

OLD DOMINION COURT SERVICES

ANNUAL REPORT

FY 2016

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MESSAGE FROM THE COMMUNITY CORRECTIONS CHIEF

It is with pleasure the Annual Report for Fiscal Year 2016 is submitted as a representation of the functions of Old Dominion Court Services – Pretrial Services & Local Probation. The Old Dominion Court Services provides critical functions at both the pre and post adjudication stages of the criminal justice system.

Old Dominion Court Services conducts pretrial investigations and provides pretrial supervision. Pretrial Services is designed to aid the courts in the initial processing of defendants, reducing jail overcrowding, and upholding public safety. The program accomplishes these tasks by providing assessments and background information about defendants to the judiciary at court hearings, as well as, providing supervision for defendants awaiting trial.

Old Dominion Court Services local probation is designed to provide the judicial system with sentencing alternatives for misdemeanants and certain non-violent felons for whom the court may impose a jail sentence and who may require less supervision than institutional custody.

If you would like further information regarding services provided by this agency, please contact me or any of our staff at 540.535.7155.

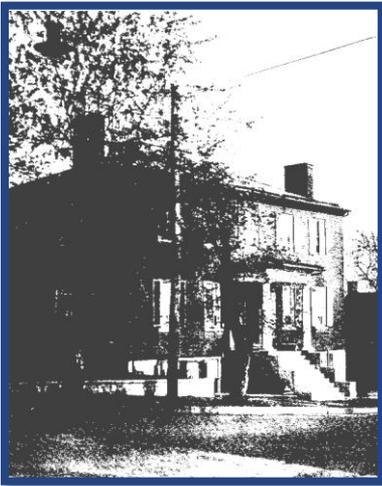


S. Kimberly Chmura
Community Corrections Chief

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HISTORY OF OLD DOMINION COURT SERVICES



*OLD DOMINION COURT SERVICES, CAMERON STREET
ODCS MOVED IN JULY 2011*

In August of 1995, the Common Council of the City of Winchester and the Board of Supervisors for the Counties of Frederick, Clarke, Warren, Shenandoah, and Page, by joint action, resolved to implement the *Comprehensive Community Corrections for Local Responsible Offenders (CCCA)* and the *Pretrial Services Act (PSA)*. By said resolutions, the former Blue Ridge Community Diversion Incentive (CDI) Program, which had been responsible for supervision of locally responsible offenders from all said localities since 1981, was renamed the Old Dominion Community Corrections

Program and was made responsible for the implementation of the CCCA.

Also at that time, the Northwestern Regional Adult Detention Center [NRADC] established the Pretrial Services Program. This joint resolution established the Old Dominion Community Criminal Justice Board and named the County of Frederick as the administrative and fiscal agent of the Old Dominion Community Corrections Program and the Pretrial Services Program.

In 2007, the Common Council for the City of Winchester and the Boards of Supervisors in Clarke County and Frederick County reaffirmed the establishment of this agency.

In July of 2011, both programs were merged into a single agency with the County of Frederick remaining the administrative and fiscal agent. The Old Dominion Community Criminal Justice Board continued to be an advisory board to these agencies. NRADC remained the department in which both programs reported to. The main office was moved to 860 Smithfield Avenue. The official name of these programs is Old Dominion Court Services – Pretrial Services and Local Probation Agency.

Member Name	Representing
Stephen Gyuris, Chairman	Winchester City
Timothy Coyne, Vice Chair	Public Defender's Office
Capt. Tim Foster	Page County/Local Jail
Brenda Garton	Frederick County
Nancy Haden	Northwestern CSB
Judge W. Dale Houff	26 th Judicial General District Court
Judge Dennis L. Hupp	26 th Judicial Circuit Court
Chief Tessie Lam	Shenandoah Co./District 11 P&P
Brian Madden	Warren Co./Commonwealth Attorney
Chief Monica Martin	26 th Magisterial District
Sheriff Tony Roper	Clarke County
Dr. Beverly Brown-Schulke	Shenandoah University
Judge William Sharp	26 th Judicial Juvenile Domestic Court
Chief Neal White	Law Enforcement
Judge Ian R. D. Williams	26 th Judicial General District Court

