

Court Services and Offender Supervision Agency

for the District of Columbia

Appropriation

Background

The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) was established by the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Revitalization Act¹). Following a three-year period of trusteeship, CSOSA received certification as an independent Executive Branch agency on August 4, 2000. CSOSA's mission is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community.

The Revitalization Act relieved the District of Columbia of a number of "state-level" financial responsibilities and restructured a number of criminal justice functions, including pretrial services, parole, and adult probation. Following passage of the Revitalization Act in 1997, under the direction of a Trustee appointed by the U.S. Attorney General, three separate and disparately functioning entities of the District of Columbia government were reorganized into one federal agency (CSOSA). The new agency assumed its probation function from the D.C. Superior Court and its parole function from the D.C. Board of Parole. The D.C. Pretrial Services Agency, an independent entity within CSOSA with its own budget, is responsible for supervising pretrial defendants. The Revitalization Act transferred the parole supervision functions to CSOSA and the parole decision-making functions to the U.S. Parole Commission (USPC). On August 5, 1998, the parole determination function was transferred to the USPC, and on August 4, 2000, the USPC assumed responsibility for parole revocation and modification with respect to felons.

The CSOSA appropriation is composed of three components: The Community Supervision Program (CSP), the D.C. Pretrial Services Agency (PSA), and the Public Defender Service (PDS) for the District of Columbia. The third component of the appropriation, PDS, is a federally funded independent organization responsible for the defense of indigent individuals. In accord with the Revitalization Act, PDS receives its funding as an administrative transfer of federal funds through the CSOSA appropriation.

PSA monitors or supervises approximately 7,000 defendants at any given time; CSP monitors or supervises approximately 15,000 offenders at any given time. The period of supervision varies according to the individual's status. Pretrial defendants are typically supervised for approximately six to nine months; probationers, approximately 20 months; and parolees, an average of five years.

PDS attorneys represent indigent defendants in the majority of the most serious adult felony cases filed in the Superior Court every year, nearly 100 percent of all D.C. Code offenders facing parole revocation, and 100 percent of all D.C. defendants requiring "stand-in" Drug Court representation at sanctions hearings. PDS also represents indigent persons involuntarily

¹ Pubic Law 105-33, Title XI

committed to the local mental health system, as well as one-third of the indigent children in the most serious delinquency cases. PDS similarly provides representation within the delinquency system to children in need of special education services. Furthermore, PDS provides technical assistance to the local criminal justice system and provides additional legal services to indigent clients in accord with its enabling statute.

FY 2007 Appropriation (CSP, PSA, and PDS)

The proposed CSOSA FY 2007 appropriation (CSP, PSA, and PDS) totals \$214,363,000 an increase of \$14,989,000 or 8 percent over CSOSA’s FY 2006 enacted budget. The \$14,989,000 increase consists of \$12,518,000 Adjustments to Base (ATB) and \$2,471,000 in program changes.

CSOSA (CSP and PSA)

- CSP’s FY 2007 budget request is \$135,457,000, an increase of \$7,391,000 or 6 percent over FY 2006 enacted.
- PSA’s FY 2007 budget request is \$46,196,000, an increase of \$4,423,000 or 11 percent over FY 2006 enacted.

PDS

- PDS’s FY 2007 budget request is \$32,710,000, an increase of \$3,175,000 or 11 percent over the FY 2006 enacted.

CSOSA Appropriation Summary of Proposed FY 2007 Budget Request vs. FY 2005 and FY 2006			
	<i>thousands of dollars</i>		
	2005	2006	2007
Community Supervision Program	109,966	128,066	135,457
Pretrial Services Agency	38,999	41,773	46,196
Public Defender Service	29,594	29,535	32,710
Total CSOSA Appropriation	178,560	199,374	214,363

FYs 2005 and 2006 include across-the-board rescissions.

