

D.C. Pretrial Services Agency



Strategic Plan

FY 2005 – FY 2010

Summer 2003

I am pleased to present this draft version of the D.C. Pretrial Services Agency's 2005 to 2010 Strategic Plan. This document updates our first strategic plan and provides a blueprint for how our agency will operate in the coming years.

Over the next five years, the D.C. Pretrial Services Agency (PSA) will build on its current successes by continuing to seek resources to expand supervision and substance abuse treatment services for high risk defendants. A special focus in the coming years will be the expansion of partnership activities. PSA currently participates in a number of collaborative multi-agency programs. D.C.'s Drug Court is but one example. In order to better serve both defendants and the other agencies in the criminal justice system, PSA will systematically strengthen its partnerships and collaborative programs.

Another key aspect of this plan is expansion of services for special populations. PSA has developed effective supervision and treatment services for the 'core' defendant population. Now that that infrastructure has been established, PSA is ready to turn its focus to special populations. Of particular concern is the dually diagnosed population, that is, those with both mental health and substance abuse problems. All too often, these defendants cycle through the system without receiving the attention that their problems require. Building on a successful local collaboration, PSA will increase the number of dually diagnosed defendants served by our agency.

I would like to thank all those who contributed to this effort. In developing this plan, PSA consulted with many agencies in the D.C. criminal justice system and benefited greatly from their insightful comments. I welcome the opportunity to discuss any aspect of this plan with you.

Sincerely,

Susan W. Shaffer
Director

Table of Contents

Introduction.....	1
PSA’s Mission and Values	1
PSA’s Role in the Criminal Justice System and Cross Cutting Programs.....	2
Resource Requirements and External Factors	4
Development of PSA Strategic Plan.....	4
Consultation with Stakeholders	4
PSA’s Strategic and General Goals	5
Overview of Operational Goals	5
Goal 1: Assessments and Release Recommendations	6
Goal 2: Supervision and Monitoring.....	7
Goal 3: Integrate Supervision with Treatment.....	8
Strategic Enhancements.....	9
Performance Measures and Relationship with Annual Plans	12
Evaluations.....	12
Appendices	
A: Logic Model.....	14
B: Mission Statement Chart.....	15
C: PSA Organizational Chart.....	16
D: Historical Context.....	17

Introduction

The D.C. Pretrial Services Agency's (PSA) second strategic plan 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. PSA has served the District of Columbia for the last 30 years and is a widely recognized national leader in the pretrial field. PSA assists the courts by ensuring that defendants on conditional release return to court for trial and do not engage in criminal activity. Under the National Capital Revitalization and Self-Government Improvement Act of 1997, PSA was established as an independent entity within the Court Services and Offender Supervision Agency (CSOSA) in the Executive Branch of the Federal Government. Although CSOSA and PSA have two distinct mandates, they share common strategic goals.

This strategic plan outlines the direction PSA will take over the next five years. In collaboration with CSOSA, PSA intends to update the strategic plan every few years. PSA has submitted annual performance plans since FY 2001 that provide annual performance targets. Agency performance will be monitored and reported through annual performance reports.

PSA's Mission and Values

The D.C. Pretrial Services Agency honors the constitutional presumption of innocence and enhances public safety by formulating recommendations that support the least restrictive and most effective nonfinancial release determinations, and by providing community supervision for defendants that promotes court appearance and public safety and addresses social issues that contribute to crime.

The following *core beliefs and values* guide PSA in carrying out its day-to-day activities in support of its mission:

- The Constitutional presumption of innocence of each pretrial defendant should lead to:
 - i. Least restrictive release in the community consistent with public safety and return to court.
 - ii. Preventive detention only as a last resort based on a judicial determination of the risk of non-appearance at court and/or dangerousness to any person or to the community.
- Nonfinancial 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 the need for release conditions 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.

- Innovation and the development of human capital leads to organizational excellence, high professional and ethical standards, and accountability to the public.

PSA's Role in the Criminal Justice System and Cross Cutting Programs

PSA Functions: As with any criminal justice system, the District of Columbia's system is made up of numerous agencies. PSA performs two critically important tasks that contribute significantly to the effective administration of justice and enhancement of public safety.

PSA *gathers and presents information* about newly arrested defendants and about available release options for use by judicial officers in deciding what, if any, conditions are to be set for released defendants. A judicial officer – a judge or magistrate judge – makes the initial pretrial release decision after taking into account the representations of the prosecutor and the defense attorney, as well as PSA's release recommendation. PSA provides objective, verified data about each defendant to assist in judicial decision-making. PSA recommendations are designed to manage the flight and public safety risks associated with releasing defendants.

PSA *supervises defendants* released from custody during the pretrial period by monitoring their compliance with conditions of release. Depending on the level of risk posed by the defendant, PSA supervision consists of: contact, drug testing, curfew, electronic monitoring and sanction-based drug treatment. All PSA supervision programs give defendants the opportunity to participate in pro-social interventions that decrease the likelihood of future criminal behavior. Throughout the pretrial release period, PSA notifies the court, prosecution, and defense of noncompliance with release conditions.

