

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY  
FOR THE DISTRICT OF COLUMBIA**



**TESTIMONY**

**SUBMITTED TO THE**

**US HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON FINANCIAL SERVICES  
AND GENERAL GOVERNMENT**

**MARCH 18, 2013**

Good afternoon Chairman Crenshaw, Ranking Member Serrano and members of the Subcommittee:

I am pleased to appear before you today to discuss the operations, financial condition, and performance of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA), which includes the Pretrial Services Agency for the District of Columbia (PSA). CSOSA is a relatively young organization. Originally established by the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Revitalization Act), CSOSA was certified as an independent Executive Branch Agency of the U.S. government on August 4, 2000.

With enactment of the Revitalization Act, and the subsequent creation of CSOSA, the Federal government took on a unique, front-line role in public safety in the District of Columbia. The mission of CSOSA is to enhance public safety, prevent crime, reduce recidivism and support the fair administration of justice in close collaboration with the community. CSOSA's Community Supervision Program (CSP) supervises sentenced adult offenders in the community on probation, parole, or supervised release. PSA supervises and monitors pretrial defendants in the US District Court for the District of Columbia and the Superior Court of the District of Columbia.

In FY 2012, CSOSA, including both CSP and PSA, received an aggregate appropriation of \$212.9 million. Of that amount, \$153.5 million was designated for the Community Supervision Program and \$59.4 million for PSA. Since FY 2010, CSOSA's overall budget has remained essentially flat, while costs to operate our supervision and public safety programs have continued to rise. As a result of almost three years of effective budget reductions, both CSP and PSA have already been forced to reduce valuable offender and defendant supervision and support programming, which in turn harms our ability to meet the needs of this vulnerable population and to ultimately improve public safety in the District of Columbia.

Currently, CSOSA is operating under a Continuing Resolution that set our funding at FY 2012 enacted levels. In addition, the recent Sequestration Order that went into effect on March 1, 2013 resulted in a roughly \$11 million cut in CSOSA's budgetary resources below FY 2012 enacted levels. CSOSA now has only a little over six months with which to absorb this 5 percent reduction in funding. This translates into further reductions in critical offender treatment, transitional housing services, employment assistance, and other key programs that would be used to carry out our core public safety mission. Additionally, the Sequestration Order will impact our most significant assets, which are our employees. CSOSA will now have to furlough staff, including critical law enforcement officers, for a total of six workdays beginning in May. Despite these reductions, both CSP and PSA remain committed to effectively performing our front-line public safety functions here in the District of Columbia by implementing innovative and evidence based supervision strategies and realigning existing resources to focus on our higher risk and specialized populations.

That said, I would like to begin by addressing the present operational and financial condition of the Community Supervision Program (CSP). Later in my testimony I will discuss the operational and financial status of the Pretrial Services Agency.

The Community Supervision Program's updated FY 2013 Sequester funding basis is \$145,871,000, which is approximately \$7.7 million less than our FY 2012 enacted funding level of \$153.5 million. CSP intends to continue targeting these reduced resources towards the highest risk and highest need offenders under our supervision through evidence based programs and support. However, CSOSA is a small agency and therefore does not have the funds available in general areas such as training, travel, employee awards, administration and information technology with which to absorb this level of reduction. Further, other organizations within the District of Columbia, such as the DC City Government, simply do not have the level of resources to provide the services required to meet the needs of our offender population.

In order to operate within the Sequester funding basis, CSP must make additional cuts to our critical public safety and offender support programs. For example, following the issuance of the recent Sequestration Order, CSP will now have to cancel and/or reduce contracts for offender treatment, housing, and other reentry services by an additional \$3 million and implement a hiring freeze and furlough all employees for a total of six workdays. Such reductions are certain to have a significant and possibly immediate impact on area public safety and our law enforcement partners within the District of Columbia.

