging mentally ill population.

In FY 2006, over 3,600 substance abuse assessments and over 770 mental health assessments were completed. Over 99 percent of the defendants assessed for substance abuse were found to be in need of treatment and 1,571 or 44% of those assessed as needing treatment were placed in a substance abuse treatment program either in-house, contractual, or a combination of both. Over 500 defendants or 76 percent of those found to be in need of mental health treatment received

specialized supervision services and/or were linked to mental health services. PSA also implemented streamlined procedures to expedite the placement of defendants in treatment.

PSA completed a process that began in FY 2005 to provide support to the District of Columbia Department of Mental Health in its efforts to comply with new regulations requiring that it develop an outpatient program to restore competence to defendants found to be mentally incompetent to stand trial. At the request of the Superior Court and the Department of Mental Health, PSA now provides drug testing and limited supervision/monitoring for these defendants who are on pretrial release and participating in an outpatient competency restoration program.



## Critical Success Factor 4: Partnerships

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### Analysis by Critical Success Factor Budget Request

CSF 4		2007 Estimate (CR Level)	2007 Pres. Budget	Total ATBs	Total Program Changes	2008 Request	Change 2007/2008
Partnerships	\$000	\$211	\$242	\$23	\$39	\$273	\$62
	FTE	2	0		0	2	0

\$ 31,450 For Extensive Supervision Caseload Reduction (See CSF 2 for description)

### Program Summary

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Effective partnering with other justice agencies and community organizations is a major strategy through which PSA enhances public safety in the District's neighborhoods and builds the capacity for support services for defendants under pretrial supervision. It is through these partnerships with the courts, the United States Attorney's Office for the District of Columbia (USAO), Office of the Attorney General for the District of Columbia, various District government agencies, and non-profit community-based organizations that PSA can effectuate close supervision to assure that defendants will return to court and not be a danger to the community while on pretrial release. In addition, treatment and social service options are developed and/or expanded to enhance PSA's ability to address the social problems that contribute to criminal behavior, thereby increasing defendant's likelihood of success 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.

**E**stablish and maintain 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.

The Office of Justice and Community Relations leads interagency planning for community-based initiatives, develops interagency collaborations with CSOSA's Community Supervision Program, and identifies opportunities for partnerships with other justice agencies and community organizations that enhance the work of PSA.

## Performance Measures

The measure associated with Critical Success Factor 4 is an output measure and provides the foundation for other targeted outcomes. For example, this measure contributes to the achievement of the targets established for Measure 3.2 (placement in substance abuse treatment), Measure 3.3 (reduction in drug use), Measure 3.4 (connection to educational or employment services) and Measure 3.6 (connection to mental health services).

Measures		FY 2003 Actual	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target
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	NA	13	19*	20	17	17	17

\*Reduced by 1 at the end of FY 2005.

## Accomplishments

At the request of the Superior Court, PSA entered into a partnership with two additional community agencies which have agreed to serve as host sites for defendants participating in the East of the River Community Court. Partnering with these agencies (Ward 7 Neighborhood Services and East of the River Police/Clergy Partnership) will make it easier for defendants to complete community service in the same neighborhoods where they are accused of committing crimes.

PSA worked with the Superior Court staff to resolve Family Court issues with the interface between PRISM-Juvenile and the Integrated Justice Information System (IJIS). Together, staff worked on requirements that led to the purchase and implementation of a separate server to allow Family Court staff to view and print drug test status reports from PRISM-Juvenile. PSA also assisted in the training of court personnel.