Mission and Goals (CSOSA: CSP and PSA)

CSOSA's mission is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community. Given that 70 percent of convicted offenders serve all or part of their sentence in the community and approximately 80 percent of pretrial defendants are released to the community, CSOSA's functions of effective supervision of pretrial defendants and convicted offenders, along with effective service to the courts and paroling authority, are critical to public safety. Although CSP and PSA have two distinct mandates, they share common strategic goals that guide the Agency's management and operations.

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

To achieve these goals, CSOSA has developed operational strategies, or Critical Success Factors, encompassing all components of community-based supervision. The four Critical Success Factors are:

1. Establish and implement (a) an effective Risk and Needs Assessment and case management process to help officials determine whom it is appropriate to release and at what level of supervision, and (b) an ongoing evaluation process that assesses a defendant's compliance with release conditions and an offender's progress in reforming his/her behavior.
2. Provide Close Supervision of high-risk defendants and offenders, with intermediate graduated sanctions for violations of release conditions.
3. Provide appropriate Treatment and Support Services, as determined by the needs assessment, to assist defendants in complying with release conditions and offenders in reintegrating into the community.
4. Establish Partnerships with other criminal justice agencies and community organizations.

The Critical Success Factors are the foundation for CSOSA's structure and operations, as well as the Agency's plans for allocating resources, measuring performance, and achieving outcomes. In terms of both day-to-day operations and long-term performance goals, these four principles guide what CSOSA does. They unite CSP's and PSA's strategic plans, operations, and budgets.

Mission and Goals (PDS)

The Public Defender Service for the District of Columbia (PDS) is a federally funded, independent organization governed by an eleven-member Board of Trustees. PDS was created by a federal statute² enacted to comply with a constitutional mandate to provide defense counsel to indigent individuals.³ The mission of PDS is to provide and promote quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia justice system and thereby protect society's interest in the fair administration of justice. A major portion of the work of the organization is devoted to ensuring that no person is ever wrongfully convicted of a crime. Also, PDS provides legal representation to people facing involuntary civil commitment in the mental health system, as well as to children in the delinquency system, including those who have special education needs due to learning disabilities.

In 1997, Congress enacted the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Revitalization Act),⁴ which relieved the District of Columbia of certain "state-level" financial responsibilities and restructured a number of criminal justice functions, including public defense and representation for indigent individuals. The Revitalization Act instituted a process by which PDS submits its budget to Congress and receives its appropriation as an administrative transfer of federal funds through the Court Services and Offender Supervision Agency (CSOSA) appropriation. In accordance with its enabling act, PDS remains a fully independent organization and does not fall under the administrative, program, or budget authority of CSOSA. Rather, due to the constitutional mandate it serves, PDS necessarily maintains a separate and distinct mission from that of CSOSA and the Executive Branch.

Since its creation, PDS has maintained a reputation in the District of Columbia criminal justice system for exceptional advocacy. The strength of PDS has always been the quality of the legal services that the organization delivers. Judges and prosecutors alike acknowledge and respect the excellent advocacy of PDS's attorneys, as, more notably, do public defender agencies and criminal justice bars across the nation.

² Pub. L. No. 91-358, Title III, § 301 (1970); *see also* 2 D.C. Code § 1601, *et seq.*, 2001 ed.

³ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁴ Pub. L. No. 105-33, Title X (1997).

Summary of Fiscal Year 2007 Major Changes: CSOSA

Community Supervision Program – Adjustments to Base

Re-Entry and Sanctions Center	\$3,428,000	0 Positions	0 FTE
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In FY 2002 Congress appropriated \$13,015,000 in no-year funds for the renovation of the entire eight-floor Karrick Hall. In September 2002, CSOSA signed a long-term lease (10 years) with the District of Columbia for the use of Karrick Hall as CSOSA's primary Re-entry and Sanctions Center. Renovation of Karrick Hall began in the second quarter of FY 2004 and is now substantially complete. Staff will begin occupying the building in February 2006. Once completed, Karrick Hall will have six units, approximately 100 beds and capacity to treat 1,200 offenders and defendants annually.