The Community Criminal Justice Board is an advisory board for the operation of pretrial services and local probation. The establishment, makeup and duties of the Board are outlined in the *Code of Virginia*. The Board is responsible to advise ODCS on the development and operation of the programs, as well as provide evaluation and monitoring. The Board reviews the submission of all criminal justice grants. The Board also assists community agencies and organizations in establishing and modifying programs and services for defendants and offenders on the basis of an objective assessment of the community's needs and resources, as well as facilitate local involvement and flexibility in responding to the problem of crime in our communities. The Board may also develop and amend the criminal justice plan for approval by the local governing bodies.

GEOGRAPHICAL SERVICE AREA



Pretrial Services are provided to Clarke and Frederick Counties and the City of Winchester. All pretrial defendants are seen in the Main Office. The main office is located at 860 Smithfield Avenue, Winchester, VA 22601.

Probation supervision is provided to Clarke, Frederick, Page, Shenandoah and Warren Counties, as well as the City of Winchester. Probationers may report to any of our offices:

860 Smithfield Avenue	101 East Main St.	215 Mill Road Ste 108
Winchester, VA 22601	Front Royal, VA 22630	Woodstock, VA 22664

LEGAL AND EVIDENCE BASED PRACTICES FOR PRETRIAL SUPERVISION

LEBP are interventions and practices that honor the legal and constitutional rights afforded to defendants while implementing interventions that research has proven to be effective in reducing non-compliance while on community supervision. ODCS Pretrial Services utilizes “Strategies for Effective Pretrial Supervision – STEPS”. As all defendants are innocent unless proven guilty, ODCS does not discuss the circumstances of the alleged offense. The STEPS model does allow acknowledgment of pro-social behavior and correction of undesirable behavior, as well as encouraging appropriate defendants to address thinking errors and practice problem solving/conflict resolution.

EVIDENCE BASED PRACTICES FOR PROBATION

As one of the four original pilot sites for EBP, many practices have become routine course of business for the staff. Change is “the norm” for the staff as new research is available and new innovative strategies are developed.

The Eight EBP Fundamentals:

1. Risk/Need: Assess Actuarial Risk: ODCS uses the validated M/OST screening tool to determine supervision level and criminogenic needs.



2. Enhance Intrinsic Motivation: All staff have completed Effective Communication and Motivation Interview/Strategies (ECMI/S).

3. Target Interventions: In 2009 Department of Criminal Justice Services (DCJS) approved ODCS to implement Differential Supervision.

This allows the Probation Officers to spend the most time with those higher risk/needs offenders and to not over supervise low risk offender, thus increasing their likelihood of non-compliance.

4. Skills Training with Directed Practice: Probation Officers utilize many of our local resources. Additionally the probationer may be referred to the ODCS-facilitated MRT program that addresses criminal thinking. Often interventions may occur during the office visits with structured questioning, role play and followed up with assignments for the client to complete prior to the next visit.

5. Increased Positive Reinforcement: Staff strive to have 4 positive reinforcements to every 1 negative reinforcement. Also ODCS utilized the use of sanctions and incentives.

6. Engage On-going Support in Communities: Offenders are encouraged to develop pro-social peers, as well as pro-social recreational activities and habits.

7. Measure Relevant Practices: The Virginia Community Criminal Justice Association (VCCJA) and DCJS have devoted several years to probation research. Evaluating the fidelity of the skills and interventions is important to ensure expected outcomes are being realized. In June of 2015 the National Center for State Courts (NCSC) released *Virginia Local Probationer Survey Results*, which evaluated whether probation officers practiced a balanced approach to supervision. The probationers scored the probation officers as to caring, fairness, trust and toughness. ODCS probation officers scored 196 out of a 210, with the statewide average of 187. This demonstrates that ODCS probation officers are developing appropriate rapport with the offenders which provides the clients with opportunities to seek treatment as well as, holds them accountable for non-compliance.

In September of 2015, NSCS released *Virginia Local Probation Recidivism Results 2005-2011* which documented the rates of probationers being reconvicted of any new offense within 3 years of being released from supervision. For CY 11, statewide recidivism rate was 28% and ODCS was 37%. Our risk level for the 2011 population was higher than most of the state, which accounts for a higher recidivism rate.

