

D.C. PRETRIAL SERVICES AGENCY



STRATEGIC PLAN

2000-2005

September 2000

D.C. PRETRIAL SERVICES AGENCY

Message from the Director

September 2000

I am pleased to present the first Strategic Plan, 2000 – 2005, for the D.C. Pretrial Services Agency (PSA). Over the next five years, we will pursue the strategic goals, objectives and enhancements that we have identified in this plan.

The D.C. Pretrial Services Agency is committed to honoring the constitutional presumption of innocence and enhancing public safety by formulating recommendations that promote the use of non-financial pretrial release under the least restrictive conditions and by providing effective community supervision for defendants in a manner that: 1) ensures that defendants will return to court and will not be a danger to the community while on pretrial release; and 2) addresses the social problems that contribute to criminal behavior. 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.

In order to fulfill our mission, we have identified four strategic goals with supporting objectives that correspond to our functions. In addition to these strategic goals, PSA is developing internal performance measurement systems to hold ourselves accountable for the effectiveness of our plan. Our Strategic Plan will guide the day-to-day activities and priorities set by all PSA employees. We will achieve our goals only by wholeheartedly embracing this plan. PSA has identified critical human capital, information technology, and resource allocation issues that will be fully addressed in individual supporting strategic plans.

As an independent entity within the Court Services and Offender Supervision Agency (CSOSA), we have aligned our goals with CSOSA's. Although we have framed our goals to fit our unique statutory obligations, our mission and goals are very similar to those of CSOSA. The CSOSA Summary Strategic Plan addresses PSA as a "Crosscutting Issue" and discusses the similarities between the two entities. PSA appreciates that collaboration with CSOSA and other criminal justice agencies will enhance the overall success of PSA.

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.

Sincerely,
Susan Shaffer

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Introduction

The D.C. Pretrial Services Agency's (PSA) first strategic plan has been prepared in response to the transition to the federal system. It contains PSA's vision for fiscal years 2000 through 2005, and includes the steps PSA will take to continue its evolution to a performance-based results-oriented organization. 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 are aligned in their mission and goals. PSA prides itself on the level of cooperation and coordination maintained with CSOSA.

This strategic plan outlines the direction PSA will take over the next five years. Along with its new responsibilities, PSA has grown significantly in size and scope. PSA foresees that the changes in the near future will benefit the agency and the District of Columbia. In coordination with CSOSA, PSA intends to update the strategic plan every 2 years. Starting this year, PSA will submit annual performance plans with identified strategic performance goals and measures. Agency performance will be monitored and reported through annual performance reports.

PSA's Mission and Values

The D.C. Pretrial Services Agency is committed to honoring the constitutional presumption of innocence and enhancing public safety by formulating recommendations that promote the use of non-financial pretrial release under the least restrictive conditions and by providing effective community supervision for defendants in a manner that: 1) ensures that defendants will return to court and will not be a danger to the community while on pretrial release; and 2) addresses the social problems that contribute to criminal behavior. The D.C. Pretrial Services Agency recognizes that collaboration with CSOSA and other criminal justice agencies will enhance the overall success of defendants.

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 conditional release in the community.
 - 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.

- 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 our work is performed to the highest professional and ethical standards.
- Innovation and the development of human capital leads to organizational excellence.

PSA's Role in the Criminal Justice System

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.

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.

PSA supervises defendants released from custody during the pretrial period by monitoring their compliance with conditions of release and by helping to ensure that they appear for scheduled court hearings. PSA supervision gives the defendants the opportunity to participate in a variety of pro-social interventions that decrease the likelihood of future criminal behavior.

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.

A judicial officer – a judge, magistrate judge, or commissioner – 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. Throughout the pretrial release period, PSA notifies the court, prosecution, and defense of defendant non-compliance. This information allows all of

the parties to respond promptly to violations and fulfill their common mission of serving the community.

Strategic Direction

PSA has always been a leader and innovator in the field of pretrial services. In 1982, PSA was recognized as an Exemplary Program by the National Institute of Justice for its innovative supervision programs and extensive use of drug testing. PSA has long been a leader in the D.C. criminal justice system, particularly in the area of information technology. PSA was one of the original sites to participate in the U.S. Department of Justice's Drug Use Forecasting program. Participation in this program helped to focus PSA on the level of drug use in the D.C. pretrial population. In response to mounting evidence documenting the link between drug use and criminal behavior, in conjunction with the D.C. Superior Court, PSA created the innovative Superior Court Drug Intervention Program ("Drug Court"). An independent research firm evaluated the Drug Court and the results showed that graduated sanctions reduce re-arrest and drug treatment reduces drug use. Based upon these encouraging results, PSA restructured its Drug Court to ensure that all participants get both sanctions and treatment. Building upon this even further, PSA is expanding the use of sanctions and drug treatment in many supervision programs.

Since the passage of the National Capital Revitalization and Self-Government Improvement Act of 1997, PSA joined with D.C. Probation and Parole to form the Court Services and Offender Supervision Agency (CSOSA). Since the passage of that Act, PSA has undergone numerous changes designed to increase the effectiveness and improve the performance of the agency, as well as changes necessary to transition into the federal system. PSA has grown substantially and added several new intensive supervision programs and support functions. In particular, drug testing and drug treatment capacities have been substantially expanded. In order to reduce caseloads and improve the effectiveness of supervision, additional Pretrial Services Officers (PSOs) have been hired. PSOs are central to the supervision process and they perform many critical functions including: supervising and case managing defendants; ensuring that defendants appear for scheduled drug tests and receive drug treatment where appropriate; ensuring that defendants appear in court; and making appropriate referrals to community-based services.

One cannot speak of the criminal justice system in the District of Columbia without addressing the proliferation of drug use within the defendant population. PSA participated in the national Arrestee Drug Abuse Monitoring program for the first quarter of 1999. Data from that period show that 69% of arrestees tested positive for cocaine, marijuana, opiates, methamphetamines or PCP at the time of arrest. Further, 25% of arrestees tested positive for more than one drug. A startling 100% of defendants arrested for burglary tested positive for some drug at the time of arrest. Over 85% of defendants arrested for either larceny or theft and over 90% of defendants accused of drug

possession tested positive for some drug.¹ PSA's own drug testing data for 1999 showed that for the entire year 46% of defendants tested positive at the time of arrest for cocaine, opiates, or PCP.

Not only has a considerable body of research established that drug use is linked to crime, the severity and frequency of the crimes that users commit increases as their drug abuse increases. It is estimated that active drug addicts commit as many as four to six times more crimes while using drugs than when they have stopped using narcotics.² This pattern of intensified criminal activity is even more pronounced for habitual offenders. Given PSA's goal of enhancing public safety, the agency must address drug use in the defendant population. PSA will do this in a number of ways. First, as strategic enhancements, PSA will seek to expand the use of sanction-based contingency contracts with higher risk drug-using defendants, and PSA will expand the range of tools available to assist in the supervision of high risk defendants by adding electronic monitoring capacity. PSA will work with CSOSA to create a Sanctions Center, which will provide a restrictive environment in which to redress violations of release conditions and provide social services. Second, PSA will improve its allocation of treatment resources, and will build additional partnerships with community-based treatment programs.

Just as drug use can contribute to crime, it 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.³ Ensuring that defendants appear for scheduled court hearings is central to PSA's mission. To fulfill its mission, the agency must address drug usage issues with the defendants the agency supervises.

PSA's strategic vision includes providing defendants with access to social, educational, employment, medical, and mental health services that will lead to a reduction of future criminal behavior. In order to achieve this vision, PSA will have to aggressively partner with community-based programs that can address the defendants' needs. Additionally, PSA will work closely with CSOSA to leverage their investments in community-based resources such as CSOSA's Learning Labs. Finally, PSA will be an active participant in innovative initiatives designed to expand defendant access to needed treatment and services.

¹ "ADAM 1999 Annual Report," National Institute of Justice, U.S. Department of Justice, Washington, D.C., 2000.

² Cited in 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.

³ 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.

Overview of Goals and Objectives

PSA's strategic goals span the major functions and operations of the agency and are linked to program results. The goals relate directly to PSA's commitment to honoring the constitutional presumption of innocence and enhancing public safety by formulating recommendations that promote the use of non-financial pretrial release under the least restrictive conditions and by providing effective community supervision for defendants in a manner that: 1) ensures that defendants will return to court and will not be a danger to the community while on pretrial release; and 2) addresses the social problems that contribute to criminal behavior. Over the next five years, PSA will focus on the following enhancements within the framework of the strategic goals listed below: the implementation of a revised and validated risk assessment instrument, the addition of assessment capacity to assist the D.C. Superior Court with Traffic and D.C. Code cases, development of a program for citation release to improve front-end decision making, an increase in the use of sanction-based contingency contracts for supervision of higher risk defendants, implementation of community-based pretrial services, expansion of supervision resources for higher risk defendants, better allocation of substance abuse treatment resources, and establishment of an internal performance measurement infrastructure.