When PSA performs these tasks well, unnecessary pretrial detention is minimized, jail crowding is reduced, public safety is increased and the pretrial release process is administered fairly.

Cross-Cutting Programs: Several criminal justice agencies work together to create an efficient initial hearing and release process and to properly supervise defendants during the pretrial period. In the following sections, PSA has identified key collaborating agencies that are critical to PSA's ability to meet its outcome goals.

CSOSA's Community Supervision Program(CSP): There are many similarities between CSP and PSA. Both are involved in assessing, supervising and treating the criminally involved population. Upon close examination, several critical differences emerge. For example, the population that PSA works with are defendants who are still presumed innocent. CSP works with convicted offenders. Because of the differences in the legal status, Community Supervision Officers (CSOs) have greater leverage over their supervisees than do Pretrial Services Officers (PSOs). PSOs must return to court to request changes in judicially imposed release conditions. Another factor that can limit PSA's effectiveness in achieving certain outcomes is the uncertain and relatively short period of pretrial supervision. Felony cases typically last less than nine months and

misdemeanor cases last less than four months. Offenders may be under the supervision of CSP for years. Given that, it is more appropriate for CSOs to focus on long term supervision and treatment plans.

Despite these critical differences, there are many ways in which supervision officers collaborate to improve outcomes. Because of the overlap in the people who are both convicted offenders and pretrial defendants, CSP information can be beneficial during initial hearings on new charges, as it can address 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.

PSA 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 each defendant sentenced to probation.

Federal Probation: A similar 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. Seamless transitions maintain strict accountability, enhance public safety, and promote successful reintegration into the community.

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 contingency contracting and sanction-based treatment to reduce the risk of flight and reduce the 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 intensive supervision programs, that the PSOs are authorized to apply without returning for a court hearing.

U.S. Attorney's Office: The U.S. Attorney's Office 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.

Federal and D.C. Public Defender Services and the 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, PSA participates in systemwide efforts to identify and solve systemic problems.

Resource Requirements and External Factors

Over the next five years, PSA will seek resources for each of the enhancements identified in this Strategic Plan. Full implementation of the strategic enhancements will require appropriate operational and administrative budgets.

In considering the external factors that impact PSA and its success, it becomes clear that there are two primary types of factors at work. Some factors, such as the crime rate or regional economic strength, cannot be impacted by PSA. Others, chiefly those concerning interagency collaboration, can be impacted by PSA. As a result of this recognition, PSA will be realigning its resources to ensure that adequate attention is paid to those factors that PSA has a reasonable chance of influencing. For example, one of PSA's primary functions in the criminal justice system is to make release recommendations to the court. Only judges can set release conditions, revoke release, or administer judicial sanctions. PSA's success is dependent upon collaboration and effective communication with the court. Similarly, PSA depends on the cooperation of the U.S. Attorney's Office, defense attorneys, and numerous community-based treatment programs to achieve appropriate outcomes. Given these mutual dependencies, PSA will be devoting significant resources to building stronger partnerships.

Development of PSA Strategic Plan

The development of this plan has been guided by a Steering Committee of the senior managers within PSA. Draft versions of the mission, goals, objectives and external factors were provided for review. This plan reflects the comments received from line staff, the members of the Steering Committee, and representatives of CSOSA.

Consultations with Stakeholders

In compliance with the Government Performance and Results Act (GPRA) of 1993, PSA consulted with area stakeholders regarding its mission, goals and objectives. Key stakeholders included the District of Columbia Superior Court, US District Court for the District of Columbia, District of Columbia Corporation Counsel, Public Defender Service for the District of Columbia, US Attorney's Office, and the Court Services and Offender Supervision Agency. Each stakeholder was encouraged to review PSA's first strategic plan prior to their meeting with PSA. Stakeholders were complimentary of PSA's mission and reputation in the law enforcement

community but provided critical feedback. DC Superior Court judicial officers encouraged the expansion of PSA drug-testing efforts and social service resources. More specifically judicial officers recommended identifying more community resources for substance abusers, homeless defendants and the unemployed. Representatives from the Public Defender Service (DC) identified ways to increase court appearances and emphasized the importance of communication with defense attorneys while defendants are on release. The Office of the Corporation Counsel stressed the importance of continuing to provide accurate information. US District Court judicial officers encouraged the development of appropriate risk assessment instruments. In addition, judicial officers identified ways to help the court operate more efficiently.

All of the stakeholders supported the idea of increased joint planning efforts. Similarly, stakeholders identified technology, threats of terrorism and the District's changing demographics as external factors that may impact the law enforcement community. Although these external factors are not expected to significantly affect achievement of PSA's strategic goals, the agency will closely monitor these areas.