**Pretrial Services Agency**  
**Summary of Change**  
*fiscal year 2008*

	Permanent Positions	FTE	Amount \$(000)
<b>FY 2007 Estimated Budget(FY 2006 Enacted)</b>	<b>325</b>	<b>325</b>	<b>41,773</b>
<b>Adjustment to Base</b>			
FY 2007 Pay Raise			1,666
FY 2007 General Price Index			286
<b>Total ATB</b>			<b>1,952</b>
<b>FY 2007 Base</b>	<b>325</b>	<b>325</b>	<b>43,725</b>
<b>Program Changes</b>			
Extensive Supervision	12	12	1,703
Electronic Monitoring - Cellular/GPS	3	3	768
<b>Total Program Changes</b>	<b>15</b>	<b>15</b>	<b>2,471</b>
<b>Total Changes</b>	<b>15</b>	<b>15</b>	<b>4,423</b>
<b>FY 2007 President's Budget</b>	<b>340</b>	<b>340</b>	<b>46,196</b>
<b>Adjustment to Base</b>			
FY 2008 Pay Raise	0	0	1,736
FY 2008 General Price Increase	0	0	311
<b>Total ATB</b>	<b>0</b>	<b>0</b>	<b>2,047</b>
<b>FY 2008 Base</b>	<b>340</b>	<b>340</b>	<b>48,243</b>
<b>Program Changes</b>			
Extensive Supervision	10	10	1,651
<b>Total Program Changes</b>	<b>10</b>	<b>10</b>	<b>1,651</b>
<b>Total Changes</b>	<b>10</b>	<b>10</b>	<b>3,698</b>
<b>FY 2008 Request</b>	<b>350</b>	<b>350</b>	<b>49,894</b>
<b>Percent Increase over FY 2007 Estimate</b>	<b>7.7%</b>	<b>7.7%</b>	<b>19.4%</b>
<b>Percent Increase over FY 2007 President's Budget</b>	<b>2.9%</b>	<b>2.9%</b>	<b>8.0%</b>

**Pretrial Services Agency**  
**New Initiatives**  
Salaries and Expenses  
Financial Analysis - Program Changes

	<u>Positions</u>	<u>Amount \$(000)</u>
GS-15	0	0
GS-14	0	0
GS-13	1	86
GS-12	20	1,470
GS-11	0	0
GS-10	0	0
GS-9	0	0
GS-8	0	0
GS-7	4	172
GS-6	0	0
GS-5	0	0
Total Positions	<u>25</u>	<u>1,728</u>
Total FTE	25	
11.1 Full Time Permanent	25	1,728
11.3 Other Than Full Time Permanent		0
11.5 Other Personnel Cost		73
12.1 Benefits		721
Total Personnel Cost	<u>25</u>	<u>2,522</u>
21.0 Travel and Training		52
22.0 Transportation of Things		7
23.2 Rental Payments to Others		484
23.3 Communications, Utilities, and Misc.		146
24.0 Printing		0
25.1 Consulting Services		297
25.2 Other Services		35
25.3 Purchases from Government Accounts		122
26.0 Supplies and Materials		29
31.0 Furniture and Equipment		398
32.0 Buildout		30
Total Non-Personnel Cost		<u>1,600</u>
Total Cost		<u>4,122</u>

Pretrial Services Agency  
**SALARIES and EXPENSES**  
**SUMMARY OF REQUIREMENTS by GRADE and OBJECT CLASS**  
*(Dollars in Thousands)*