CSOSA's FY 2004 Appropriation included funding for 18 positions and limited operations of Karrick Hall. CSOSA's FY 2006 Appropriation included 77 positions and partial funding for operation of five total units of the Re-Entry and Sanctions Center. CSOSA requests \$3,428,000 in FY 2007 to provide funding for all six units and full-year (12 month) operations at Karrick Hall.

Pretrial Services Agency

Extensive Supervision Caseload Reduction	\$1,703,000	12 positions	12 FTE
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In June of 2005, 26 PSOs were supervising 3,225 defendants with extensive supervision conditions. The defendants with extensive supervision conditions within General Supervision account for approximately 55 percent of all cases with pretrial conditions of release. Defendants who fall into this category have been charged with a range of offenses—from serious misdemeanors to dangerous and violent felonies. Even though many of the felony defendants are potentially eligible for pretrial detention based on their charge (e.g., robbery, burglary, aggravated assault) or criminal history (e.g., a pending case or on probation), the court has determined that initial placement in the community under extensively supervised release conditions is appropriate. The caseload ratio for this group is approximately 124:1 (June 2005). Caseload ratios of this magnitude make it virtually impossible for Pretrial Services Officers (PSO) to meet with defendants in person, respond swiftly to violations of release conditions, and apply supervision interventions. The public safety ramifications are clear. The requested increase will allow caseload ratios to be reduced to approximately 100:1. Even at this level the caseload ratios will be significantly higher than caseload ratios at federal pretrial offices in Maryland (64:1) and Virginia (42:1).

Electronic Monitoring/Cellular/GPS	\$768,000	3 Positions	3 FTE
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The funding requested in this initiative will allow PSA to expand its Electronic Monitoring (EM) Program beyond the traditional EM systems to include both wireless cellular and global positioning systems (GPS) monitoring. These two newer, more effective technologies are currently being used in many jurisdictions to monitor defendants who cannot be effectively supervised using traditional EM. Wireless cellular monitoring technology allows the defendant population who do not have a hard wired home telephone to be monitored electronically.

Defendants who are noncompliant with general supervision requirements will no longer be able to avoid the High Intensity Supervision Program by reporting the absence of a traditional telephone. GPS monitoring would allow PSA to quickly determine the location of a defendant at any time as well as track the movements of defendants. In addition, GPS monitoring can be used to notify the authorities when a defendant enters court-restricted areas such as schools, known drug areas, or a victim's neighborhood.

CSOSA (CSP and PSA) Frequently Asked Questions

How many offenders and defendants are under CSOSA's supervision?

In September 2005, CSP monitored or supervised 15,708 offenders, an increase of 1,667, or 12 percent, over September 2003 (14,041). In addition, CSP conducted over 8,010 Pre and Post-Sentence Investigations, reclassifications, re-entry transition plans and interstate investigations in FY 2005. In June 2005, PSA monitored or supervised 5,871 defendants.

In FY 2001 CSP was charged with setting up a Sex Offender Registry for the District of Columbia. Has this been accomplished?

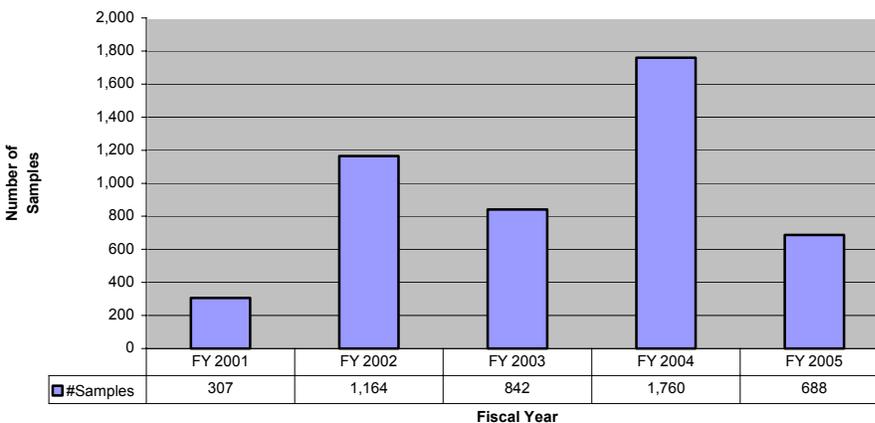
Yes. CSP developed and established a secure database for sex offender registration information. CSP assumed responsibility for the registration function in October 2000. As of December 2005, there are 645 active registrants in the DC Sex Offender Registry. The data, photographs and supporting documents are transmitted to the DC Metropolitan Police Department for community notification, as required by law.