8. Provide Measurement Feedback: ODCS maintains data to evaluate the types of violations, basic demographics of offenders and the number of the sanctions/incentives imposed. It is also able to access reports from DCJS to monitor M/OST completion rates and other supervision reporting.

The Mission of Old Dominion Court Services – Pretrial Services is to promote public safety and court appearance by assisting judicial officers in making objective, risk-informed decisions regarding the release of defendants pending trial and supervising conditions of bail while honoring the Constitution, legal and equal rights of defendants.

PRETRIAL INVESTIGATIONS

If a defendant is held by the Magistrate or does not post bail by the next court hearing, then the defendant is interviewed by the Pretrial Investigator. The Pretrial Investigator is responsible to provide the Court additional information for the bail hearing. Criminal history is acquired via VCIN, paperwork for defense counsel is reviewed and a Virginia Pretrial Risk Assessment Instrument (VPRAI) is completed. This validated tool assesses a defendant's risk level in 5 different categories, low to high. The risk level and charge type category recommends a release or detain decision; this is called the Praxis Grid. Once the paperwork is provided to the Courts, the bail hearing is conducted via video arraignment. During FY 16, ODCS completed 753 investigations.



Of those who appeared at Video Arraignment, 57% of the defendants were given bail.

If a defendant is not released within seven (7) days, the Pretrial Investigator will attempt to ascertain the nature of the detention. Occasionally, it is due to lack residence or inability to contact family/friends which the Investigator works to resolve. If it is due to lack of funds due to the amount of a secure bond, the Investigator may assist the defendant in contacting defense counsel.

PRETRIAL SUPERVISION

During the pretrial supervision period, the pretrial officer will work with the defendant; reminding the defendant of upcoming court dates, monitoring bail conditions, such as alcohol or drug tests, referring the defendant to community resources, such as substance abuse treatment, mental health providers, job readiness and job searching.

In FY 16, ODCS provided 100,026 days of supervision to 714 defendants with a total of 797 charges. About 60% of those defendants were charged with felony offenses. About 69% of all defendants were scored average risk or higher according to the VPRAI.

Defendants charged with misdemeanor charges are on pretrial supervision typically 3 months. Those charged with felony offenses are generally under pretrial supervision about 6 months.

Eight of ten defendants charged with misdemeanors complete pretrial supervision successfully. For defendants pending felony charges, 7.3 out of every 10 successfully complete pretrial supervision.

As expected, risk level has a direct correlation to the compliance of the defendant.

Risk Level per VPRAI	Rate of Success	Court Appearance Rate	Public Safety Rate
Low	90.1%	99%	94%
Below Average	86.1%	96%	91%
Average	81.0%	92%	87%
Above Average	70.7%	91%	84%
High	66.4%	80%	78%

The Mission of Old Dominion Court Services - Local Probation is to assist in the administration of justice through the supervision of Post-Sentenced Offenders through sound supervision principles and utilization of Evidence-Based Practices; promoting public safety and reducing recidivism by encouraging pro-social behavior in the clients.

LOCAL PROBATION

Local probation supervision is an alternative sentencing option for adult misdemeanants from the General District Courts or Juvenile Domestic Relations Court and for non-violent felons from the Circuit Court. These courts may refer any defendant with a jailable offense to ODCS – Local Probation with a totally or partially suspended sentence or deferred disposition proceeding.

ODCS administers a validated risk/needs assessment, namely the Offender Scoring Tool (OST). This tool indicates the supervision level, as well as highlights the criminogenic needs of the offender. The criminogenic needs are addressed with appropriate interventions outlined in a case plan. Probationers could be instructed to participate in substance abuse treatment, anger management, batterer’s intervention (for intimate partner abuse), and shoplifter treatment. Often the probationers are encouraged to attend 12 step recovery programs. In addition, the probationer may receive appropriate interventions during office visits where the probation officer engages the offender using effective communication and motivational strategies. These office visits may include “homework” where the client is given a guide to address specific criminogenic needs.