PSA's Strategic and General Goals

PSA has adopted the Strategic Goals set forth in the CSOSA Strategic Plan(s). These goals are:

- Establish strict accountability and prevent the population supervised by CSOSA from engaging in criminal activity, and
- Support the fair administration of justice by providing accurate and meaningful recommendations to criminal justice decision makers

Despite the common strategic goals, PSA and CSP outcome goals differ somewhat. CSP is focused on reducing recidivism and preventing crime. Given the comparatively short and unpredictable pretrial period, PSA's focus is:

- Reducing the rearrest rate for violent and drug crimes for released defendants, and
- Reducing the failure to appear rate for released defendants.

Overview of Secondary (Operational) Goals and Objectives

PSA's operational goals span the major functions and operations of the agency and are linked to the general goals of reducing rearrest and failure to appear for court. The operational goals and objectives have captured PSA's key activities. PSA has developed a Logic Model that depicts the links among the operational goals and objectives and PSA's general goals (outcomes). The Logic Model is contained in Appendix A.

Operational Goal 1: Assessments and Release Recommendations

PSA's goal is to: 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 that will ensure the defendant will:

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

Objectives:

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

Means and Strategies followed to meet this Goal

PSA's first operational goal focuses on the prerelease process. In keeping with its mission, PSA strives to provide timely, accurate information to judicial officers in both the D.C. Superior Court and the U.S. District Court for their use during the release decision-making process. Judicial officers use PSA's information to make well-informed decisions.

Prerelease Investigation: Gathering and verifying relevant information about each defendant is one of the primary activities conducted by PSA during the prerelease investigation. Pretrial Services Officers (PSOs) interview defendants scheduled for criminal bail hearings and document the information. No questions concerning the circumstances of the current arrest are asked. The PSO reviews the defendant's criminal history at both the local and national levels. Other information obtained by the PSO includes: probation and parole information, lock-up drug test results, and compliance reports from PSA supervision units.

Release Recommendations: PSA makes release condition recommendations based on the least restrictive conditions needed to ensure appearance in court and the protection of the community. The defendant's criminal history sometimes establishes a pattern of behavior upon which judicial officers base their decisions. PSA provides this information to the courts in a "bail report." The recommendation PSA makes is based on an assessment of a defendant's risk of flight and rearrest and incorporates the least restrictive release conditions needed to protect the community and ensure the defendant's return to court.

Throughout the prerelease investigation and release recommendation process, PSOs rely on sophisticated information technology to gather and compile information. PSA has long been a leader in innovative use of information technology. Continuing to improve this technology to better support these processes will be a major focus for PSA during the life of this strategic plan.

Operational Goal 2: Monitoring and Supervision of Released Defendants

PSA's goal is to: 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.

Objectives:

- Provide a continuum of release conditions – ranging from monitoring to intensive supervision.
- Promote swift and effective consequences for violations of release conditions.
- Promote incentives for defendants who are consistently in compliance with their release conditions.

Means and Strategies followed to meet this Goal

PSA's second goal addresses the agency's statutory responsibility to monitor and supervise defendants in the community prior to trial, consistent with release conditions ordered by the court. As the sole pretrial services agency serving both the D.C. Superior Court and the U.S. District Court, PSA comes into contact with thousands of defendants each year.

Provide a continuum of release conditions – ranging from monitoring to intensive supervision: The purpose of providing monitoring and supervision is to protect the public and ensure return to court. PSA recognizes that a continuum of monitoring and supervision needs exists in the defendant population. Using information gathered during the prerelease investigation, PSA recommends appropriate levels of monitoring and/or supervision for each defendant. PSA focuses its supervision resources on the defendants most at risk of violating their release conditions. Very low risk defendants (those released unconditionally) receive only notification of court dates. Fairly low risk defendants are placed in monitoring programs that require limited contact with PSA. As the risk level of the defendant increases, the intensity of supervision is increased. High risk defendants may be subject to frequent contact and drug testing, curfew, electronic monitoring or other conditions.

Promote swift and effective consequences for violations of release conditions: One of the challenges facing PSA is the need for swift responses to noncompliance. Failure to appear for a supervisory contact, a resumption of drug use, absconding from a drug treatment program, and other condition violations can be precursors to serious criminal activity. Responding quickly to noncompliance is directly related to meeting the goals of reducing failures to appear and protecting the public. In order to meet these mission-critical objectives, PSA is planning to expand its use of administrative sanctions to a

larger percentage of the defendant population. Graduated sanctions are used to modify a defendant's behavior, and PSA focuses on modifying the behaviors most closely associated with a return to criminal activity or with absconding.

Promote incentives for defendants who are consistently in compliance with their release conditions: Numerous studies have documented the power of incentives to change behavior.¹ Incentives are designed to reward appropriate defendant behavior. Common incentives recommended by PSA include: reduction in the number of contacts required; reduction in the frequency of drug testing; and placement in less intensive treatment or supervision programs.

