



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** JUNE 16, 2021

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

**DOCKET TITLE:**

Allocation of Contingent Reserves to Implement Proposed Pretrial and Probation Program Improvements.

**ISSUE:** Allocation of funding for Alexandria criminal justice system improvements.

**RECOMMENDATION:** That City Council: Allocate the approved \$160,000 in the FY 2022 operating budget from contingent reserves set aside for this purpose for the uses described in this report including the addition of an additional probation officer and a part-time Investigator/Intake Officer.

**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 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 (70%) through an annual Virginia Department of Criminal Justice Services grant with a local (30%) match.

The City placed the Alexandria Criminal Justice Services (ACJS) Pretrial and Probation Office within the Sheriff's Department when the program began and, through a Memorandum of Understanding (MOU), the City was the Administrator and Fiscal Agent for the program and the Alexandria Sheriff's Office had been the Implementing Agent. The MOU allowed the Implementing Agent to terminate the agreement to oversee the program if they provide a 30-day notice, per § 9.1-179. The Sheriff's Department provided written notification of its decision to terminate on October 1, 2020, and, as of January 26, 2021, ACJS now reports directly to the City Manager's Office.

Pretrial services provide defendant background information and recommendations that assist judicial officers in determining or reconsidering bail decisions and conditions. This includes recommendations to a judge on pre-trial, including bail, treatment recommendations, alcohol & drug testing, GPS/Electronic Monitoring (Global

Positioning System), curfews, no contact and protective orders, 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 using the validated Virginia Pretrial Risk Assessment Instrument (VPRAI) and attend video arraignments each weekday morning. Pretrial Officers also provide detailed court reports to the judge, commonwealth attorney and defense attorney in advance of scheduled status hearings, trials, pleas and sentencing hearings.

Probation provides supervision and services for misdemeanor and low-level felony offenders who are placed on supervision by the courts. Probation orders are similar to pretrial orders such as treatment recommendations, community service, anger management classes, substance abuse screenings, cognitive behavioral therapy, domestic violence groups, parenting classes, etc. The court can direct the probation officer to enforce the order and, if there is a violation, the officer can request a *capias*/warrant for 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. 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. The Commonwealth of Virginia employees in the Court Services Unit oversee all juvenile cases. State Probation Officers, not employed by the City, oversee offenders that are over 18 and have been convicted of higher-level and violent felony offenses.

In FY20, the City provided \$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, custodial services, and in-kind office supplies and resources. The Sheriff's Department also handled IT and HR needs including hiring and payroll. On occasion they had also supplemented the office with Sheriff's Department staff, if needed.

**DISCUSSION:** Moving the program to the City Manager's Office oversight allows ACJS to operate with full autonomy which is consistent with Department of Criminal Justice Services (DCJS) recommendations. This also allows an opportunity to reevaluate the program's workload distribution and efficiency of services, including increased strategic approaches to community corrections across the Alexandria Community Criminal Justice Board (CCJB).

The City Manager tasked three staff from other City departments to work with ACJS and assess the resource and workload needs. Over a three-month timeframe, Dana Wedeles, Special Assistant to the City Manager, Percy White, Gang Prevention Coordinator in the Alexandria Court Services Unit, and Carlos Mendieta, Intake Officer in the Alexandria Court Services Unit, conducted listening sessions with each staff member in ACJS with the objective to (1) gain an understanding of the resources needed in the short and long term for the transition from the Sheriff's Office to a standalone Pretrial and Probation Office; and (2) ensure the process is set up for individuals to improve their lives. The discussions in the listening sessions, held between March to April 2021, focused on process, caseloads, communication, office strengths and weaknesses, and client success.

These discussions then led to a list of prioritized recommendations.

In listening sessions, staff discussed the office strengths and weaknesses. The overall takeaway from staff was that they feel they have a good team that is flexible and works well together. They are passionate about helping their clients get the programs they need to improve their lives. Also, they feel they have great leadership and are excited about the opportunities that lie ahead as a stand-alone office. However, there are many challenges that staff face in completing their routine tasks and in helping clients succeed.

During the sessions, staff collectively identified forty-five recommendations to help them succeed. To prioritize these recommendations into action items, Ms. Wedeles asked each staff member to identify the importance and urgency of each item through a survey. The results of this survey categorized the recommendations into four quadrants: 1) do now, 2) plan for, 3) delegate, 4) hold off on or eliminate. The prioritized recommendations below are consolidated into action items by quadrant.