As you are aware, CSP is charged with supervising adult parolees and supervised releasees returning to the District of Columbia from the Federal Bureau of Prisons as well as adult probationers sentenced by the D.C. Superior Court. CSP adult parolees are typically under our supervision for 7 to 11 years; supervised releasees for an average of three years and probationers for approximately two years.

In FY 2012, CSP supervised approximately 15,500 adult offenders on any given day and over 24,000 different offenders over the course of a year. On average, CSOSA supervises approximately one in every 41 adult residents of the District of Columbia. Offenders entering our supervision in FY 2012 faced the following challenges: 84 percent had a self-reported history of substance abuse; 76 percent reported being unemployed at the time of intake; 41 percent had less than a high school diploma or GED; 37 percent had diagnosed or self-reported mental health needs, 7 percent had sex offenses in their criminal arrest history, and 9 percent had unstable housing (most living in homeless shelters). Roughly 84 percent of CSP's offender clientele are male, while 16 percent are female. Comparable to nationwide trends, many of our offenders are a high risk to public safety, have significant needs and are prone to recidivate. In FY 2012 over 37 percent of our offender population was assessed, classified and supervised at the highest risk levels (maximum and intensive). These characteristics guide us in determining the appropriate interventions and supervision strategies that will help stabilize this population and reduce recidivism. Our innovation and investments in supervision and targeted

programming have paid off. However, I must underscore that recent cuts and continual budget uncertainty potentially compromises the successes our Agency has previously achieved.

In order to improve public safety in the District of Columbia, our agency has established two long-term performance outcomes: decreasing recidivism among the supervised offender population and successful completion of supervision. CSP's public safety and offender support programs have resulted in reductions in recidivism amongst our offender population. Moreover, in FY 2012, 63 percent of cases were discharged from supervision successfully, compared to 62 percent in FY 2011. A higher percentage of probation cases discharged successfully (70 percent), compared to parole/supervised release cases (42 percent).

While CSP is proud of these accomplishments, we remain concerned that recent reductions in budgetary resources will present challenges in the future as it relates to our performance outcomes. CSP budget reductions have a rippling effect on our law enforcement partners, notably the Federal Bureau of Prisons and the DC Government. Despite our existing budgetary challenges, CSP remains committed to performing its due diligence as it relates to continuing to track both our offender recidivism rates and our supervision completion rates.

To accomplish our performance outcomes, CSP employs four mission-oriented operational strategies: effective offender risk and needs assessment; close supervision; treatment services and intervention support; and partnerships.

Key to effective community supervision is the offender assessment process. Approximately 9,500 offenders enter our supervision each year. The Community Supervision Program has developed a comprehensive risk assessment instrument, the AUTO Screener, which classifies each offender's risk to the community and identifies specific needs that should be met with timely supervision interventions. The AUTO Screener captures information about the strength of an offender's

community and social support, criminal history, substance abuse history, mental health, attitude and motivation, and other areas bearing on the likelihood of future criminal activity as well as identified behavioral health needs that, once addressed, can mitigate potential law violation. Offenders are periodically reassessed and regularly drug tested to determine changes in their assessed risk levels.

The Community Supervision Program's close supervision strategies include direct offender supervision performed by highly skilled Community Supervision Officers (CSOs) located in Agency field units throughout the District. The strategic placement of Agency field units in neighborhoods where our offenders live and work is a linchpin of CSP's community supervision approach. Community oriented supervision allows our CSOs to maintain an active, visible community presence, collaborating with neighborhood law enforcement officers throughout the city's seven Police Districts, as well as spend more time conducting visits of offender's homes and work sites. Our community presence enables effective partnerships not only with the Metropolitan Police Department and the US Attorney's office, but also with local social services providers, non-profit and faith-based institutions, and employers.