In attaining these goals, PSA relies on its information systems. The technology currently in place allows virtually real-time access to rearrest, failure to appear and drug test result data. PSA will continue to commit significant resources to the further improvement of its information technology infrastructure.

Operational Goal 3: Integrate Supervision with Treatment

PSA's goal is to: Provide for, or refer defendants to, effective substance abuse, mental health, and social services that will assist in ensuring that defendants return to court and do not pose a danger to the community.

Objectives:

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

Means and Strategies followed to achieve this Goal

PSA's third goal addresses the links between drug use and risk of rearrest and flight from prosecution. Because drug use contributes to both public safety and flight risks, PSA has developed specialized supervision programs that provide drug treatment. PSA is first and foremost a supervision agency. The provision of treatment for drug using defendants is a strategy that PSA has adopted to facilitate meeting its outcome goals. Treatment is never provided in lieu of supervision. Just as defendants are assigned to supervision levels based on risk, they are assigned to supervision with treatment based on risk and need. Defendants in these special programs are supervised just as they would be if they were in traditional supervision programs. Defendants placed in these programs have drug testing, contact, and other release conditions.

¹ Marlow, Douglas B. and Kimberly C. Kirby, "Effective use of sanctions in Drug Courts: Lessons from behavioral research," National Drug Court Institute Review, Vol. 2, No. 1, National Drug Court Institute, Alexandria, VA, 2000.

Provision of, or referral to, substance abuse and mental health interventions: PSA's specialized treatment and supervision programs offer defendants access to various treatment modalities. Each program provides centralized case management of defendants. This organizational structure facilitates consistent sanctioning and supervision practices, and leads to better interim outcomes for defendants. PSA also uses a combination of contract funded and community-based drug intervention programs. Defendants who have mental health issues and special needs are referred to appropriate community-based programs. Even if defendants are referred to community-based services, they continue to be supervised by PSA.

Referral to social services: Defendants placed under the supervision of PSA have a variety of needs. PSA works with defendants to identify their social service needs and refer them to services. PSA is identifying appropriate community-based resources to address all defendant needs, including: medical, educational/vocational services, family services and other social services. PSA will clearly benefit from its unique relationship with CSP, since CSP has developed partnerships with many providers in the community. As with referral to drug or mental health treatment, PSA will be monitoring defendant use of, and involvement with, social services.

Strategic Enhancements

PSA has identified the following mission-related enhancements that will be pursued over the course of the next 5 years:

Risk Assessment: PSA is developing a new risk assessment instrument that will explicitly link the defendant's risk level to the level of supervision recommended by PSA. Following the prerelease investigation, a risk assessment will be completed for each defendant. The instrument will identify where the defendant falls on a risk continuum. The risk assessment information along with release condition recommendations will be presented to the court at the time of the initial hearing.

Serious Traffic Offenses: Several recent studies have documented approximately two to three thousand serious traffic offense arrests in the District each year. Offenses such as Driving While Intoxicated and Driving Under the Influence can have serious public safety consequences. At this time, PSA provides criminal history investigations, but not drug testing or supervision, of defendants arrested for these types of offenses. Keeping in mind PSA's public safety mission, additional resources will be sought to provide supervision and services for these offenses.

Support for Rapid Adjudication of Low Level Offenses: PSA now provides criminal background investigations for low level D.C. misdemeanor cases, but not drug testing or supervision. Although these may appear, on the basis of the charge, to be low risk "quality of life crimes," these defendants have relatively high re-offense and very high failure to appear rates. PSA anticipates joining in a collaborative effort with the court, the Corporation Counsel, and the community to attain better coordination of the city's social services to serve this population. Diversion opportunities will be explored.

Sanction-based Contingency Contracting: Contingency contracts are widely accepted as a best practice for providing community supervision of defendants and offenders. Each program rule and release condition is spelled out in the contract along with a description of the specific sanctions that will be applied should violations occur. PSA uses a combination of judicial and administrative sanctions in its supervision programs. Judicial sanctions typically involve a loss of liberty, i.e. a brief jail stay. Administrative sanctions are typically non-liberty based sanctions, i.e. increased supervision contacts or drug tests. Although this supervision method is resource intensive, it promises to deliver the types of outcomes that PSA is striving to achieve. Over the course of the period covered by this strategic plan, PSA will seek the consent of the courts to expand the use of this promising supervision strategy throughout agency programs.

Community-based Pretrial Services: PSA recognizes the potential value of moving pretrial supervision into the community. Working with and within the community may improve compliance rates and give PSOs better access to defendants and the services located in their communities. PSA's participation in the DC Community Court (which currently focuses on those arrested in the sixth police district) has resulted in a better understanding of the resources available in that community, which, in turn, has improved PSA's ability to serve those defendants.

CSP already has decentralized its supervision and established field offices in communities throughout the District, and has made great strides in partnering with community-based agencies and organizations. PSA currently does not have the resources to establish satellite offices, although partnering with CSP at one pilot site in the community is feasible within the next year. In addition, there are many opportunities for leveraging community resources that PSA intends to pursue. In addition to the MOUs that already have been developed with District agencies to access social services for defendants, PSA may be able to develop agreements whereby PSOs can utilize available community locations to provide social services and conduct supervision activities.