Grade	2006 Actual		2007 Estimate		2007 Pres. Budget		2008 Request		Variance	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
<b>SL - Subtotal</b>	3	487	3	487	3	490	3	512	0	23
GS-15	8	1,051	8	1,104	8	1,119	8	1,169	0	50
GS-14	22	2,385	22	2,504	22	2,544	22	2,657	0	113
GS-13	39	3,474	39	3,723	40	3,709	40	3,874	0	165
GS-12	127	9,303	127	10,023	137	10,659	147	11,849	10	1,189
GS-11	33	1,931	33	2,081	33	2,001	33	2,090	0	89
GS-10	2	123	2	129	2	131	2	137	0	6
GS-09	29	1,551	29	1,760	29	1,515	29	1,583	0	67
GS-08	12	555	12	583	12	592	12	618	0	26
GS-07	33	1,536	33	1,721	37	1,694	37	1,770	0	75
GS-06	6	243	6	255	6	258	6	269	0	11
GS-05	11	428	11	449	11	456	11	476	0	20
<b>Total Appropriated Positions</b>	<b>325</b>	<b>23,067</b>	<b>325</b>	<b>24,820</b>	<b>340</b>	<b>25,170</b>	<b>350</b>	<b>27,004</b>	<b>10</b>	<b>1,834</b>
<b>Object Class</b>										
11.1 Full Time Permanent	325	23,067	325	23,067	340	25,170	350	27,004	10	3,937
11.3 Other Than Full-Time Permanent		0		0		0		0		0
11.5 Other Personal Compensation		98		98		152		188		90
12.0 Personnel Benefits		8,438		8,438		8,951		9,906		1,468
13.0 Unemployment Compensation		18		18		18		19		1
<b>Personnel Costs</b>	<b>325</b>	<b>31,621</b>	<b>325</b>	<b>31,621</b>	<b>340</b>	<b>34,290</b>	<b>350</b>	<b>37,116</b>	<b>10</b>	<b>5,496</b>
21.0 Travel & Training		293		293		329		361		68
22.0 Transportation of Things		6		6		10		13		7
23.2 Rental Payments to Others		3,708		3,708		4,088		4,392		684
23.3 Communications, Utilities & Misc.		485		485		585		659		174
24.0 Printing and Reproduction		18		18		19		19		1
25.2 Other Services		4,027		4,027		4,961		5,172		1,145
26.0 Supplies and Materials		588		588		618		649		61
31.0 Furniture and Equipment		958		958		1,222		1,411		453
32.0 Buildout		69		69		75		102		32
42.0 Claims		0		0		0		0		0
<b>Non-Personnel Costs</b>		<b>10,152</b>		<b>10,152</b>		<b>11,906</b>		<b>12,778</b>		<b>2,625</b>
<b>TOTAL</b>	<b>325</b>	<b>41,773</b>	<b>325</b>	<b>41,773</b>	<b>340</b>	<b>46,196</b>	<b>350</b>	<b>49,894</b>	<b>10</b>	<b>8,121</b>
<b>OUTLAYS</b>		40,684		41,773		45,312		49,155		3,843

**Pretrial Services Agency  
Salaries and Expenses  
Outyear Projections**

FY 2008 - 2013

*(Dollars in Thousands)*

	2008	2009	2010	2011	2012	2013
<b>Base Program:</b>						
Personnel	37,116	37,970	38,843	39,737	40,651	41,585
Non-Personnel	12,778	13,085	13,399	13,720	14,050	14,387
Subtotal	49,894	51,055	52,242	53,457	54,700	55,972

## **APPENDIX A**

### **PSA's Role in the Criminal Justice System**

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As with any criminal justice system, the District of Columbia's system is composed of numerous agencies. PSA performs two critically important tasks that contribute significantly to the effective administration of justice.

- PSA investigates and presents demographic and criminal history information about newly arrested defendants and recommends release options for use by judicial officers and law enforcement agencies in deciding what, if any, release conditions are to be set; and
- PSA supervises defendants released from custody during the pretrial period by monitoring their compliance with conditions of release, bringing them into compliance through an array of supervision and treatment options, or alternatively, recommending revocation of release, and by notifying defendants about scheduled court hearings.

# Pretrial Services Agency's Collaborative Role With Its Major Partners in the D.C. Criminal Justice System



**CSOSA:** PSA works closely with CSOSA's Community Supervision Program (CSP) because many defendants are eventually convicted and transfer to CSP's supervision. CSP information can be useful during initial hearings on new charges in identifying patterns of criminal behavior. PSA considers information about a defendant's compliance with community supervision (probation or parole) conditions in assessing flight and public safety risks. This timely exchange of information significantly improves PSA's initial release recommendations. Criminal history information collected and researched by PSA is used by CSP for Pre-Sentence Investigation reports. PSA also works with CSP to provide for a smooth transition for defendants sentenced to probation by the D.C. Superior Court. Compliance and substance abuse treatment information is made available to CSP for defendants sentenced to probation. Offenders who began treatment programming prior to conviction are transferred seamlessly from PSA to CSP.