Goal 1: Assessments, Release Recommendations and Compliance Reports

Support 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 assure the defendant will:

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

Anticipated Outcomes: The use of a revised risk assessment instrument will lead to a release condition recommendation that more closely matches the defendant to an appropriate level of supervision.

Long Term Impact: The administration of justice will be more efficient and effective and public safety will be enhanced.

Strategic 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 non-financial release conditions needed to protect the community and ensure the defendant's return to court.
- Notify court officials of defendants' compliance with release conditions in a timely manner, and provide recommendations, as needed, to address non-compliance.

- Represent PSA in the courtroom in an informed, professional manner.

Goal 2: Monitoring and Supervision of Released Defendants

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.

Anticipated Outcomes: Flight and re-arrest will be reduced.

Long Term Impact: The administration of justice will be more efficient and effective and public safety will be improved.

Strategic Objectives:

- Provide defendants with timely notification of upcoming court hearings.
- Provide a continuum of release conditions – ranging from monitoring to intensive supervision – designed to meet the unique supervision needs of the defendant population in the District of Columbia.
- Promote swift and effective consequences for violations of release conditions by providing timely recommendations to the court to address non-compliance.
- Promote incentives, such as reducing the frequency of contact, for defendants who are consistently in compliance with their release conditions.
- Integrate PSA supervision, where applicable, into the overall CSOSA continuum of supervision.

Goal 3: Integrate Supervision with Treatment

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.

Anticipated Outcomes: Flight and re-arrest due to drug use will be reduced.

Long Term Impact: Defendants will be more likely to remain crime and drug free after their period of pretrial supervision ends.

Strategic 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.

Goal 4: Organizational Excellence

Advance PSA's ability to manage for results and innovation.

Anticipated Outcomes: PSA will allocate its resources properly.

Long Term Impact: Improved decision-making, accountability and ability to develop and implement innovations.

Strategic Objectives:

- Enhance leadership and strategic management.
- Align human capital policies and practices to support the agency mission.
- Provide each employee with the tools needed to be effective.
- Create and maintain a customer focus.
- Establish and maintain systems that produce results-oriented and performance-based information necessary to resource the Agency, comply with laws and regulations, link financial and programmatic activities, meet decision support requirements, and hold staff members accountable for achieving results.

STRATEGIC GOALS	ANTICIPATED OUTCOME	STRATEGIC PERFORMANCE MEASURE/INDICATOR
<p>Goal 1: Support 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 assure 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>The use of a revised risk assessment instrument will lead to a release condition recommendation that more closely matches the defendant to an appropriate level of supervision.</p>	<p>Percent of release recommendations formulated based on the revised risk assessment.</p> <p>Percent of release conditions set by the judicial officer that reflect the risk level determined by PSA.</p>
<p>Goal 2: 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>Flight and re-arrest will be reduced.</p>	<p>Percent of defendants that fail to appear for court dates.</p> <p>Percent of defendants that are re-arrested and/or convicted while on pretrial release.</p>
<p>Goal 3: 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>	<p>Flight and re-arrest due to drug use will be reduced.</p>	<p>Percent of drug-involved defendants that fail to appear for court dates.</p> <p>Percent of drug-involved defendants that are re-arrested and/or convicted while on pretrial release.</p>
<p>Goal 4: Advance PSA's ability to manage for results and innovation.</p>	<p>PSA will allocate its resources properly.</p>	<p>Utilization of performance measures to improve results.</p> <p>Efficient and effective allocation of resources.</p>

The performance measures listed above will enable the agency to track performance of its goals and objectives. The outcomes for each of the goals will be monitored periodically to assess whether PSA is achieving its stated goals or whether programmatic or other types of adjustments need to be made.

Resource Requirements and External Factors

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. For a variety of reasons, the court may not follow PSA's recommendations. PSA's effectiveness is dependent upon collaboration and cooperation with the court. Similarly, PSA depends on the cooperation of the U.S. Attorney's Office, defense attorneys, court executive offices, and numerous community-based treatment programs to achieve success.

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 budget requests. In order to implement the performance measurement process envisioned in this plan, PSA will seek new resources to invest in information technology. The investments made in performance management will ensure that PSA devotes current and future resources to the tasks that directly influence achievement of the agency mission.

Performance Measures

The Government Performance and Results Act (GPRA) requires federal agencies to evaluate performance in terms of program results 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 impact, effectiveness, and program performance. PSA is moving to strengthen its current evaluation efforts while making long range plans to enhance evaluation capacity.

PSA will rely on a broad range of studies to refine goals and assess performance. Some studies will be highly formalized, rigorous evaluations. Other studies will be conducted in order to improve program planning, development, and resource allocation. PSA intends to conduct internal evaluations, but will also seek opportunities for external evaluations. In addition, PSA will utilize advisory groups to address special topics such as program development or creation of new activities. Where possible, and with appropriate caveats, PSA will also use evaluations conducted in other jurisdictions to inform policy and practice.

Relationship between the Strategic and Annual Plans

A key requirement of GPRA is that an explicit link exist between the Strategic and Annual Plans. PSA is developing a system to tie the mission to the day-to-day activities of staff. PSA's annual goals will be used to gauge progress toward strategic goals. Each of the long-term strategic goals contained in this plan will have a corresponding annual performance goal or goals. Indeed, this plan will be the foundation for the annual plans created for the time period covered by this Strategic Plan.

Development of PSA Strategic Plan

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

Consultations with Stakeholders

As is required by GPRA, PSA consulted with many stakeholder agencies about its mission, goals and objectives. Each stakeholder was supportive of the materials that PSA developed. PSA used this opportunity to solicit feedback on future improvements and ways to collaborate with stakeholders. CSOSA identified a number of ways in which the agencies can continue their successful collaborations. For example, CSOSA noted the importance of enhancing information technology to promote the seamless transition of defendants sentenced to probation by D.C. Superior Court. Representatives of the U.S. Attorney's Office identified ways in which improvements in the efficiency of the initial release recommendation process could be made. D.C. Superior Court judicial officers identified ways to make release recommendations more relevant to judges and commissioners who set release conditions, and they discussed ways in which sanctions can be administered efficiently. Representatives of the Executive Office for the D.C. Superior Court discussed their own strategic planning process and identified ways in which that office can work with PSA to ensure integrated information technology. The Public Defender Service and PSA agreed that although some administrative sanctions may be imposed by pretrial services officers for non-compliance, sanctions that may result in the incarceration of the defendant must be reserved for judicial officers. The Corrections Trustee emphasized the benefits of collaboration among all D.C. criminal justice agencies.

Completed and Planned Evaluations

Completed or On-going Evaluations

*Evaluation of the D.C. Superior Court Drug Intervention Programs:*⁴ 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 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 a small number of Pretrial Services Officers (PSOs) and extraordinarily high caseloads, PSA has not been able to expeditiously address defendant non-compliance outside its intensive supervision programs. The 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.

The D.C. Criminal Justice Coordinating Council's Pretrial System Subcommittee commissioned the National Institute of Corrections (NIC) to conduct an analysis of the flow of cases through the D.C. Superior Court during the pretrial period. The analysis provided insight into the release condition recommendation process and identified several processes and supervision activities that could be improved upon. NIC is also identifying jurisdictions that utilize administrative sanctions. They will survey their range of sanctions and provide recommendations for implementation.

⁴ 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.

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.⁵

Planned Evaluations

PSA intends to validate its new risk assessment instrument, and ensure that the instrument captures the relevant characteristics of the D.C. defendant population. PSA will also evaluate its court notification processes to ensure that the reports are submitted in a timely fashion, and that the reports are complete, useful and effective.

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.

PSA has not evaluated its management processes as frequently or as thoroughly as it should. To date, management evaluations have been conducted on an ad hoc basis. The creation of the planning and analysis capacity will change this. Dedicated staff, devoted full-time to performance measurement, 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.

⁵ Certification Report, Court Services and Offender Supervision Agency, 2000.

D.C. Pretrial Services Agency

Mission

The D.C. Pretrial Services Agency is committed to honoring the constitutional presumption of innocence and enhancing public safety by formulating recommendations that promote the use of non-financial pretrial release under the least restrictive conditions and by providing effective community supervision for defendants in a manner that: 1) ensures that defendants will return to court and will not be a danger to the community while on pretrial release; and 2) addresses the social problems that contribute to criminal behavior. The D.C. Pretrial Services Agency recognizes that collaboration with CSOSA and other criminal justice agencies will enhance the overall success of defendants.