Recent reductions, however, in budgetary resources due to the March 1<sup>st</sup> Sequestration Order present significant concerns as it relates to CSP's current efforts to relocate our offender supervision field unit, located at 25 K Street, NE, Washington D.C. This offender supervision field unit houses approximately 90 agency staff performing direct offender supervision, substance abuse collection and vocational/educational training for approximately 3,100 offenders. 25 K Street, NW, also serves as the location for most of our female-specific and interstate offender supervision programs. CSOSA's lease for this location is expected to end by March 1, 2014.

As a result, GSA and CSOSA have initiated a space acquisition project. While CSP must fund the relocation of this unit in FY 2013 to ensure an orderly transition to

new space procured by GSA in early 2014, recent budget cuts now jeopardize completion of this important project. A request for inclusion of this funding anomaly in the final FY 2013 Continuing Resolution was forwarded to Congress in February by the Administration on behalf of CSP. Failure to fund this project in FY 2013 will place the Agency at risk for potential supervision disruptions and significant staff displacement.

Lower caseloads are another key element of our close supervision strategy. Prior to CSOSA's creation, supervision caseloads in the District exceeded 100 offenders per Officer, far higher than recognized national standards. Presently, our general supervision caseload ratio averages 57 offenders per CSO, which is slightly above the the 50 cases-per-officer level recommended by the American Probation and Parole Association for supervising moderate to high risk cases. Higher-risk offenders, such as those whose cases involve mental health treatment, domestic violence or sex offenses are managed under specialized caseloads as follows:

- Mental Health - 56:1
- Domestic Violence - 49:1
- Sex Offenders 35:1

While past resources have enabled CSP to reduce CSO caseloads to levels at or near national supervision standards, current budgetary challenges require CSP to explore new strategies and innovative approaches to maintain CSO caseloads at levels appropriate to preserve public safety in the Nation's Capital. For instance, CSP is currently realigning supervision officer resources using a proprietary workload algorithm based on offender case type, case status, assessed risk level, number of days on supervision, and number of days remaining on supervision to ensure appropriate supervision caseload levels. This re-allocation of existing supervision officer resources will take place in mid-2013 and allow for more differentiated responses, such as kiosk reporting for low risk offenders and GPS monitoring for high risk offenders.

A critical component of close supervision is the swift imposition of appropriate, graduated sanctions for non-compliant behavior. Research tells us that timely intervention, appropriate reinforcements and consistent sanctions are critical to effective community supervision. From its inception, the Agency has worked closely with both DC Superior Court and the US Parole Commission to develop a range of options that CSOs can implement immediately, prior to requesting that offenders be sanctioned by the releasing authority. The Community Supervision Program uses a variety of offender interventions and sanctions including enhanced contact, increased drug testing, placement on Global Positioning System (GPS) monitoring, assignment to our Re-entry and Sanctions Center, placement into the Secure Residential Treatment Program or assignment to our Day Reporting Center (DRC). The DRC is an on-site cognitive restructuring program designed to change offenders' adverse thinking patterns, provide education and job training to enable long-term employment, and hold unemployed offenders accountable during the day. CSP would like to expand use of the DRC concept in the coming years to complement other data driven and evidence based supervision practices employed by the Agency. However, recent reductions in our budgetary resources may prevent us from doing so.

In addition to the use of sanctions and interventions for non-compliant behavior, CSP also anticipates an increase in the use of incentives, such as kiosk reporting or requests for early termination of supervision, for those offenders that consistently demonstrate positive performance and behavior.

Treatment and support services are provided to offenders based on the results of needs assessments and drug testing. For example, CSOSA's Re-Entry and Sanctions Center (RSC) provides high-risk offenders and defendants with intensive assessment and reintegration programming in a residential setting. The RSC program is specifically tailored for offenders/ defendants with long histories of crime and substance abuse coupled with repeated periods of incarceration and little



outside support. CSOSA opened the RSC facility in February 2006. From February 2006 through September 30, 2012, the RSC admitted 6,130 high-risk offenders/defendants into its 28-day assessment and treatment readiness program. Eighty percent or 4,884 offenders/defendants have successfully completed this program

Additionally, the Agency provides contract substance abuse and sex offender treatment, contract transitional housing, and education and employment-related services. We also refer offenders to community-based organizations for services that are not provided directly by the Agency, including certain substance abuse and mental health treatment, healthcare, vocational training and job placement.

