



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 20, 2021

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Pretrial and Probation Office Transition to Standalone Unit.

ISSUE: Transfer of Pretrial and Probation Office from the Sheriff's Department to the City Manager's Office.

RECOMMENDATION: That City Council concur in the transition of the Pretrial and Probation Office to standalone status from its current organizational status as reporting to the Sheriff's Office, per termination of the Memorandum of Understanding in which the City of Alexandria is the Administrator and the Sheriff's Office has been the Implementing Agent.

BACKGROUND: Local probation services began in Alexandria in 1997 and pretrial services in 2001, following the Comprehensive Community Corrections Act (CCCA, §9.1-173 COV) that enabled any city, county or combination thereof to develop, establish, and maintain a local community-based probation services agency to provide the judicial system with sentencing alternatives that do not include incarceration for persons convicted of felonies that are not acts of violence, have less than a 12 month sentence, and may not require institutional custody. Throughout the Commonwealth, these offices have been, and continue to be, partially funded through an annual Virginia Department of Criminal Justice Services grant with a local match.

Over 20 years ago, the City placed the Pretrial and Probation Office within the Sheriff's Department when the program began and, through a Memorandum of Understanding (MOU), the City is the Administrator and Fiscal Agent for the program and the Alexandria Sheriff's Office has been the Implementing Agent (Attachment 1). The MOU allows the Implementing Agent to terminate the agreement to oversee the program if they provide a 90-day notice. The Sheriff provided written notification on October 1, 2020 of its decision to terminate (Attachment 2), though has since agreed to an additional month of service in order to give the City more time to implement.

Pretrial services provide defendant background information and recommendations that assist judicial officers in

determining or reconsidering bail decisions and conditions. This includes recommendations to the judge on pretrial probation, including bail, treatment, community service, etc. While combining secure bond with pretrial supervision is permitted by statute, the intent of pretrial supervision is to provide judicial officers with a non-financial pretrial release option as an alternative to jail. Defendants placed on pretrial supervision have high appearance, public safety and compliance rates. Success for pretrial supervision is defined as appearing for court as required, not getting arrested for new crimes, and not violating any conditions of pretrial release. Pretrial Officers conduct face-to-face interviews, perform criminal history record checks, verify information, and combine the information into reports for the Court's use. Pretrial services also provide supervised release for the courts while a defendant awaits trial and/or sentencing. The Pretrial Office typically conducts five to twenty risk assessments and video arraignments each weekday morning, in advance of the scheduled trials.

Probation provides supervision and services for misdemeanor offenders who are placed on probation supervision by the courts. Probation orders are similar to pretrial probation, such as treatment, community service, anger management classes, substance abuse screenings, house arrest, etc. The court can direct the probation officer to enforce the order and, if there is a violation, the officer can swear out a warrant for an arrest.

Currently, the City employs two Pretrial Supervision Officers/Investigators, two probation officers, an Administrative Assistant, a part-time Supervision Officer, and a Director as part of this office. In addition to high caseloads the Sheriff's Office has provided two Sheriff's Deputies. At any given time, the office oversees roughly 375 cases (55% for pretrial cases and 45% for probation cases) with the highest number of case types related to domestic violence offenses. This office only oversees cases for offenders over the age of 18. Commonwealth employees in the Court Services Unit oversee all juvenile cases. Commonwealth Probation Officers, not employed by the City, oversee offenders that are over 18 and on trial or convicted of felonies, rather than misdemeanors (see attachment #3 for process flow chart).

DISCUSSION: In order to determine a logical placement of the Pretrial and Probation Office in the City, outside the Sheriff's Office, City staff reviewed the organization of other Virginia jurisdictions and similarly aligned services within the City. In recent years many jurisdictions have moved their Pretrial and Probation Office out of the Sheriff's Department so they do not report to an elected official's supervision and to disassociate softer sentencing of community probation from being within a jail services organization. This was the case in Norfolk, which moved its Pretrial and Probation Office under the City Manager's Office and now directly reports to a Deputy City Manager. Similarly, in Hanover County, the Pretrial and Probation Office was renamed the Hanover Country Community Corrections and Pretrial Services Department and is one of the Public Safety Departments reporting to the Deputy County Administrator. The Prince William County office reports to a Director of Criminal Justice Services, under the County Executive.

The only arrangement in Virginia in which the Pretrial and Probation Office is within the Court Service Unit is in Fairfax County. This arrangement in which the Office reports to a Commonwealth Agency is considered "grandfathered" and not a model that the Alexandria criminal justice system can replicate within the scope of the City's Court Services Unit, though the service deliveries align.

Moving Pretrial and Probation to a standalone unit reporting to the City Manager's Office also provides an opportunity to evaluate the program's workload distribution and efficiency of services, including increased strategic approaches to community corrections. It appears from state data that Alexandria's Pretrial and Probation Office has the highest caseload in the State. This work examining this offices operations will begin with a review and update of the biennial criminal justice plan, which is sent to the Virginia Department of Criminal Justice Services for review and approval as a requirement of the grant.

The Sheriff's Office has agreed to continue physically locating the Pretrial and Probation Office at the Public Safety Center on Mill

Road. This location is convenient for officers who conduct early morning pretrial interviews. However, the probation officers will need a vehicle to travel to and from the court which the City will need to provide.

NEXT STEPS: Upon determination of this transition, the Virginia Department of Criminal Justice Services requires: (1) an updated to the City organization chart to show where the operations of pretrial and local probation are housed and who they report to; (2) documentation of updated resolutions if there are any specific references to the role of the jail providing operational services; (3) documentation of updating the Community Criminal Justice Board (CCJB) on the transition; (4) a review and update of bylaws that may reference to the Sheriff's Department providing operational services to pretrial and local probation.

When the Pretrial and Probation Office transitions to standalone status there will be resources and support that the Sheriff's Office has been providing (office supplies, IT support, vehicle, administrative support, in-kind direct case support at times equivalent to about two case managers, responding when one of those pretrial or probation clients with electronic monitoring devices strays from their restricted area, etc.) which will need to be replaced.

FISCAL IMPACT: In FY20, the City contributed \$177,993 of local funds and received grant funding of \$494,351 through the Virginia Department of Criminal Justice Services. Additionally, the Sheriff's Office has provided the Probation Officers with a vehicle, office space, and in-kind office supplies and resources. The Sheriff's Department currently also handles IT and HR needs including hiring and payroll. They have also supplemented the office with Sheriff's Department staff, if needed. City staff is currently working on identifying IT and other resources needed to support the Pretrial and Probation Office when it is established as a standalone unit. In addition, consideration is being given to placing a staffing contingent in the FY 2022 City budget in the event it is determined that additional staffing for this office is needed.

STAFF:

Debra Collins, Deputy City Manager

Dana Wedeles, Special Assistant to the City Manager's Office

Desha Hall-Winstead, Director, Pretrial & Local Probation

ATTACHMENTS:

- (1) FY21 Grant Application
- (2) Letter Providing Termination Notice from the Sheriff
- (3) Criminal Justice System Process Map