Does CSP collect DNA samples from its offender population?

In FY 2001 CSP assumed responsibility for collecting DNA samples from probationers and parolees convicted of violent crimes and sex offenses. The samples are sent by CSOSA to the Federal Bureau of Investigation, which records the results into a database used for crime solving.

The DNA Sample Collections table below reflects CSP collection activity from FY 2001 to FY 2006 (October 2005). Since FY 2001, CSP has collected a total of 4,818 DNA Samples. In FY 2005, 688 samples were collected.

DNA Sample Collections by Fiscal Year



In FY 2004 CSP received resources to implement Global Positioning System (GPS) Electronic Monitoring of high-risk offenders. What is the status of this initiative?

Since inception of the GPS Electronic Monitoring pilot in FY 2004, 291 different offenders have been placed on the system and, as of September 30, 2005, 81 offenders were on GPS Electronic Monitoring.

What is the status of renovations at Karrick Hall?

Renovations at Karrick Hall are now substantially complete. Staff will begin occupying the building in February 2006.

Describe CSOSA's proposed Re-Entry and Sanctions Center at Karrick Hall.

The Re-Entry and Sanctions Center (RSC) at Karrick Hall will provide intensive assessment and reintegration programming for high-risk offenders/defendants, as well as residential sanctions for offenders/defendants who violate the conditions of their release. The RSC program is specifically tailored for offenders/defendants with long histories of crime and substance abuse who cannot be released directly to the community or to inpatient treatment. These individuals are particularly vulnerable to both criminal and drug relapse at the point of release. Often, they have been incarcerated for a long term and have little outside support. For these individuals, reentry is a particularly difficult and dangerous period. The RSC program will also allow CSOSA to impose prompt, meaningful, graduated sanctions for violations of release conditions, improving the likelihood of a successful supervision outcome.

Once fully operational, Karrick Hall will have six units (four male units, one female unit, and one mental health unit) and the capacity to treat 1,200 high-risk offenders/defendants annually. Offenders/defendants remain in the unit for approximately 30 days and undergo a structured treatment program operating seven days per week. During the program, participants cannot leave the facility or receive visitors. After completing the 30-day program, the majority of offenders/defendants are referred to residential or intensive outpatient drug treatment as the next phase in their transition.

How much contract treatment funding does CSOSA have?

In FY 2006, CSP has \$11,119,000 in contract treatment and halfway back non-personnel funding for general population offenders. In addition, CSP has treatment funding for the clients of the Re-Entry and Sanctions Center. PSA had \$2,832,000 in contractual treatment appropriated funding.

How many defendants and offenders have been placed in treatment programs?

Over the last few years CSP has significantly increased the number of offenders placed in treatment services. In FY 2005, CSP made 2,863 substance abuse treatment placements, 230 sex

offender program placements and 266 halfway back placements. In addition, at any given time, up 1,200 offenders are participating in in-house treatment or treatment readiness programming. Each offender, who has substance abuse treatment issues, on average, requires three substance abuse treatment placements to satisfy treatment programming requirements.

In FY 2005 PSA placed 1,563 defendants (about 49 percent of those found to be in need of treatment) in some type of sanction-based substance abuse treatment (in-house, contractual, or a combination of both).

Has the increase in drug testing and treatment been effective?