As CSP continues to grapple with the challenge of doing more with fewer resources, we find ourselves unable to meet their treatment needs and having to refer more of our offenders to our local government and nonprofit partners, to access important services and treatment interventions. Unfortunately, like CSP, many of these entities are also inadequately funded to fully meet our clients' needs.

Finally, effective partnerships and information sharing with other criminal justice agencies and community organizations is critical to the Agency's success. The Community Supervision Program works closely with the DC Metropolitan Police Department (MPD) to perform joint offender home visits and share offender arrest and GPS data. We work with our faith community partners to maintain a city-wide network of faith-based services, including offender mentoring, job coaching and transitional housing. Additionally, CSOSA, including both CSP and PSA, is a permanent member of the Criminal Justice Coordinating Council (CJCC) for the District of Columbia, which serves as a valuable forum for information sharing and collaboration among the various criminal justice entities in the District of Columbia to improve public safety and reduce crime.

In September 2009, CSP joined with the DC Department of Corrections (DC DOC), the United States Parole Commission (USPC), and the Federal Bureau of Prisons to implement the Secure Residential Treatment Program (SRTP) Pilot. The SRTP provides an alternative placement for DC Code offenders on parole or supervised release who face a revocation hearing due to illegal drug use, other technical and, in some cases, new criminal charges.

Critical to our success in the past has been our ability to keep pace with the dynamic nature of Criminal Justice trends. Given changes in our offender population and the need to manage our resources even more efficiently, CSP is currently reallocating existing resources to focus on our highest risk and highest need offenders.

For instance, over the last two years we have reallocated resources to increase specialized supervision and programming for our female and mental health offenders. CSP continues to expand the scope of our women's programming in response to the steady growth in number of female offenders with supervision obligations and the increasing rate of women offenders with co-occurring substance abuse and mental health issues. Between 2007 and 2012, the number of women on our daily caseload has increased by 8 percent, or approximately 200 women, each year. Approximately 50 percent of the female offenders we supervise consistently report having been evaluated, diagnosed or treated for a mental health issue. In November 2010, CSP converted one 15-bed unit of the Re-entry and Sanctions Center to serve female offenders with co-occurring substance abuse and mental health issues. We also designated three offender supervision teams to supervise women only

In addition, using this same resource reallocation approach CSP will soon pilot its new Young Adult Supervision Initiative. Currently, approximately 18 percent of CSP's total offender population is under the age of 25; with the number of young adult offenders increasing by 4 percent since FY 2010. Research has shown us that young adult offenders, generally between the ages of 18-25, pose a higher risk for

reoffending/re-arrest, are less likely to have a high school diploma or GED, and, overall, are less compliant with supervision requirements and more likely to have negative supervision outcomes. As part of our effort to shift more resources towards supervising higher risk offenders in accordance with our strategic plan, CSP plans on further expanding the use of a kiosk-based reporting model for our lowest-risk offenders. Supervision kiosks are automated machines, similar to ATM machines, to which fully and consistently compliant low-risk offenders report instead of reporting in person to a supervision officer. Offenders report once per month and update information pertaining to their housing, employment and collateral contacts. Kiosks are also programmed to instruct the offender to report for random drug testing. Kiosk reporting allows our CSOs to allocate more time to higher-risk offenders who need more intensive interventions and monitoring. It also serves as a powerful enticement for low-risk offenders to maintain long-term compliance with their supervision conditions.

Over 100 offenders (minimum assessed supervision level cases) currently report regularly to supervision kiosks located at our 25 K Street, 1230 Taylor Street, 300 Indiana Avenue and 3850 South Capitol Street field units. CSP plans to increase the number of low-risk offenders placed on kiosk supervision reporting in FY 2013. Both the kiosk program and the Young Adult Supervision Pilot are being accomplished by realigning existing CSP programs and resources.