With this approach, PSA will include the community as a fully vested stakeholder in the supervision process. Without this essential component, implementation of community-based pretrial supervision will be less effective. This new approach will require investments in human capital.

Expansion of supervision resources for high risk defendants: Properly supervising high risk defendants is resource intensive, and PSA supervises thousands of high risk defendants each year. In order to be effective and influence defendant outcomes, PSA must increase the resources devoted to high risk defendants. PSA has strategically re-aligned resources in the largest supervision unit to permit more resources to be focused on riskier defendants. Over the past two years, PSA has successfully implemented electronic monitoring. Over the course of the next five years, PSA will seek to expand resources for the supervision of high risk defendants.

Sanction-based substance abuse treatment resources: PSA has developed both in-house sanction-based treatment programs and contract-funded sanction-based treatment programs. In order to influence outcomes, PSA must continue to expand the use of sanction-based treatment. PSA data shows that a substantial portion of defendants are drug-involved. Evaluations conducted in D.C. and other jurisdictions have demonstrated that better outcomes can be achieved using sanction-based treatment programs that include extensive judicial oversight and close supervision coupled with immediate sanctions for continuing drug use. PSA will seek to expand sanction-based treatment for defendants.

Responding to Special Populations: PSA has grown dramatically in the last three years. Currently, PSA has a wide range of options available for responding to the supervision and treatment needs of the core defendant population. PSA will now turn its attention to meeting the needs of specialized populations. For example, there is an immediate need for ways of enhancing the supervision and treatment of non-English speaking (or English as a second language) defendants. PSA will make an effort to build human capital to successfully supervise and treat these defendants. PSA will also identify linguistic and culturally-appropriate services in the community. Other populations that warrant special attention include drug-dependent female defendants, especially those with children, the mentally ill and HIV+ defendants.

Although PSA has begun to work with community providers to supervise mentally ill defendants, much more remains to be done. PSA will focus on improving mental health assessments so that mentally ill defendants can be identified quickly and services can be provided. In order to appropriately serve the dually diagnosed population, PSA will deviate from its long-standing policy of providing only sanction-based treatment. Imposing sanctions on the dually diagnosed does not substantially improve outcomes.

Partnerships with Criminal Justice Agencies: Over the course of the next five years, PSA will devote resources to improving its partnerships with the other D.C. criminal justice agencies. Close partnerships will allow agencies to meet common objectives. PSA currently participates in a number of collaborative interagency partnerships that can serve as models for expansion of these efforts. Among the successful partnerships are those that direct Drug Court, OPTIONS and the Community Court. Each of those programs is successful because the relevant agencies have come together to improve supervision, adjudication and service delivery.

PSA recognizes the importance of the D.C. Criminal Justice Coordinating Council (CJCC) as a forum for building partnerships. As an active participant in the CJCC, PSA has witnessed substantial improvements in agency collaboration and resource allocation. The CJCC is implementing jurisdiction-wide strategic planning and community outreach efforts. PSA will build upon these important foundations. The collaborations stimulated by the CJCC are not a replacement for individual agency partnerships. As needed, PSA will pursue collaborations that are not directly tied to the CJCC.

Performance Measures and Relationship between the Strategic and Annual Plans

The Government Performance and Results Act (GPRA) requires federal agencies to evaluate performance in terms of program results (outcomes) rather than in terms of inputs, throughputs and outputs. This statutory mandate has led PSA to make an investment in support staff dedicated to measuring costs, outcomes, effectiveness, and program performance. PSA is moving to strengthen its current evaluation efforts while making long range plans to enhance evaluation capacity.

A key requirement of GPRA is that an explicit link exist between the Strategic and Annual Plans. PSA has developed specific annual targets to gauge progress for each of PSA's general goals. In accordance with OMB direction, PSA will be implementing an improved methodology for linking the budget and outcomes. PSA's Logic Model (Appendix A) will form the framework for more sophisticated analytical models.

Evaluations

Planned Evaluations

There are a number of objective formal assessments of the results, impact, and effects of PSA's programs planned for the life of this strategic plan. In addition to establishing a comprehensive baseline dataset against which to measure improvement, PSA will evaluate the implementation and results of increasing supervision with contingency contracts and the implementation and results of supervision programs that include substance abuse treatment. PSA will devote significant analytical resources to establishing a comprehensive baseline against which to measure improvement in the provision of treatment for defendants. Staff will conduct a variety of short and long-term evaluations, including: process, outcome, and impact evaluations, feasibility and evaluability assessments, and cost-benefit and cost-effectiveness analyses. PSA's recently completed data warehouse will serve as a platform for expanding internal evaluation capacity.