Goal 1

Support 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 assure the defendant will:

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

Goal 2

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.

Goal 3

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.

Goal 4

Advance PSA's ability to manage for results and innovation.

OBJECTIVES

- 1.1: Conduct a risk assessment for each defendant to determine the probability of the risk of flight and the potential for criminal behavior.
- 1.2: Provide to the courts current, verified, and complete information about the history, relevant characteristics, and reliability of each pretrial defendant.
- 1.3: Recommend for each defendant the least restrictive non-financial release conditions needed to protect the community and ensure the defendant's return to court.
- 1.4: Notify court officials of defendants' compliance with release conditions in a timely manner, and provide recommendations, as needed, to address non-compliance.
- 1.5: Represent PSA in the courtroom in an informed, professional manner.

OBJECTIVES

- 2.1 Provide defendants with timely notification of upcoming court hearings.
- 2.2 Provide a continuum of release conditions – ranging from monitoring to intensive supervision – designed to meet the unique supervision needs of the defendant population in the District of Columbia.
- 2.3 Promote swift and effective consequences for violations of release conditions by providing timely recommendations to the court to address non-compliance.
- 2.4 Promote incentives, such as reducing the frequency of contact, for defendants who are consistently in compliance with their release conditions.
- 2.5 Integrate PSA supervision, where applicable, into the overall CSOSA continuum of supervision.

OBJECTIVES

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

OBJECTIVES

- 4.1 Enhance leadership and strategic management.
- 4.2 Align human capital policies and practices to support the agency mission.
- 4.3 Provide each employee with the tools needed to be effective.
- 4.4 Create and maintain a customer focus.
- 4.5 Establish and maintain systems that produce results-oriented and performance-based information necessary to resource the Agency, comply with laws and regulations, link financial and programmatic activities, meet decision support requirements, and hold staff members accountable for achieving results.

STRATEGIC GOAL 1

I. Key Features of Strategic Goal 1: Assessments, Release Recommendations and Compliance Reports

PSA's first strategic goal addresses the Agency's partnership with the D.C. Superior Court and the U.S. District Court. The goal focuses on the court notification operations of the agency and is linked to program results. It also relates directly to PSA's mission of ensuring that defendants will return to court and will not be a danger to the community while on pretrial release. Goal 1 and its attendant objectives are results oriented.

II. Strategic Goal 1 with Supporting Objectives

Goal 1: Support 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 assure the defendant will:

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

Objectives:

- 1.1 Conduct a risk assessment for each defendant to determine the probability of the risk of flight and the potential for criminal behavior.
- 1.2 Provide to the courts current, verified, and complete information about the history, relevant characteristics, and reliability of each pretrial defendant.
- 1.3 Recommend for each defendant the least restrictive non-financial release conditions needed to protect the community and ensure the defendant's return to court.
- 1.4 Notify court officials of defendants' compliance with release conditions in a timely manner, and provide recommendations, as needed, to address non-compliance.
- 1.5 Represent PSA in the courtroom in an informed, professional manner.

III. Means and Strategies followed to meet this Strategic Goal

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 and throughout the pretrial period. Judicial

officers need this information to make well-informed decisions. PSA provides this information in two forms: the initial release condition recommendation and compliance reports. In order for judicial officers to have faith in the initial release condition recommendation, the information about the defendant must be current, relevant, verified, and complete. The recommendation is based on the assessment of a defendant's risk of flight and re-arrest and always incorporates the least restrictive release conditions needed to protect the community and ensure the defendant's return to court. Throughout the pretrial period, PSA completes compliance reports and provides recommendations, as needed, to address non-compliance. During the presentation of these reports to court, both during the initial hearing and at subsequent follow-up hearings, Pretrial Services Officers (PSOs) act professionally and inform the court when called upon.

1.1 – 1.3 Initial Release Condition Recommendations for Judicial Use

A judicial officer in making a bail determination shall consider the agency's (PSA's) report and its accompanying recommendation.(23 D.C. Code §23-1303(g))

PSA serves the judicial officers of the D.C. Superior Court and the U.S. District Court for the District of Columbia. At a defendant's initial hearing, PSA provides release condition recommendations to the judicial officers for their use in defining what conditions a defendant must adhere to prior to trial. The judge typically chooses among options such as: release on personal recognizance, a variety of PSA monitoring or supervision conditions, third party supervision, or preventive detention.

Gathering and verifying relevant information about each defendant is one of the primary activities conducted by PSA in the release condition recommendation process. PSOs interview defendants scheduled for criminal bail hearings, and accurately document interview information. During the interview, the PSO addresses the confidential and voluntary nature of the interview by explaining the Warning Statement (see below). The PSO explains what information is gathered (i.e., community ties, health, drug and alcohol use, current and prior criminal history) and how PSA and the court use this 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 other PSA supervision units. The defendant's criminal history establishes a pattern of behavior upon which judicial officers can base their decisions. A newly developed risk assessment instrument, created by PSA and its criminal justice partners, will be used to evaluate the risk levels for each defendant. The risk levels include low, medium, or high risk in both flight and/or threat to the community categories.

PSA makes release condition recommendations based on the least restrictive conditions needed to assure appearance in court and the protection of the community. PSA uses the defendant's risk assessment score -- for both appearance and public safety -- to formulate

the release recommendation. In response to those risks, PSA prepares a report to be used by judicial officers to set release conditions.

WARNING STATEMENT	
<p>My name is _____ and I work at the D.C. Pretrial Services Agency. We will be gathering information from you about your family, residence, employment, health, criminal history, drug and alcohol use and other court cases. The information that you provide will be used by the court to determine your conditions of release, may be released to appropriate agencies to implement those conditions of release, and will become part of a public record.</p> <p>You have the right to talk to a lawyer before answering any questions and one will be appointed to talk to you if you cannot afford to hire one.</p> <p>Information which you provide may not be used against you on the issue of guilt in any judicial proceeding. However, if you lie or give misleading information, that fact can be used against you.</p> <p>By signing this folder you indicate you understand this warning, and your rights, and you give us the right to inspect all court, drug, and alcohol records kept by any agency concerning your present and past history.</p> <p>DISTRICT COURT ADDENDUM: In the event your case is transferred to U.S. District Court, and you are found guilty, the information you provide will be made available to a U.S. Probation Officer for the purpose of preparing a pre-sentence report and may affect your sentence.</p>	
Defendant's Signature _____	_____ Refused to Sign
Interviewer _____	_____ Warning Given for Citation Interview

1.4 – 1.5 Use of Compliance Reports to Manage Released Defendants

Compliance reports are provided to judicial officers throughout the pretrial supervision period.

These reports contain the defendant's compliance with release conditions and are prepared by PSOs for the D.C. Superior Court and U.S. District Court.

Based on the compliance of individual defendants during pretrial supervision, PSA completes violation or progress reports. PSOs must make recommendations to the court in a timely manner in order to keep the court, defense attorneys, and the U.S. Attorney's Office informed of defendant compliance. The progress reports list current compliance and may recommend changes in release conditions. For all defendants, the PSOs recommend conditions that are designed to ensure appearance in court and protect the safety of the community.

IV. Strategic Enhancements

PSA has identified the following mission-related strategic enhancements to Goal 1 which will be pursued over the course of the next 5 years:

1. 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. This instrument will be initially implemented in the D.C. Superior Court, followed by implementation in the U.S. District Court. Based on verified defendant interview information and criminal history, the PSO will complete the risk assessment instrument. The evaluation will identify where the defendant falls on the risk continuum. Divided into two sections, the instrument reports on the defendant's risk of non-appearance in court and risk of re-arrest. The risk levels range from low to high. Supervisory overrides of the instrument will be used infrequently and will be based on extenuating circumstances. The risk assessment information will be presented to the court at the time of the initial hearing, and release condition recommendations will be based on it.

Next steps for the risk assessment instrument include finalizing and piloting the instrument and training staff on its use in fiscal year 2001. During fiscal year 2002, the assessment will be fully implemented. Evaluation and full validation of the instrument will take place during fiscal year 2003, and in fiscal year 2004, the instrument will be refined.