ODCS continues to offer Moral Reconciliation Therapy (MRT) to probationers and defendants at no cost to the participant. MRT is a cognitive-behavioral counseling program that combines education, group and individual counseling, and structured exercises designed to foster moral development in treatment-resistant clients. It is an

ODCS BY THE NUMBERS

evidence-based program that can be utilized with a substance abusing client or a client with anti-social thinking and values.

There were 322 probationers placed on supervision this year; 218 misdemeanants and 104 felons. About 63% of the offenders were placed on probation with a deferred disposition. Most probationers are either low or medium risk level.

The following chart outlines the number of placements from the different jurisdictions and courts.

	GDC	JDR	Circuit	Total
Clarke	3	3	6	12
Frederick	33	6	15	54
Page	6	9	5	25
Shenandoah	22	1	11	34
Warren	41	0	13	54
Winchester	60	2	37	99
Transfer IN				58
Total	165	21	87	331

Of the low risk offenders, 85% completed probation successfully. Of the medium risk offenders, 56% completed probation successfully.

Success rate for misdemeanor charges was 75%, and felony charges was 60%.

ACCOMPLISHMENT AND HIGHLIGHTS

This year ODCS welcomed Rebecca Dotson and Melissa Beloti. Ms. Dotson is the office assistant. She previously worked for Frederick County Human Resources and Planning and Development. Ms. Beloti is a Pretrial/Probation Officer who holds Bachelors of Science from State University of New York, College at Old Westbury for Business Management.

PO Alicia Davis and PO Melissa Beloti completed CORE Competencies for Local Probation and Pretrial Practices which is facilitated by DCJS for new employees. PO Cheryl Watson completed Effective Communication and Motivational Interviewing. All staff attended active shooter training, professional behavior training and defensive tactics training. All staff have maintained VCIN certification, as well as First Aid and CPR certification.

As this was the 20th Anniversary of the CCCA/PSA act, all staff were invited to attend the VCCJA Conference. All but one staff attended the Conference in Portsmouth, VA.

ODCS implemented electronic records retention and the benefits are already being realized.

ODCS probationers contributed to our communities with community service and paying of courts costs/fines and restitution. Clients paid \$13,080 in restitution. They paid \$52,785 in court costs and fines. Total number of community services hours completed totaled 10,344.



RISK ASSESSMENT COMMONWEALTH ATTORNEY
RISK ASSESSMENT
INTERVENTIONS COMMINGLED NEEDS DRUG TESTS
DEFENSE ATTORNEY SANCTIONS

MRT PAGE JUDGES
PROBATION
INTERVENTIONS PUBLIC SAFETY
CASE PLANNING

SHENANDOAH
VPRAI
JUDGES PROBATION
PAGE
MRT WINCHESTER
VPRAI NEEDS
INCENTIVES CLARKE JUDGES
ARMS AND AMMUNITION RISK
SANCTIONS INVESTIGATION
PUBLIC SAFETY CLARKE
SA TREATMENT INTERVENTIONS
CASE PLANNING
WINCHESTER COURT SERVICE OFFICERS COURT APPEARANCE
CLARKE
VPRAI JUDGES
PRETRIAL
OST NEEDS
FREDERICK
MRT DEFENSE ATTORNEY
RESPONSIBILITY SUPERVISION

SHENANDOAH
VPRAI OLD DOMINION COURT SERVICES
PAGE
OST
DRUG TESTS
CLARKE SUPERVISION
RISK
SA TREATMENT
FREDERICK SUPERVISION
NEEDS
RISK ASSESSMENT
WARREN
CASE PLANNING INVESTIGATION
RESPONSIBILITY
VPRAI JUDGES
WINCHESTER
OLD DOMINION COURT SERVICES
CRIMINOGENIC NEEDS
COURT APPEARANCE
WINCHESTER SUPERVISION
CLARKE
COURT APPEARANCE COMMONWEALTH ATTORNEY

MRT
COMMONWEALTH ATTORNEY
WARREN
SANCTIONS
DEFENSE ATTORNEY
OST
SUPERVISION
SANCTIONS
NEEDS
PRETRIAL
CLARKE
RISK
CLARKE
SA TREATMENT
FREDERICK
RISK
OST