Completed or On-going Evaluations

*Evaluation of the D.C. Superior Court Drug Intervention Programs:*² The D.C. Superior Court Drug Intervention Program (Drug Court), which is administered by PSA, participated in an independent experimental evaluation designed to compare the impact of sanction-based contingency contracts with an intensive drug treatment program. Both the sanction-based and

² 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.

treatment programs 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 inexpensive and efficient way of identifying habitual drug users, and test results helped PSA focus its resources on known users.

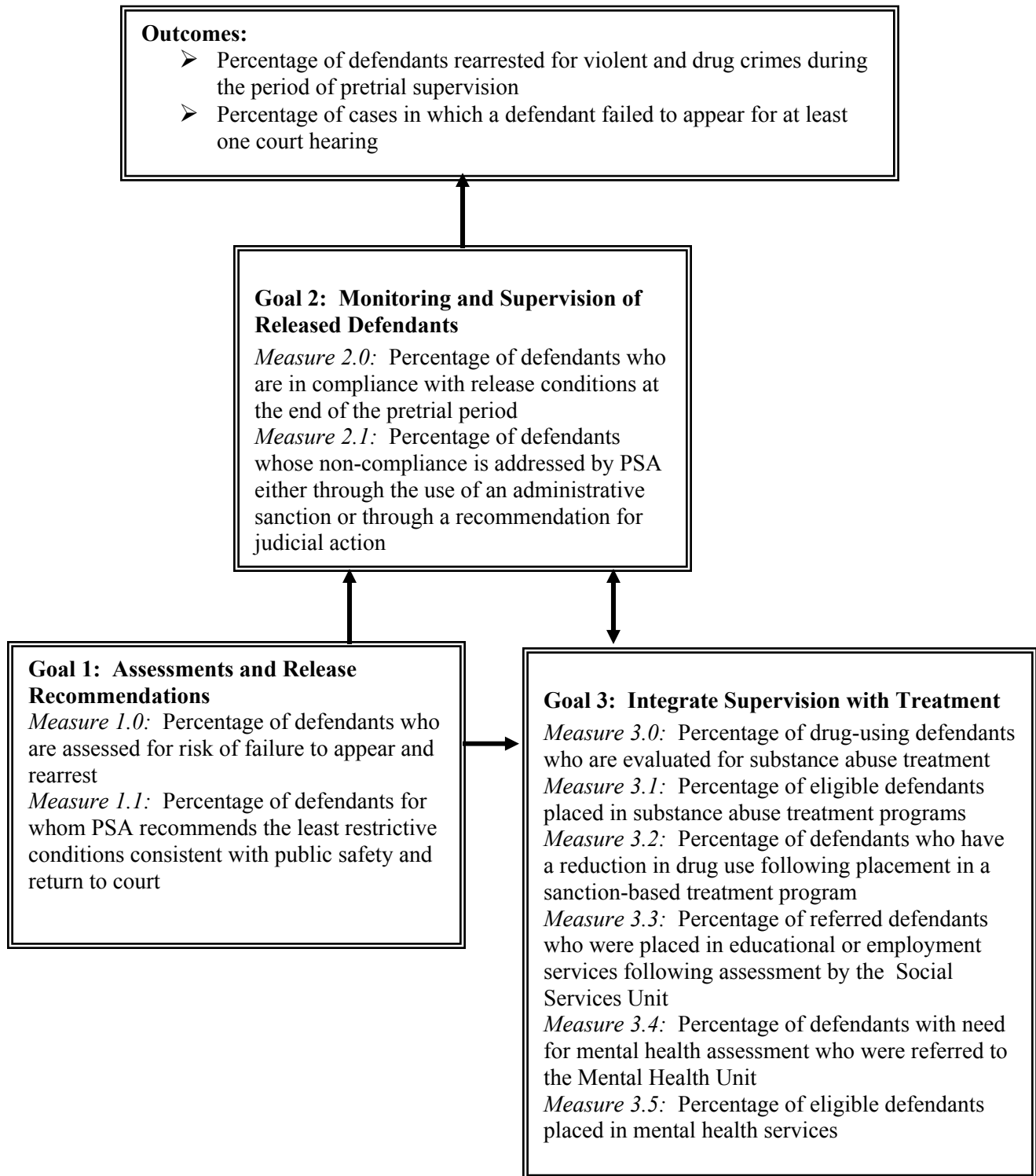
The evaluation established that defendants participating in the intensive drug treatment program had greater reductions in drug use and reported significantly fewer drug-related social problems in the year following sentencing than did those defendants whose cases were traditionally processed through the D.C. Superior Court. Defendants participating in the sanction-based contingency contract program, which did not require mandatory treatment, 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 would either approach individually. Further, PSA is in the process of expanding the use of sanction-based contingency contracts with higher risk and drug using defendants in other supervision programs.