2. D.C. Code and Traffic Cases

With the creation of CSOSA and certification to the federal system, PSA has experienced a dramatic growth in resources. The fiscal year 2001 budget will allow PSA to provide background investigations and bail reports to the D.C. Superior Court for D.C. Code and Traffic cases. Beginning in the third quarter of fiscal year 2001, PSA plans to implement an effort to provide criminal history investigations for defendants in D.C. Code and Traffic cases. 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. It is difficult for the Metropolitan Police Department (MPD) to confirm the true identities of this population at the time of arrest or to assess the risk to the community or risk of flight associated with releasing these defendants. With additional staff available, PSA will assist MPD and the courts in the assessment and review of these cases. In fiscal year 2002, the background check program for D.C. Code and Traffic cases will be fully implemented, and PSA will seek supervision resources for these defendants. Process and implementation evaluations will take place in fiscal year 2004. PSA will implement evidence-based improvements to policy and practices in fiscal year 2005.

3. Citation Cases

Another initiative beginning in fiscal year 2001 is the hiring and training of an evening staff of PSOs to provide enhanced curfew supervision and to develop a program for citation release. PSA will identify defendants whom MPD can safely release from custody on citation before their first court appearance. Implementation of this program will have a strong impact on the entire criminal justice system in the District of Columbia. Benefits to the system include reducing jail crowding and improving front-end decision-making. PSA is, in fact, statutorily mandated to assist MPD with citation release when requested, but due to budget limitations, the agency has not been able to perform this function since 1995. Re-introduction of this initiative will greatly enhance case processing and effective decision-making by avoiding the expenditure of unnecessary resources during the pretrial phase of the criminal justice system, particularly unnecessary detention. PSA, in partnership with D.C. Superior Court and MPD, will establish appropriate policies and procedures and will build the necessary infrastructure to accommodate the citation program.

V. Crosscutting Programs

Several criminal justice agencies work together diligently to create an efficient initial hearing process. MPD Officers must provide timely paperwork to support charges. The U.S. Attorney's Office decides whether to "paper" (process) a case or not. Case jackets and processing materials are prepared by court personnel. Defense attorneys must interview defendants before the hearing. PSA provides release condition recommendations for use by the judicial officer, the U.S. Attorney's Office and the defense attorney. All of these organizations must continually challenge themselves to improve the efficiency of the process.

Because of the overlap in the District of Columbia between people who are both convicted offenders and pretrial defendants, the information provided by CSOSA for the initial hearing on a new charge is particularly important, as it can address patterns of criminal behavior. PSOs contact CSOSA Community Supervision Officers for compliance information prior to the development of release condition recommendations. PSA uses information about a defendant's compliance with community supervision (probation or parole) conditions in assessing flight and public safety risks. The timely exchange of information can significantly improve PSA's initial release recommendations. Furthermore, CSOSA Community Supervision Officers perform a needs assessment/screener on each offender under their supervision. In the instances where the defendants and offenders are one and the same, the CSOSA screener will be provided to PSA to assist the PSO in making the release condition recommendation. Close cooperation will benefit both PSA and CSOSA.

VI. External Factors

Partnership with the U.S. Attorney's Office (USAO) and MPD: At the initial court hearing, PSA provides an objective assessment of a defendant's likelihood of flight and re-arrest, 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. In addition to providing initial release information, PSA is statutorily required to provide the AUSAs with information about a defendant's performance during the pretrial period. PSA and the USAO must continue to improve the process of resolving non-compliance issues and expeditiously addressing violation notices. PSA is partnering with the USAO and MPD to implement the Conditions of Release Enforcement program. PSA contributes to this program by providing MPD with the most up-to-date release condition information. MPD officers can then arrest released defendants who are in violation of certain conditions of release, such as stay-away orders, and the USAO can prosecute them. In essence, PSA is leveraging the resources of MPD to provide better supervision.

Partnership with the courts: PSA relies on both the D.C. Superior Court and U.S. District Court in many ways. At the point of release, PSA relies upon the courts to order release conditions based on PSA recommendations. During the remainder of the pretrial period, PSA relies upon the courts to adjust release conditions, as needed, based on PSA compliance reports.

STRATEGIC GOAL 2

I. Key Features of Strategic Goal 2: Monitoring and Supervision of Released Defendants

PSA's second strategic 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. The goal is results-oriented and is derived from the agency mission. To support the goal, PSA has identified a number of measurable objectives. PSA is aligning its day-to-day monitoring and supervision activities and resource allocations to support the achievement of this strategic goal. Additionally, PSA has aligned this strategic goal with the annual monitoring and supervision goals identified in the agency's performance plan. Measures will be developed that will allow PSA to track incremental progress toward the achievement of this strategic goal. As is required by GPRA, the strategic goals are linked to the program activity structure provided in the budget via the annual performance goals.

II. Strategic Goal 2 with Supporting Objectives

Goal 2: 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:

- 2.1 Provide defendants with timely notification of upcoming court hearings.
- 2.2 Provide a continuum of release conditions – ranging from monitoring to intensive supervision – designed to meet the unique supervision needs of the defendant population in the District of Columbia.
- 2.3 Promote swift and effective consequences for violations of release conditions by providing timely recommendations to the court to address non-compliance.
- 2.4 Promote incentives, such as reducing the frequency of contact, for defendants who are consistently in compliance with their release conditions.
- 2.5 Integrate PSA supervision, where applicable, into the overall CSOSA continuum of supervision.

III. Means and Strategies followed to meet this Strategic Goal

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. At any given time, there are approximately 6,000 defendants under active pretrial supervision and 4,000 defendants who are monitored primarily for re-arrest. Since the enactment of the D.C. Revitalization Act, PSA has focused on strengthening its continuum of supervision. More remains to be done. Caseloads range from over 260 defendants per Pretrial Supervision Officer (PSO) in general supervision programs to 20 per PSO in high risk programs. On average, PSA supervises defendants for a period of 170 days.

2.1 Provide defendants with timely notification of upcoming court hearings.

In order to ensure a defendant's appearance in court, PSA engages in a number of notification activities. Research into pretrial non-appearance and flight from prosecution clearly demonstrates that the majority of no-shows are accidental – defendants simply forget the date of their next court appearance.⁶ In addition to written notification, defendants are asked to state their upcoming court dates each time they call PSA to check-in, each time they come in person to the supervision and drug testing programs, and each time they meet with their PSO. Defendants who receive a curfew as a condition of release are reminded of their next court date each time PSA confirms their compliance with curfew. Additionally, PSA works to minimize the number of defendants on bench warrant status. If a monitored defendant misses a court appearance and a bench warrant is issued, PSA notifies the defendant that the warrant was issued and encourages the defendant to report to court. PSA also gives advance notice to the court of defendants who are unable to appear for court, e.g., the defendant is in the hospital or incarcerated in another jurisdiction, in order to prevent the issuance of a bench warrant.

2.2 Provide a continuum of release conditions – ranging from monitoring to intensive supervision – designed to meet the unique supervision needs of the defendant population in the District of Columbia.

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 pre-release phase, PSA assigns defendants to appropriate levels of monitoring or supervision. With the forthcoming implementation of the revised risk assessment instrument, PSA plans to assign defendants to high, medium, or low risk categories for both flight from prosecution and public safety perspectives.

In keeping with its mission of protecting the public and ensuring that defendants return to court, PSA focuses its supervision resources on the defendants most at risk of violating

⁶ Clarke, Stevens H., "Pretrial Release: Concepts, Issues and Strategies for Improvement," National Institute of Corrections, U.S. Department of Justice, Washington, D.C., 1988.

their release conditions. Very low risk defendants (those released unconditionally) receive only notification of court dates. Low risk defendants are placed in monitoring programs that require limited contact with PSA. As the risk level of the defendant increases, the number of contacts that PSA requires is increased. Additionally, medium and high risk defendants may have to submit to increased urinalysis, curfew, or other conditions. Defendants posing the highest risk serve all or part of their pretrial release period in a halfway house. If they are released from the halfway house, defendants are placed in the most intense community supervision program provided by PSA.

SUCCESSFUL SUPERVISION

Types of Contacts: Supervision services are built around the concept of ‘contacts.’ Contacts are interactions that the PSO has with the defendant or with other entities to obtain information about the defendant. PSA employs several different types of contacts, including: personal contact either in person (in the office or when reporting for drug testing) or over the telephone between the PSO and the defendant; collateral contacts with employers, family members, or the like to verify defendant information; and, notification from various social services agencies to determine defendant compliance with conditions such as mandatory drug or mental health treatment. PSA uses multiple types of contacts to increase defendant accountability. Supervision contacts are increased for non-compliant defendants.

Nature of Contacts: Simply maintaining contact with defendants is not enough to fulfill PSA’s mission and goals. The nature and content of the contact is also important. In order to successfully manage released defendants, pretrial staff must establish a rapport with the defendants that will allow them to discuss the importance of compliance and the defendant’s responsibilities. The nature of the contacts and the relationships that pretrial staff develop with the defendants are critically important to achieving the goals of the agency.

2.3 Promote swift and effective consequences for violations of release conditions by providing timely recommendations to the court to address non-compliance.