### ***Do Now (Urgent and Important)***

- 1. Hire Additional Probation Officer:** Staff are overwhelmed with caseloads, including the Director who carries a caseload of over ninety clients. When the Office was supervised within the Sheriff's Office, they often would have assistance from Sheriff's Office staff assigned to assist them through caseloads. This assistance is no longer available. Additionally, there is one Spanish speaking staff member who is supposed to be assigned to pretrial cases. However, she takes on all Spanish-speaking probation cases as well, because of her multi-lingual capabilities. All staff members discussed that they often work close to 12-hour days and feel they can barely make a dent in the work.
  - a. Action:** Hire an additional probation officer, with a preference towards a Spanish speaking individual with experience in behavioral health.
- 2. Hire part-time Investigator/Intake Officer:** A part-time Investigator would alleviate staff from the need to conduct early morning investigations, pretrial reports and intakes, allowing the Pretrial Officer to instead focus on supervision and the client's needs.
  - a. Action:** Hire a part-time Investigator/Intake Officer.
- 3. Provide Teambuilding Opportunities:** Five of the seven staff members have been with the City for less than three years, with two of the staff members joining the City just before the COVID pandemic. While the team has worked well together, there has been little opportunity to develop, strategize, and set goals.
  - a. Action:** Hold a 3-hour session at Building Momentum in July
  - b. Action:** Hold regularly scheduled "learning team" meetings to brainstorm and collaborate on process improvement
- 4. Develop career ladder:** There is currently no upward mobility, which contributes to high turnover. Neighboring jurisdictions offer more growth, including Probation Officer I, II, Senior Probation Officer, etc.).
  - a. Action:** Work with Human Resources to undergo a compensation study
- 5. Streamline front desk, paperwork, and communications:** There are outdated methods of communication and inconsistency of paperwork, including client files. Staff need to develop a process improvement mechanism that can ensure everyone has the paperwork and information they need to efficiently and appropriately file client documentation. This also includes greater access to background information, such as police reports.
  - a. Action:** Hold learning team sessions on front desk process improvement
- 6. Construct or designate use of a second bathroom:** Staff currently do not have access to "employee only" restrooms. This can often lead to uncomfortable and, potentially, unsafe, situations interacting

with clients.

**a. Action:** Designation of a bathroom on another floor of the Public Safety Center is the likely solution.

**7. Re-assess client access to court-ordered classes:** Staff conveyed several concerns in clients having constrained access to court ordered classes. These mainly focus on 1) wait lists for CSB treatment, 2) financial barriers to classes outside of the CSB, and 3) inequities in access to classes. Staff also showed passionate interest in holding in-house counselling services to eliminate some of these barriers to treatment.

**a. Action:** Develop study with greater understanding and recommendations related to class resources and potential in-house options

**b. Action:** Determine potential classroom space to be able to hold classes.

**8. Implement multi-lingual text message appointment reminder system:** Staff often have trouble tracking down clients to communicate appointments. This is particularly challenging for non-English speaking clients. A multi-lingual message appointment system would automatically text clients their dates, eliminating the staff time needed to locate individuals and translate information.

**a. Action:** A scope of work received for this system two years ago gave a cost estimate of roughly \$2,000.

### ***Plan Ahead (Important but not urgent)***

The following items will be further addressed at a later date:

1. Hold regular refresher trainings on state updates.
2. Coordinate more technological communication mechanisms between ACJS and the Circuit Court
3. Offer Community Service in lieu of paying fees
4. Develop transgender client policy
5. Increase support for system navigation for non-English speakers

### ***Delegate (Less important but urgent)***

Ms. Hall-Winstead will delegate the following items to other team members:

1. Develop protocol for in-person client meetings (post-COVID)
2. Develop workplan with clear roles and responsibilities
3. Close outstanding caseloads.

### ***Hold-Off (Less Important, Not Urgent)***

ACJS will hold off on addressing the following items until they have greater capacity:

1. Have computers in the lobby for faster client check-in
2. Improve process for getting people off pretrial sooner
3. Improve ability for client to complete community service
4. Attend refresher course on city functions
5. Attend HR process training
6. Develop goal for average length of time each client is on probation.

**FISCAL IMPACT:** As part of the FY22 Adopted Budget, City Council approved contingency funding of \$160,000 to be allocated to support pretrial and probation services for local offenders if a study of caseloads indicates additional staffing is needed. The findings above indicate a strong need for this funding and recommends the following uses:

GPS Monitoring Devices:	\$12,000
Custodial Services:	4,200
Hire additional Probation Officer (GS19)	120,000
Hire a part-time Investigator/Intake officer	20,000
Teambuilding Session	1,200
Mental Health Training	500
Multi-Lingual test message appointment system:	2,100
<b>TOTAL</b>	<u>\$160,000</u>

The recommendations also suggest that additional funding will be needed beyond FY22 for the following purposes:

1. Compensation to correlate to a career ladder
2. Funding to subsidize the elimination of financial barriers to clients completing programs
3. Provision of classroom space and consideration of moving the Pretrial and Probation Office closer to the Courthouse will occur over the next six (6) months.

The costs of these needs will be further explored in the upcoming months.

**STAFF:**

Debra Collins, Deputy City Manager

Desha Hall-Winstead, Director, Alexandria Criminal Justice Services

Dana Wedeles, Special Assistant to the City Manager

Percy White, Gang Prevention & Intervention Coordinator