Understanding Supervision in the District of Columbia: The Baseline Study (1997) by Faye S. Taxman, Ph D, et al., underscored PSA's need for additional supervision and monitoring resources. Due to high caseloads, PSA has not been able to expeditiously address defendant non-compliance outside its intensive supervision programs. Additional PSOs and the expansion of sanction-based contingency contracting to a larger percentage of higher risk defendants will help to address this. In fact, this study recommended expanding the use of contingency contracts and administrative sanctions throughout all of the supervision agencies.

Research performed by the Washington/Baltimore High Intensity Drug Trafficking Area project has found that the length of time in treatment contributes to reductions in arrest, drug use and technical violations. 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.³

³ Certification Report, Court Services and Offender Supervision Agency, 2000.

Appendix A: Logic Model

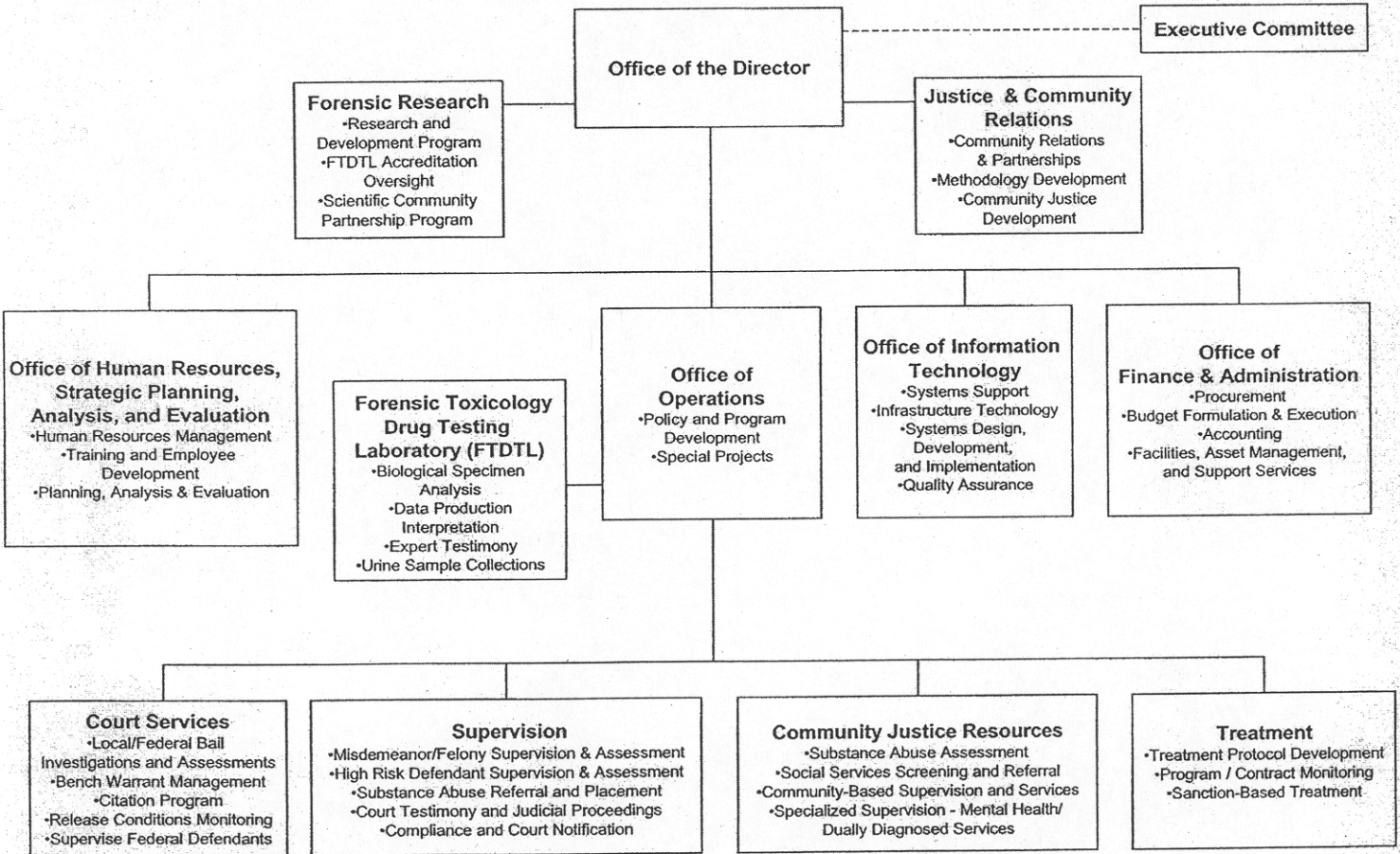


Appendix B: Mission Statement Chart

<i>D.C. Pretrial Services Agency</i>		
Mission		
<p>The D.C. Pretrial Services Agency honors the constitutional presumption of innocence and enhances public safety by formulating recommendations that support the least restrictive and most effective nonfinancial release determinations, and by providing community supervision for defendants that promotes court appearance and public safety and addresses social issues that contribute to crime.</p>		
Goal 1	Goal 2	Goal 3
<p>Support judicial officers in making the most informed and effective nonfinancial release determinations throughout the pretrial period. PSA will formulate and recommend to the courts the least restrictive release conditions to ensure that the defendant will:</p> <ul style="list-style-type: none"> i. Appear for scheduled court dates; and ii. Not pose a threat to any person or to the community while on release. 	<p>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.</p>	<p>Provide for, or refer defendants to, effective substance abuse, mental health, and social services that will assist in ensuring that defendants return to court and do not pose a danger to the community.</p>
GOAL 1 OBJECTIVES	GOAL 2 OBJECTIVES	GOAL 3 OBJECTIVES
<p>Conduct a risk assessment for each defendant to determine the probability of the risk of flight and the potential for criminal behavior</p> <p>Provide to the courts current, verified, and complete information about the history, relevant characteristics, and reliability of each pretrial defendant</p> <p>Recommend for each defendant the least restrictive nonfinancial release conditions needed to protect the community and ensure the defendant's return to court</p>	<p>Provide a continuum of release conditions – ranging from monitoring to intensive supervision</p> <p>Promote swift and effective consequences for violations of release conditions</p> <p>Promote incentives for defendants who are consistently in compliance with their release conditions</p>	<p>Coordinate and provide for substance abuse and mental health interventions, including evaluation and referral to appropriate community-based treatment services</p> <p>Coordinate with community and social services organizations to provide for medical, educational, housing and employment services</p>

Appendix C: PSA Organizational Chart

Pretrial Services Agency



Susan W. Shaffer
 Susan W. Shaffer, Director

11/30/03
 Date

Appendix D: Historical context for the D.C. Pretrial Services Agency