One of the challenges facing PSA is the need for swift responses to non-compliance. Failure to appear for a PSO meeting, 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 detected non-compliance 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 expanding its use of sanction-based contingency contracts 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.

Sanctions should be predictable such that each detected violation should result in a sanction, and appropriate in the sense that sanctions should escalate if non-compliant behavior persists. Sanction-based contingency contracts are a vehicle for making the defendant aware of PSA and judicial expectations and the specific non-compliant behaviors that will result in sanctions. Sanctionable acts by defendants include: missing scheduled court dates; violating contact conditions, e.g., failing to meet with a PSO as ordered; testing positive for illicit drugs; tampering with a urine sample or diluting the sample by excessive water consumption; missing or absconding from treatment programs; missing curfew; or other violations of release conditions.

Recent results from an independent evaluation of the Superior Court Drug Intervention Program (Drug Court) demonstrated that a well implemented, graduated system of sanction-based contingency contracts can improve defendant behavior and protect the community. Despite working with a severely addicted, criminally involved population, the sanction-based contingency contracting program had both short-term and long-term benefits. In the short-term, a much higher percentage of defendants were drug free in the month before sentencing when compared with defendants who received traditional case processing. In the long-term, defendants in the sanction-based contingency contract program were arrested less frequently in the year following sentencing than were non-participating defendants.⁷

2.4 Promote incentives, such as reducing the frequency of contact, for defendants who are consistently in compliance with their release conditions.

Numerous studies have documented the power of incentives to change behavior.⁸ Incentives are designed to reward appropriate defendant behavior. By rewarding the behavior, PSA expects that the desirable behavior, e.g., testing negative for use of illicit drugs, will continue. Incentives are generally intangible, as they usually take the form of verbal praise. However, tangible rewards for compliance over a certain period of time do occur. 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.

2.5 Integrate PSA supervision, where applicable, into the overall CSOSA continuum of supervision.

The unique configuration of CSOSA creates unparalleled opportunities for providing a supervision continuum. Many defendants supervised by PSA are sentenced to probation. Those defendants who are convicted in D.C. Superior Court and sentenced to probation

⁷ Harrell, et al., "Evaluation of the D.C. Superior Court Drug Intervention Programs," National Institute of Justice, U.S. Department of Justice, 2000.

⁸ 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.

are then supervised by CSOSA's Community Supervision Officers. PSA is working closely with CSOSA to ensure a seamless transition of defendants from one stage of supervision to the other. The transition will include sharing information about a defendant's compliance with release conditions, including performance in drug testing and substance abuse treatment, and about a defendant's needs, e.g., vocational training. Integrating the information systems used by PSA and CSOSA will also facilitate the integration of supervision.

IV. STRATEGIC ENHANCEMENTS

PSA has identified the following mission-related strategic enhancements to Goal 2 to pursue over the course of the next 5 years.

1. Sanction-based Contingency Contracting

Contingency contracts are successfully used to supervise higher risk defendants. At its heart, a contingency contract is simply a system for clearly setting out expectations and sanctioning defendants for non-compliance. Each program rule and release condition is spelled out in the contract along with a description of the specific sanctions that will be applied for violations.

Contingency contracting is becoming widely accepted as a best practice for providing community supervision of defendants and offenders. Research conducted on the Superior Court Drug Intervention Program showed that defendants, contrary to expectations, commended the contingency contracts. They felt that the contracts were fair and helped them understand PSA's and the court's expectations. The contracts helped the defendants feel some degree of ownership of the process.

PSA will expand contingency contracting to monitoring and supervision programs that, to date, have not used this supervision tool. Although this method is resource intensive, it promises to deliver the types of outcomes that PSA is striving to achieve. PSA will develop universal policies and practices to guide development of contingency contracts throughout all the supervision programs. Included in this will be a thorough evaluation of current policies and practices in each of the supervision programs.

A major impediment to universal implementation of contingency contracts concerns the discretion that PSA needs in order to utilize a broad range of sanctions. PSA is currently developing a wider range of administrative sanctions. These are different from the type of sanctions that judges impose. Judges traditionally rely on sanctions involving loss of liberty, and those sanctions are appropriately reserved for judicial use. However, non-liberty based sanctions (such as increasing and decreasing supervision contacts) may well be appropriate for PSA to impose, based on defendant compliance with release conditions. Over the course of the time period covered by this strategic plan, PSA will

seek the resources needed and the consent of the courts to expand the use of this promising supervision strategy throughout agency programs.

Fiscal year 2001 will be spent researching best practices; assessing the feasibility of implementation; identifying additional sanctions that PSA can use; and developing policies and procedures. Additionally, in that year, the agency will work with its stakeholders to identify and address their concerns related to this strategic enhancement. In subsequent years of the plan, PSA will request funding for pilot tests, evaluations of the tests, and finally, expansion of contingency contracting throughout the agency.

2. Community-based Pretrial Services

The term 'community justice' encompasses prevention and justice activities that include the community and address quality of life issues relevant to the community. Some examples of community justice programs include: community courts, community policing, and community prosecution. Recently, there has been an effort to include the community in what has traditionally been called 'community corrections.' CSOSA has identified partnering with the community as one of its goals. PSA is just beginning to consider developing community-based pretrial services.

CSOSA believes that one of the benefits of shifting to a community focus will be the improvement of partnerships with community-based organizations and with the community as a whole. In time, CSOSA hopes that improved partnerships will lead to better reintegration of offenders. CSOSA is in the process of decentralizing their supervision offices. Placement of the offices in the community is expected to improve relations with the community and to give Community Supervision Officers insights into the lives of offenders. It is anticipated that similar benefits would result from implementation of community-based pretrial services.

PSA currently lacks the resources needed to decentralize monitoring and supervision in order to create close ties with the community. However if Pretrial Services Officers were co-located with CSOSA Community Supervision Officers, PSA would be able realize certain cost savings. Nonetheless, the costs of establishing a successful community-based pretrial services program would be substantial. In addition to direct costs, PSA would have to hire additional PSOs to staff decentralized offices. Finally, given PSA's prevailing culture, it would take time and additional training to transition staff into the new roles that a community-based agency would require.

PSA would like to move in the direction of community-based pretrial supervision and will, over the next five years, develop a plan to do so. Fiscal year 2001 will be used to: identify trends and practices throughout the pretrial field; assess the practicality of implementation; identify additional resources PSA would need; and develop policies and procedures. Additionally, in the first year, the agency will work with its stakeholders to identify and address their concerns related to this innovative strategic enhancement. In

subsequent years of the plan, PSA may request funding for pilot tests, evaluations of the tests, and finally, the resources needed to transform the agency.

3. Expansion of supervision resources for high risk defendants

Properly supervising high risk defendants is resource intensive, and PSA provides supervision for many high risk defendants. In order to be effective, PSA must increase the resources devoted to this high risk group of defendants. Over the course of the next five years, PSA will seek additional resources for these defendants. Specifically, one option that PSA would like to implement is “halfway back” beds. PSA would model its halfway back program on the one that CSOSA has already implemented. CSOSA uses halfway back beds as a sanction for offenders in lieu of revocation of probation or parole. PSA would use these secure residential spaces to stabilize non-compliant defendants. Ideally, PSA would be able to contract with private contractors to provide these services. In addition to using this space to stabilize defendants, PSA would utilize it as an administrative sanction for non-compliant defendants. Without sufficient additional resources, like halfway back beds, PSA will have a difficult time providing comprehensive supervision for high risk defendants.

PSA is beginning the process of implementing electronic monitoring for higher risk defendants when appropriate. PSA will also use the results of the new risk assessment instrument to identify the percentage of the defendant population that is high risk. Once that has been determined, and in subsequent years of this Plan, PSA will seek the additional resources needed to meet the supervision requirements of the high risk defendant population.

V. Crosscutting Programs

PSA works closely with CSOSA’s Community Supervision Program to provide for a smooth transition for defendants sentenced to probation by the D.C. Superior Court. Compliance information as well as risk and needs assessment information will be transferred to CSOSA for each defendant sentenced to 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. Seamless transitions maintain strict accountability, enhance public safety, and promote successful reintegration into the community. To the extent possible, CSOSA and PSA will coordinate monitoring and supervision of individuals who are under the supervision of both entities. Additionally, CSOSA and PSA will establish a continuum of drug testing, drug treatment, mental health, and other social services to be available to all persons under the supervision of both entities.