Indications are that the increase in drug testing and treatment is having a positive effect among CSP's supervised population. Drug treatment effectiveness studies performed by CSP show promising results. The studies provide preliminary indication of the short-term (90 and 180 days post-treatment) effect of treatment on persistent drug user patterns. The studies indicate that drug use persistence decreased more among offenders who completed the treatment program when compared with those who failed to complete the prescribed treatment. Specifically, the number of persistent drug users decreased 78 percent for offenders who completed treatment and 43 percent for treatment drop-outs within 90 days post-treatment. Using available data for offenders who were under CSOSA supervision 180 days post-treatment, the number of persistent drug users decreased 70 percent for offenders who completed treatment and 64 percent for treatment drop-outs. Further analyses are required to determine if the closing of the persistence drug use gap is at least partially attributable to timely and appropriate aftercare support or to other pre-identified factors about treatment participants that may influence treatment continuum decisions.

A separate study by the Institute for Behavior and Health⁵ found that offenders and defendants who participated in the Washington/Baltimore HIDTA drug treatment program were less likely to commit crimes. In calendar year 2001, the overall arrest rate for participants in the *entire* Washington/Baltimore HIDTA drug treatment dropped 47 percent from 1.08 to 0.57 in the one year period before and after treatment. Participants in CSOSA's Assessment and Orientation Center, a program within the Washington/Baltimore HIDTA, experienced a 25.8 percent decrease in rearrests, from 0.97 in the one year prior to treatment to 0.72 one year after treatment.

How does CSOSA determine who should be subject to drug testing?

This determination is different for offenders and defendants. All CSP offenders are drug-tested beginning at intake. Offenders sentenced to more than one year of supervision are placed on a twice per week drug testing schedule for eight weeks. After 16 consecutive negative test results without any substance abuse violations (such as failing to report for testing or providing an invalid test specimen), the offender's drug testing schedule is reduced to once per week for 12 weeks. After 12 consecutive negative tests, without any substance abuse violations, the offender's drug testing then is reduced to once a month for the remainder of the offender's supervision period. Offenders who subsequently test positive, or have a substance abuse

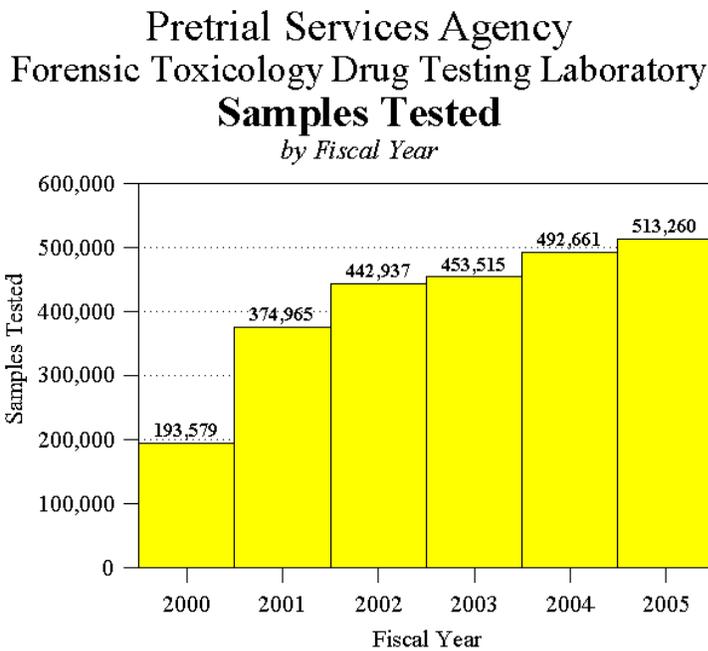
⁵ The Effect of W/B HIDTA-Funded Substance Abuse Treatment on Arrest Rates of Criminals Entering Treatment in Calendar Year 2001. Institute for Behavior and Health, June 10, 2004

violation, will be moved back to the twice per week drug testing schedule for eight consecutive tests until they demonstrate eight consecutive negative drug tests without any substance abuse violations. Once this threshold is met, the offender will be moved to the next lower drug test schedule, once per week, and will move progressively through the testing matrix to once per month testing, for the remainder of the offender's supervision period. An offender who tests positive or has a substance abuse violation, will be moved up the drug test schedule.