The pretrial release decision addresses a basic right to freedom. The majority of states and the federal government have adopted laws requiring judicial officers to start with the presumption that a person should be released pending trial due to the presumption of innocence. The U.S. Supreme Court has stated: ‘In our society liberty is the norm and detention prior to trial or without trial is the carefully limited exception.’⁴ The pretrial release decision must balance conflicting goals: 1) to allow, to the maximum extent possible, pretrial release for persons who have been accused of criminal offenses pending adjudication; but also 2) to ensure that accused persons appear in court to face charges and that they do not pose a threat to the public or to any specific individual. In order to release defendants back into the community while awaiting trial, courts need assurance that the pretrial defendant will:

1. Appear for scheduled court dates, and
2. Not pose a threat to any person or to the community while on release by engaging in criminal activity.

Over time, a system of financial bail developed to address these issues. The relationship between the defendant and the bail bondsman was purely pecuniary. This financial relationship did not address the relevant history, characteristics and reliability of the defendant. Therefore, the commercial bail bond system did not provide the assurance the courts needed to make an informed release decision or to adequately set the conditions of release. The commercial bail bond system is also inherently discriminatory against those who cannot post money bonds. Historically, the purpose of bail was to ensure court appearance. In 1970, the District of Columbia was the first jurisdiction to require that threat to community safety be weighed in the pretrial release decision along with the risk of flight.

The pretrial release decision is crucial if one considers the research that shows that the decisions made when an individual first enters the criminal justice system have long lasting implications. Defendants who are detained pretrial are more likely to both plead guilty and serve longer sentences than are defendants who are released pretrial.⁵

Recognizing the challenges inherent in the pretrial release decision, Congress has passed a series of laws that favor non-financial conditional release of pretrial defendants over the commercial bail bond system. The D.C. Pretrial Services Agency has benefited from the bulk of these reforms.

The Federal Bail Reform Act of 1966, which affects the Federal and D.C. Courts, required that all release decisions be based on information about the accused and it provided the court with a variety of release options. Most importantly, the act created a presumption of release on personal recognizance. For the court to impose any condition (financial or otherwise), it had to first find that release on personal recognizance would not ‘reasonably assure the appearance of the person as required.’

⁴ U.S. v. Salerno, 481 U.S. 739 (1987)

⁵ 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.

In 1970, the D.C. Superior Court was created and the role of the Pretrial Services Agency was expanded. For the first time, judges were directed to consider community safety when making pretrial release decisions. Along with several other changes, the concept of preventive detention was born. If the court determined a defendant was likely to be a risk to community safety, the defendant could be held without bond while awaiting trial. The Bail Reform Act of 1984 brought preventive detention to all federal courts. The constitutionality of this statute was upheld by the Supreme Court in 1987 in the case of United States v. Salerno. The Bail Reform Act also mandated that financial bonds could not result in the detention of defendants.

In 1992, new legislation was passed in the District of Columbia that greatly expanded the eligibility requirements for preventive detention. The legislation adopted the language of the Bail Reform Act of 1984, which prohibits judges from setting money bonds that result in the detention of the defendant.

In 1994, additional changes were made to the District of Columbia statute governing pretrial release in the District of Columbia. One critical change was the expansion of preventive detention to persons found to be a ‘serious risk to flee.’