VI. *External Factors*

Partnership with the courts: During the pretrial release period, PSA relies upon the court to adjust release conditions and administer sanctions as needed. Increasingly, PSA is relying upon contingency contracting and sanction-based treatment to reduce the risk of flight and reduce the risk to the community. In order for PSA to be effective, this change in supervision strategy necessitates a willingness and ability on the part of the court to hold hearings on short notice and administer sanctions. PSA will rely on the court to respond appropriately to the higher volume of violation reports that will result from increasing the use of contingency contracts. To offset the increased pressure on the judiciary, PSA will work with the court to create a series of administrative sanctions that the pretrial services officers can apply without returning to court.

Partnership with the U.S. Attorney's Office (USAO): PSA routinely provides the USAO with updates concerning a defendant's compliance with release conditions. PSA goals are more likely to be met if the USAO assists in the management of pretrial defendants by requesting sanctions or modifications of release conditions for non-compliant defendants.

Partnership with the defense bar: The support of the defense bar has been particularly evident in the success of pretrial programs such as the D.C. Superior Court Drug Intervention Program. In order for PSA to achieve its mission, the use of immediate administrative graduated sanctions within the context of contingency contracts will have to expand. With the concurrence of defender organizations, PSA will be able to implement effective contingency contracts.

Partnership with the D.C. Department of Corrections (DCDC): PSA recommends placement in a halfway house as an appropriate release condition for defendants with a specific risk profile. As halfway houses are managed by DCDC, PSA and DCDC must develop a closer working relationship. An automated system for exchanging supervision information between PSA, the courts, and DCDC should be developed.

STRATEGIC GOAL 3

I. Key Features of Strategic Goal 3: Integrate Supervision with Treatment

PSA's third strategic goal addresses the links between drug use and risk of both criminal activity and flight in the population of released defendants. Because drug use contributes to both public safety and flight risks, PSA has developed specialized supervision programs that provide drug treatment. As with all other PSA goals, this goal is results-oriented and is derived from the agency mission. To support the goal, PSA has identified a number of measurable objectives. The objectives are directly linked to the approaches that the agency will use to support the goal of providing effective treatment in a fiscally responsible manner. PSA is aligning its day-to-day treatment provision and referral activities to support the achievement of this strategic goal. Additionally, PSA has aligned this strategic goal with the annual treatment-focused and supervision-related performance goals identified in the agency's annual plan. The strategic goal is linked to the program activity structure provided in the budget via the annual performance goals.

II. Strategic Goal 3 with Supporting Objectives

Goal 3: 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:

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

III. Means and Strategies followed to achieve this Strategic Goal

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 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.

3.1 Provision of, or referral to, substance abuse and mental health interventions

PSA has several programs geared toward defendants who have drug use problems. PSA's special treatment-focused supervision programs offer defendants immediate access to various treatment modalities. Because PSA's mission is to enhance public safety and ensure return to court, defendants in these special programs are supervised just as they would be if they were in traditional supervision programs. Defendants placed in these programs also have drug testing, contact, and other requirements.

Because drug use is associated with both flight from prosecution and criminality, PSA has established these programs for drug using defendants. By specializing in the legal and social concerns of drug users, these programs are adept at successfully managing this population. 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. This group of programs collaborates with treatment agencies and other community organizations to provide the resources necessary to supervise drug using defendants effectively. These programs serve the entire criminal justice system in the District of Columbia by educating and training judges, prosecutors, public defenders, and other criminal justice practitioners in substance abuse and treatment modalities. In turn, they serve the treatment community by educating them about criminal justice procedures and concerns.

PSA uses a combination of in-house 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 are still supervised by PSA. PSA has developed close working relationships with its treatment providers. Information about defendant progress in treatment is regularly communicated to Pretrial Services Officers, who, in turn, provide the information to the court.

3.2 Referral to social services

Defendants placed under the supervision of PSA have a variety of needs. Although their period of supervision with PSA is relatively brief, PSA does work with defendants to identify their needs and refers them to services. PSA plans to develop a more thorough social services needs assessment instrument to identify the multiple needs of the defendant population. PSA is also working to identify 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 CSOSA, since it has developed partnerships with many providers in the community. For example, CSOSA has developed a Learning Lab for offenders, and, given that many defendants are chronically unemployed or underemployed, defendants will also benefit from participation. As with referral to drug or mental health treatment, PSA will be monitoring defendant use of, and involvement with, social services.

IV. Strategic Enhancement

PSA has identified the following mission-related strategic enhancement to Goal 3 to pursue over the course of this strategic plan.

Better allocation of substance abuse treatment resources

Transition to the federal system has brought with it a plethora of substance abuse treatment resources, both in-house and as a result of expanded contracts. Additionally, over the course of the past few years, PSA has identified a substantial number of community-based treatment resources. In order to implement performance-based management, PSA, in conjunction with CSOSA, will conduct an in-depth review of utilized treatment resources. This review will address: operational processes, cost-containment strategies, contract management, treatment quality, and alternative strategies for providing treatment to defendants. The review will also address management concerns. Among the management concerns to be addressed will be: staff knowledge and skill levels, procedures to hold managers accountable for resource allocation decisions, and the support services, such as information technologies, needed for intelligent allocation of resources. Lastly, PSA is implementing a Certified Addiction Counselor in-house training program. Through this training, PSOs will become more adept at matching defendant needs to treatment, which will lead to a more effective utilization of treatment resources.

Currently, several evaluations are being conducted to identify the best approach to ensure delivery of quality treatment at an acceptable cost. Research will be conducted to identify best practices used by both criminal justice and treatment system agencies. PSA will create a quality control process that draws on the state-of-the-art procedures developed in each of those systems. In subsequent years, PSA will request the resources needed to develop a comprehensive treatment management program.

V. Crosscutting Programs

Over time, a substantial number of defendants will move from pretrial supervision with PSA to post-conviction supervision with CSOSA. For the defendants who move along this supervision continuum, PSA will share relevant treatment information with CSOSA. The goal is to develop a seamless transition that maintains defendant accountability and participation in treatment. To help achieve this, PSA will be using many of the same treatment providers that CSOSA does. Additionally, where possible, PSA will use treatment and supervision standards that conform to those being developed by CSOSA.

PSA works closely with community-based service providers. Where contracts for services exist, PSA has established guidelines for communication and mutual responsibilities. Good communication is necessary not only to ensure that defendants get

the services they need, but also to ensure that defendants are accountable for their actions. CSOSA is currently building partnerships with a larger network of community-based service providers. PSA will coordinate with CSOSA to access these resources for defendants as well.

VI. External Factors

Because PSA is focusing on building internal treatment capacity for only a limited number of drug-using defendants who require particularly close supervision, PSA must continue to rely on a mix of contract and publicly funded community-based treatment. PSA has experienced difficulty in identifying community-based treatment providers who are fully equipped to work with special needs defendants, such as the dually diagnosed population. PSA is adopting the performance-based treatment standards that CSOSA is using. Over time, the use of performance-based treatment contracts should enhance the capacity of the District's treatment providers.

STRATEGIC GOAL 4

I. Key Features of Strategic Goal 4: Organizational Excellence

PSA's fourth strategic goal addresses the agency's need to manage for results. The goal is results-oriented and is derived from the agency's obligations under GPRA. To support the goal, PSA has identified a number of measurable objectives. The objectives are directly linked to the approaches that the agency will use to support the achievement of this strategic goal. PSA is aligning its day-to-day management activities and resource allocations to support the achievement of this strategic goal. Additionally, PSA has aligned this strategic goal with the annual monitoring and supervision goals identified in the agency's performance plan. As is required by GPRA, the strategic goals are linked to the program activity structure provided in the budget via the annual performance goals.

II. Strategic Goal 4 with Supporting Objectives

Goal 4: Advance PSA's ability to manage for results and innovation.

Objectives:

- 4.1 Enhance leadership and strategic management.
- 4.2 Align human capital policies and practices to support the agency mission.
- 4.3 Provide each employee with the tools needed to be effective.
- 4.4 Create and maintain a customer focus.
- 4.5 Establish and maintain systems that produce results-oriented and performance-based information necessary to resource the Agency, comply with laws and regulations, link financial and programmatic activities, meet decision support requirements, and hold staff members accountable for achieving results.

III. Means and Strategies followed to meet this Strategic Goal

PSA has experienced a rebirth as a result of the Revitalization Act. During this formative time, this Strategic Goal will institutionalize a performance-based orientation and culture. Meeting the objectives associated with this goal will result in improved program effectiveness and quality services.

4.1 Enhance Leadership and Strategic Management.

The transition to a performance-based agency cannot be completed until a commitment to the agency's goals and key priorities has been made by all employees. In order to achieve this, PSA will rely on senior managers to communicate the new emphasis on performance to employees and to serve as leaders by embracing performance-based management practices. The synergistic effect of strong leadership and universal employee alignment with the mission will be evident in improved performance.