Pretrial defendants are tested only as ordered by the Court. Defendants placed in High Risk and Drug Treatment Programs are usually tested twice a week. Defendants with drug testing conditions in general supervision are usually tested once a week.

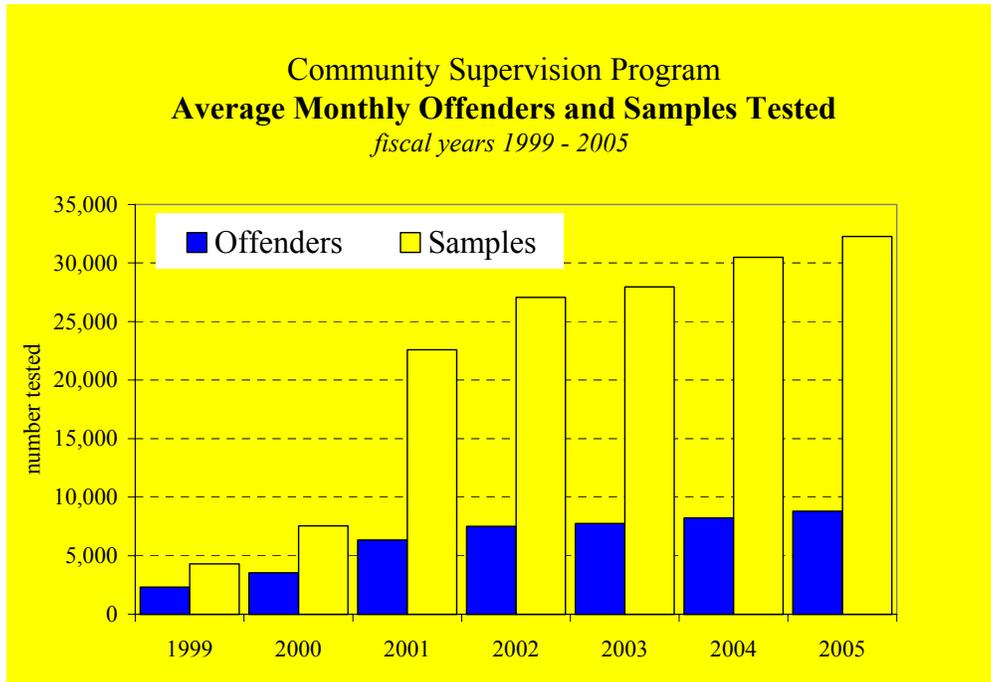
How many drug samples are processed by PSA’s laboratory?

The Forensic Toxicology Drug Testing Laboratory operated by PSA tested 513,260 specimens in FY 2005 (each sample may be tested for up to seven drugs). The 513,260 samples tested in FY 2005 represents a four percent increase over the number of samples tested in FY 2004 and a 165 percent increase in the number of samples tested in FY 2000.



How many Offenders has CSP drug tested?

During FY 2005, CSP tested an average of 8,802 offenders per month for drug use. This represents a 7 percent increase over the 8,219 offenders tested per month in FY 2004, a 39 percent increase over the number tested in FY 2001, and a 149 percent increase over the number tested in FY 2000. In addition to testing more offenders, CSP is testing the offenders more often. The number of samples tested per offender per month increased from 2.1 in FY 2000 to 3.7 in FY 2005.



Over the last few years CSP has requested and Congress has provided substantial funding to allow CSP to reduce the number of offenders supervised by each Community Supervision Officer (CSO). What has been the result of this additional funding?