**DC Metropolitan Police Department:** PSA worked with MPD to reinstate the citation release program, which was closed down in 1996 due to fiscal constraints. PSA assists MPD in determining whether defendants charged with misdemeanor offenses (excluding domestic violence charges) and traffic and regulatory offenses can be released from the police substation to appear for arraignment at a later date. As part of this process, PSA conducts a criminal history check, interviews the defendant, and verifies the defendant's personal background information to formulate a release recommendation for MPD.



**DC Department of Corrections:** PSA supervises release conditions for defendants on pretrial work release. Drug testing is the most likely condition to be supervised. Work release defendants are assessed for substance abuse/dependence if there is a drug testing and/or drug treatment requirement, and referrals to treatment programs are made as indicated. If requested by the DOC contracted halfway house, defendants are assessed by the PSA Specialized Supervision Unit for mental health problems, and, when required, are referred to the Department of Mental Health for treatment. PSOs communicate with halfway house personnel to obtain halfway house compliance information, and report non-compliant information to the Court.



**Federal Probation:** Seamless transition from one type of supervision to another is also in place for defendants convicted of federal crimes. Defendants sentenced to probation by the U.S. District Court are 'handed-off' by PSOs to their federal probation counterparts in the Administrative Office of the U.S. Courts. These seamless transitions ensure strict accountability, enhance public safety, and promote successful reintegration into the community. PSA also supervises persons awaiting placement to serve their sentence in a Federal facility.

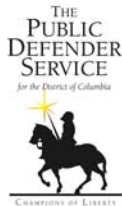




**D.C. Superior Court and U.S. District Court:** At the point of release, PSA relies upon the Courts to order release conditions based on PSA risk assessments. During the remainder of the pretrial supervision period, PSA looks to the courts to adjust release conditions and administer sanctions and incentives as needed, based on PSA recommendations. Increasingly, PSA is relying upon electronic monitoring and sanction-based treatment to reduce the risk of flight and the public safety risk to the community. PSA will continue to work with the Court to create a series of administrative sanctions, such as those in place in some of PSA’s specialized supervision programs, which the PSOs are authorized to apply without returning for a court hearing. PSA also manages the Citation calander for the Superior Court.



**U.S. Attorney’s Office:** The U.S. Attorney’s Office for the District of Columbia decides whether to “paper” (process) a case for prosecution. At the initial court hearing, PSA provides an objective assessment of a defendant’s likelihood of flight and rearrest, and recommends the least restrictive conditions necessary for each defendant. Assistant U.S. Attorneys (AUSAs) may request additional conditions of release or may request detention. PSA provides the AUSAs with information about a defendant’s performance during the period of pretrial supervision. The support of the prosecutor is helpful in getting judicial sanctions imposed on noncompliant defendants, up to and including revocation of release.



**Federal/D.C. Public Defender Services/Defense Bar:** The support of the defense bar has been particularly evident in the success of pretrial programs such as Drug Court, Options (a specialized supervision program for the mentally ill), the Community Court and various diversion programs.



**Criminal Justice Coordinating Council (CJCC):** The CJCC is made up of the relevant local and federal criminal justice agencies. The CJCC is intended to facilitate coordination and collaboration among D.C.’s criminal justice agencies. As a CJCC member agency, as well as a member of the Pretrial Systems and Community Options Committee of the CJCC, PSA participates in system-wide efforts to improve the operation of the city’s criminal justice system.



**D.C. Office of Attorney General:** The D.C Office of Attorney General processes D.C. misdemeanor and traffic offenses. PSA provides a Pretrial Services report containing a criminal history for these defendants.