Agency leadership will communicate the shared vision, enable innovation, and set future direction. The process followed to write the Strategic Plan resulted in the acknowledgement of PSA's shared vision. Senior managers will use the agency mission statement to shape performance plans for all employees. Management will meet with employees in the various functional units to discuss progress toward strategic goals. In time, agency leadership will create and sustain an organizational culture built on the shared values and mission of the agency.

PSA will make innovation an integral part of its operations through recognition and financial rewards, especially for those innovations suggested by line staff. Senior management is open to new ideas that streamline procedures, that make new use of available technology, and that increase the effectiveness and efficiency of PSA's operations.

Senior managers will set the future direction of the agency based upon stakeholder feedback, evaluation of PSA programs and procedures, and consideration of external factors that could impact the success of the agency. With the creation of an in-house analytical capacity, managers now have access to staff dedicated to evaluating the full range of PSA's processes, procedures and performance. The reports, white papers, and feasibility studies conducted by this unit will be used to make PSA a results-oriented performance-based agency.

4.2 Align human capital policies and practices to support the agency mission.

Human capital has recently been recognized as a critical management issue for the Federal government. In this labor market, PSA will face many of the challenges the Federal government as a whole is confronting. With the majority of agency resources devoted to salaries and benefits, it is clear that human capital is PSA's most important investment. The significance of this issue for PSA cannot be underestimated. PSA employees have a direct impact on the attainment of agency goals. Each time that they meet with defendants, they have an opportunity to build rapport. It is that rapport that will be indispensable in providing successful supervision of pretrial defendants.

PSA's human capital management practices must result in a highly trained, creative staff at all levels of the agency. PSA has developed a framework for meeting this goal. A separate detailed human capital support plan will address these management practices in

detail. To date, PSA has identified the following objectives: recruit a diverse, quality work force; provide a productive, positive working environment that maximizes employee retention and encourages employees to fulfill their career potential; adhere to merit principles; and utilize best practices and innovations developed in both the public and private sectors.

4.3 Provide each employee with the tools needed to be effective.

Information Technology (IT)

Throughout the time period covered by this Strategic Plan, PSA will retain the capability to build IT systems to meet the agency's needs and to support the business processes of the agency. The current IT systems provide the supervision staff with many of the tools they need to manage defendants, but more remains to be done. At the management level, IT provides reports on a variety of key performance measures, provides data on resource expenditures, and contains information needed to develop sophisticated analyses of program outcomes and impacts. PSA's IT infrastructure will continue to support agency services, strategic planning, human capital management, and the agency's goals and objectives.

Given PSA's extensive experience with utilizing IT to support mission achievement, an ambitious set of objectives has been developed to continue the high level of performance. The first objective is to make investments to achieve a comprehensive information technology infrastructure that meets user needs, ensures the interoperability of all systems, and protects the privacy of agency data by securing it from unauthorized access. By the end of this strategic planning cycle, PSA will have completed a comprehensive overhaul of IT.

PSA's IT does not stand alone. It links directly with a number of other systems. Additionally, PSA's system allows users access to other agencies' systems. Given the interdependence of PSA's IT, one of the objectives is to ensure that new and existing information and communications technologies continue to facilitate the exchange of information between PSA and other relevant criminal justice agencies. Ensuring prompt information exchange with CSOSA will be particularly important.

With the expanding capacity of technology to meet PSA's needs, another strategic objective is to attain an essentially paperless operational/programmatic environment. Many of the defendant supervision tasks and activities performed by PSOs have already been automated and even more will be automated as the current IT is further developed to meet user needs. Over the course of this strategic plan, the agency will reduce its reliance on paper systems. A gradual reduction will ensure that there will be no disruptions in services or reduced performance.

Drug Testing Laboratory

PSA has built and maintained a state-of-the-art drug testing laboratory. Frequent drug testing is a key supervision tool. The laboratory is fully integrated into PSA's business processes. The laboratory conducts tests in accordance with generally accepted laboratory guidelines. Additionally, the laboratory works to obtain external certification for the staff through such programs as the American Association of Clinical Pathologists, American Society of Crime Laboratory Directors, and other certifying bodies.

Given the nature of the specimen collection process, the laboratory maintains strict chain of custody procedures in order to minimize the number of legal challenges levied against the collection process itself. The chain of custody is tracked using existing information technologies. To support supervision, the laboratory has fully integrated its testing procedures with existing supervision information systems. Test results are electronically provided to the individual PSOs in a prompt and accurate manner.

Training

Through comprehensive training, PSA provides all agency employees with the necessary skills to effectively perform specific operations in support of the agency's overall mission. This is accomplished by conducting ongoing needs assessments, comprehensive introductory training programs, continuing education programs, and career development opportunities. An objective, in-depth evaluation will be conducted for all training programs. The evaluation will consider the utility of the training from a number of perspectives, including: line staff, middle managers, executives, and human capital managers. PSA will provide its new and existing staff with creative, comprehensive, state-of-the-art training. Through needs assessments and evaluations, line staff, supervisors, and senior management will help shape how training supports the achievement of public safety and appearance in court.

Electronic Monitoring

Electronic monitoring is a remote sensing technology that allows a supervision agency to frequently confirm the location of supervised individuals. Electronic monitoring of defendant location will be a powerful supervision tool for pretrial services officers to use. Clearly, electronic monitoring can substantially increase defendant accountability to PSA. In fiscal year 2001, PSA plans to add this important supervision tool. PSA will recommend the use of electronic monitoring with higher risk defendants. Further, PSA may use electronic monitoring as an administrative sanction with certain non-compliant defendants. PSA will evaluate the implementation of electronic monitoring, and pending favorable results and the availability of funds, PSA will expand the use of this supervision tool.

4.4 Create and maintain a customer focus.

PSA will strive to anticipate and respond to the requirements, expectations and preferences of the agency's customers, stakeholders, and partners. PSA will work with its customers -- both defendants and the courts -- and stakeholders to understand their most critical interests and needs. PSA will do this by: regularly measuring customer, stakeholder, and partner satisfaction; and using satisfaction data to identify processes and services that need improvement. PSA will actively participate in, or initiate, collaborative forums with the agency's stakeholders and partners to share information, solve problems, and demonstrate innovations and best practices

4.5 Establish and maintain systems that produce results-oriented and performance-based information necessary to resource the Agency, comply with laws and regulations, link financial and programmatic activities, meet decision support requirements, and hold staff members accountable for achieving results.

Although PSA has divided this objective into resource management and performance management foci, the functions are fully integrated throughout the agency. PSA is implementing a Strategic and Annual Planning process that addresses and integrates resource and performance management. The documents produced as a result of this process will focus the agency on the most important current and emerging performance issues, and will allow PSA to demonstrate results by using meaningful performance measures. Further, this process will ensure that PSA has aligned its resources with the strategic goals and objectives.

Resource Management

PSA's resource management policies and practices will support the achievement of the agency mission with performance-based budgeting, accounting, acquisition, and decision support activities. The results-oriented objectives will achieve effective and efficient organizational performance. An optimal financial management system will be developed, implemented, and maintained. This system will address four areas:

- *Organization:* PSA will acquire, allocate, and manage the human capital necessary to support core resource management processes and will institutionalize ongoing training activities to develop and maintain required skill-sets.
- *Processes:* PSA will develop best practices for core processes relating to budget, accounting, acquisition, and decision support functions.
- *Policies:* PSA will develop and implement policies to provide consistent execution of core processes.

- *Technology and Tools:* PSA will utilize the most effective and efficient technology/tools as key enablers to support core processes.

Resource management is one step in creating a comprehensive system that links resources and agency operations with results-oriented performance measures.

Performance Measurement

PSA will conduct data collection and analyses to provide an objective and fact-based balanced assessment of progress toward meeting performance goals. Short-term and long-term results that the agency is achieving and the linkages between annual and strategic goals will be highlighted. PSA's services will be evaluated to ensure that they are efficient, responsive to customers, and of the highest quality attainable.

The following organization of performance measurement will parallel the organization of resource management, which will ensure full integration:

- *Organization:* PSA will acquire, allocate, and manage the human capital necessary to support planning and analysis processes and will institutionalize ongoing training activities to develop and maintain required skill-sets.
- *Processes:* PSA will develop best practices for the planning and analysis of core processes relating to operations, human capital, information technology, customer service, and decision support functions.
- *Policies:* PSA will develop and implement policies that link analytical results with program development to maintain a process of continuous improvement of core processes.
- *Technology and Tools:* PSA will utilize the most effective and efficient technology and tools to support planning and analytical functions.

IV. Strategic Enhancement

PSA has identified the following mission-related strategic enhancement to Goal 4 to pursue over the course of this strategic plan.