Prior to the Revitalization Act, caseload ratios were over 100 offenders for each CSO, far in excess of those recommended by nationally recognized standards and best practices. As a result of increased funding, CSP has been able to increase the number of CSOs supervising high-risk general and specialized caseloads. This additional funding has resulted in closer monitoring and supervision of offenders despite a 12 percent increase in the number of offenders supervised between September 2003 and September 2005.

CSP Supervision Caseloads

	September 2001	September 2003	September 2004	September 2005
General	64	48	52	50
Special	44	29	32	32
Interstate	75	75	84	79

What are the supervision ratios for PSA?

Prior to the Revitalization Act, the General Supervision population at PSA was monitored at a ratio of over 400:1. With the hiring of additional PSOs since the Revitalization Act and a reorganization to improve supervision and monitoring programs, case ratios have improved but still remain higher than caseload ratios at Federal Pretrial offices in Maryland (1:64) and Virginia (1:42). The requested increase would allow caseloads in Extensive Supervision to be reduced to approximately 100:1. The chart below reflects the caseloads for June 2005.

	Caseload
Extensive Supervision	124:1
Community Court	77:1
Specialized Supervision	25:1
District Court	91:1

How many community-based supervision offices does CSOSA have?

CSP currently has six community-based supervision offices. CSP's new field unit at 910 Rhode Island Avenue, NE, will open in February 2006, and a new field office in the Far NE section of DC is expected in 2007. CSP also operates two vocational and educational programs on-site at St. Luke's Church on East Capitol Street, SE, and at the Bellevue Resource Center on South Capitol Street, SW.

1. 1230 Taylor Street, NW
2. 910 Rhode Island Avenue, NE
3. 1418 Good Hope Road, SE
4. 3850 South Capitol Street, SE
5. 25 K Street, NE
6. 800 North Capitol Street, NW

How many Community Supervision Officers (CSO) and Pretrial Services Officers (PSO) is CSOSA authorized?

CSP currently has 356 authorized CSO positions. PSA had 154 PSO positions authorized in FY 2006.

What are the characteristics (gender, race, education, age, criminal charge) of offenders under CSP supervision?

As shown in the table below, the majority of offenders under CSP's supervision (54 percent) are between the ages of 26 and 45; 41 percent of the offenders in this profile have not completed high school. Offenders coming under the supervision of CSP are most likely to have committed a violent offense (41%), drug offense (29%) or a property offense (17%).

Characteristics of Offenders Under CSP Supervision

	Percent
Gender	
Male	85%
Female	15%
Race	
African American	90%
Caucasian	5%
Hispanic	4%
Other	1%
Educational Level*	
Less than High School	38%
High School Diploma/GED	35%
Above High School	17%
Missing/Unknown	10%
Age	
17 and Under	0%
18 to 25	17%
26 to 35	27%
36 to 45	27%
46 to 55	21%
56 and above	8%
Criminal Charge**	
Violent Offense (<i>Charge Categories: Criminal Homicide, Robbery, Forcible Rape, Sex Offenses, Aggravated Assault, Offenses Against Family & Children, Other Assaults</i>)	41%
Drug Offense (<i>Charge Category: Drug Abuse</i>)	29%
Property Offenses (<i>Charge Categories: Arson, Burglary, Larceny-Theft, Embezzlement, Fraud, Forgery & Counterfeiting, Motor Vehicle Theft, Stolen property, Vandalism</i>)	17%
Public Order (<i>Charge Categories: Weapons-Carrying/Possessing, Driving Under the Influence, Disorderly Conduct, Fail to Comply w/ Public Transportation Regs., Gambling, Loitering, Obstruction of Justice, Prostitution & Commercialized Vice, Traffic, Vagrancy, Liquor Laws</i>)	10%
Other (<i>Charge Categories: Drunkenness, Licensing & Regulation Issues, Other Offenses, Unknown</i>)	3%
<p>*As reported by the offender; not as assessed by CSOSA Educational Specialists. **Reflects the offenders' first, most serious charge. ***Charge Categorization taken from the Bureau of Justice Statistics</p>	