Establishment of an internal performance measurement infrastructure

To date, PSA has had limited resources to devote to performance measurement and even fewer to devote to long-term program evaluation. In fiscal year 2001, PSA will build the infrastructure needed to create a comprehensive performance measurement system. The system will be fully integrated with resource management and will be supported by state-of-the-art information technology. By the end of fiscal year 2001, performance measures

will be in place for all operational and supporting functions underway in the agency. During this year, performance data will be collected and used to construct a baseline against which achievement of performance goals will be measured. Also, a priority list of evaluations, both long- and short-term, will be developed using input from all levels of the agency. This priority list will allow PSA to identify additional planning and analysis resources needed to address the full range of evaluations that the agency requires.

V. Crosscutting Programs

PSA is developing specific supporting plans for human capital, information technology, and resource/financial management. These plans will be coordinated, and where possible, fully integrated with the supporting plans being developed by CSOSA. Support plan alignment will safeguard PSA's independence without compromising PSA's support of CSOSA's goals and objectives.

PSA and CSOSA coordinate training. PSA utilizes numerous training courses offered by CSOSA, including: the Microsoft Office Suite, Ethics, Freedom of Information Act and Privacy Act, Sexual Harassment, and other crosscutting topics. PSA has provided some training for CSOSA staff, including: PSA operations, PRISM Drug Status Reports, drug test collection and chain of custody procedures, and Washington Area Law Enforcement System and National Crime Information Center training. Through its drug laboratory, PSA provides drug testing services for CSOSA. There is close coordination on specimen collection procedures and specimen analysis. Further, PSA relies upon CSOSA to provide a number of shared administrative services.

VI. External Factors

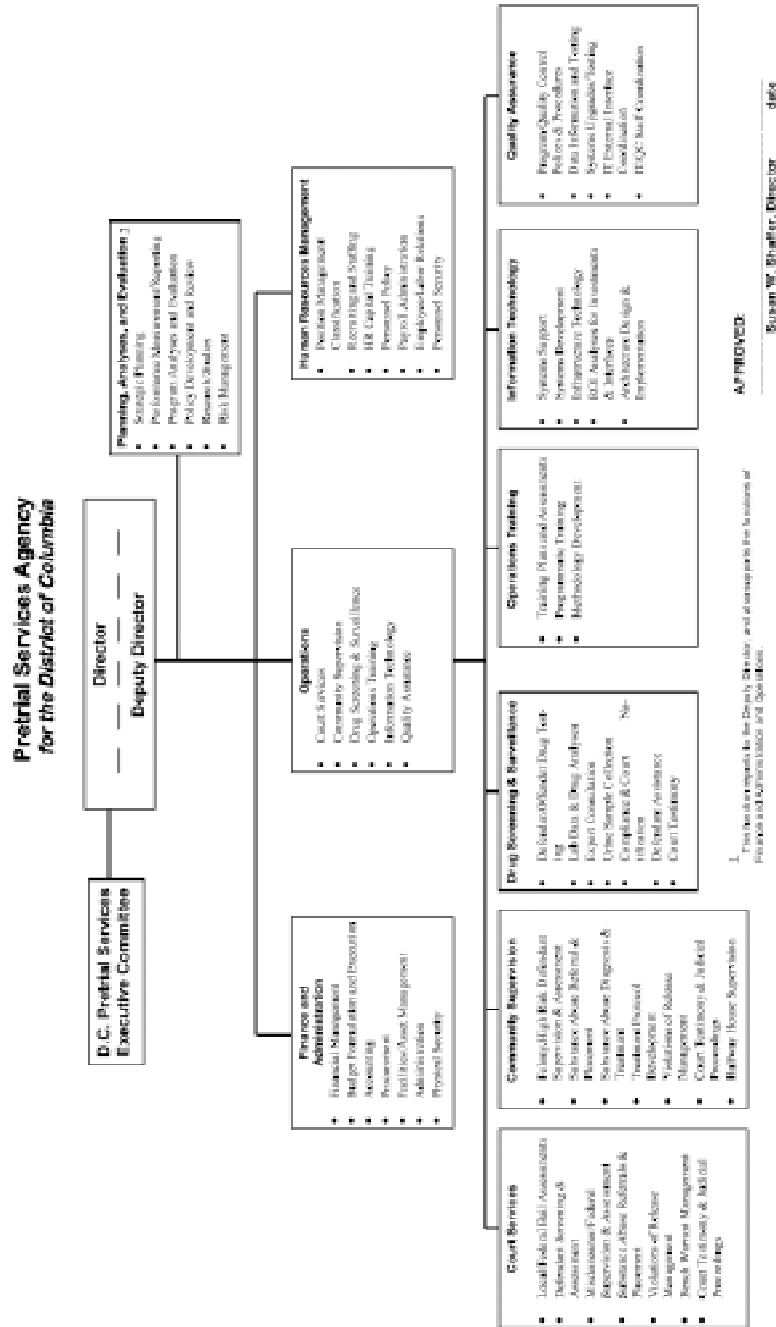
The current labor market situation affects PSA's ability to find and retain quality employees, particularly with regard to senior IT-related positions. Due to the metropolitan-wide growth in demand for employees with IT skills, PSA has experienced difficulty attracting IT professionals. Salary limitations associated with the federal pay structure have made the situation more difficult. Based on a review of the IT sector of the local economy, PSA anticipates that a high turnover rate in senior IT positions is likely to continue for the next five years.

APPENDICES

Appendix A	PSA Organizational Chart
Appendix B	Agency Profile: Size, Budget and Office Locations
Appendix C	Legislative Authority and History of PSA

APPENDIX A

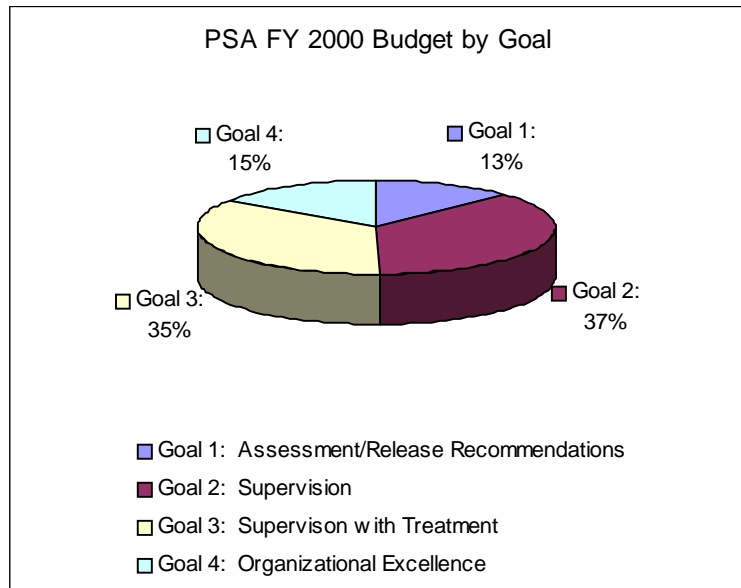
PSA Organizational Chart



APPENDIX B

Agency Overview

For fiscal year 2000, PSA was appropriated 229 positions and had a total of \$19,793,000 in appropriated funds available. For fiscal year 2001, allocation of funds to each goal is expected to be close to the fiscal year 2000 allocation. See below:



Office Locations

PSA maintains offices in a number of locations. Multiple locations permit PSA to serve the defendant population better, and to work more closely with various partner agencies.

Headquarters	633 Indiana Ave., NW
Supervision programs and specimen collection	633 Indiana Ave., NW 601 Indiana Ave., NW (supervision only) 500 Indiana Ave, NW (D.C. Superior Court) 300 Indiana Ave., NW 333 Constitution Ave., NW (U.S. Dist. Ct.)

APPENDIX C

Legislative Authority

The D.C. Pretrial Services Agency (PSA) is an independent entity within the Court Services and Offender Supervision Agency (CSOSA). PSA is advised by an Executive Committee consisting of the: Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit; Chief Judge of the U.S. District Court for the District of Columbia; Chief Judge of the District of Columbia Court of Appeals; Chief Judge of the Superior Court of the District of Columbia; U.S. Attorney for the District of Columbia; Director of the District of Columbia Public Defender Service; and Director of the District of Columbia Court Services and Offender Supervision Agency. CSOSA was created by the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”). PSA was established by subchapter I of chapter 13 title 23 of the D.C. Code. PSA continues to look to the D.C. Code to define the agency’s statutory mandate.

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.’⁹ 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

⁹ U.S. v. Salerno, 481 U.S. 739 (1987)

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.¹⁰

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.'

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.'

¹⁰ 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.