Additionally, CSP remains on the forefront in the use of Global Positioning System (GPS) monitoring to supervise higher risk offenders, enhance public safety, maximize limited resources and provide critical information and data to other local and regional law enforcement partners. In FY 2012, approximately 600 high-risk offenders were on GPS Electronic Monitoring on any given day and 1,887 different offenders were placed on GPS at some point during the fiscal year. Another notable GPS related accomplishment achieved by CSP in FY 2012 involved training 1,201

staff from 18 other law enforcement agencies on the use of CSP's GPS offender tracking data.

Lastly, CSP is proud of the various mission related accomplishments and advancements that we were able to achieve in recent years through collaboration with our local and regional partners. For instance, CSP has placed a priority on enhancing data and information sharing efforts with such partners as the United States Parole Commission, the DC Metropolitan Police Department, and the US Attorney's Office. One particular local law enforcement data sharing activity that I would like to highlight is the GunStat initiative. Since the beginning of FY 2010, CSP has participated in GunStat, which is a monthly collaborative information sharing session designed to track gun cases from arrest to prosecution. GunStat allows CSP, PSA and other DC law enforcement partners to identify repeat offenders, follow trends, and develop interagency law enforcement strategies that will help prevent gun-related crimes or reduce the likelihood of repeat gun-related offenses in DC.

In addition to the GunStat initiative, CSP also works closely with the US Marshals Service and the DC Metropolitan Police Department to execute warrants for offenders under CSP supervision who are in violation of their terms of supervision. In an effort to streamline our warrant-related activities, in FY 2011 CSP established a separate Warrant Team to supervise/investigate warrant cases that have been in a warrant status for more than 90 days. As a result, the number of our offenders in warrant status decreased 22 percent between September 2010 and September 2012.

Over the past couple of years, CSP has also worked closely with both of our releasing authorities, the United States Parole Commission (USPC) and the DC Superior Court, in establishing specialized mental health dockets and community courts. As mentioned earlier, nearly 40 percent of offenders under CSP's supervision have diagnosed or self-reported mental health issues.

The Mid-Atlantic Regional Information Sharing Initiative (MARIS) will make inter-state justice information sharing (JIS) a secure, effective, efficient, simple and practical process for each Member state. The Northeast states that have been involved in planning this initiative include: the District of Columbia, Delaware, New Jersey, West Virginia, Pennsylvania, New York, Maryland and Virginia. It is expected that other states will join once the governance structure and policies are implemented. The National Criminal Justice Association has been guiding the effort.

Finally, CSP is one of eight local law enforcement partner agencies that participate in the CJCC's Justice Information System (JUSTIS), which is a web-based application tool that provides partner entities access to criminal justice related information from multiple sources at the same time. A key aspect of JUSTIS is that it relies entirely on the voluntary sharing of information from the various contributing public safety partners, which helps to make it a cost effective and useful resource for exchanging adult criminal case information from arrest through prosecution and post-conviction release.

I will now turn to discussing the operations and finances of the Pretrial Services Agency. PSA has three strategic outcomes: to minimize future misconduct to help assure public safety; to reduce failures to appear for scheduled court appearances to promote the efficient administration of justice; and to maximize the number of defendants who stay on pretrial supervision to encourage defendant accountability. At the present time, PSA, like CSP, is operating under both the FY 2013 Continuing Resolution and the March 1, 2013 Sequestration Order. Consequently, PSA's budget has been reduced by nearly \$3 million from \$59.5 million in FY 2012 to its current level of \$56.5 million.

PSA has initiated several steps in FY 2013 to absorb the impacts of the continuing resolution and sequestration. Over 85 percent of PSA's budget is allocated to salaries, expenses and other fixed costs, and we lack the financial elasticity present in larger agencies. To make the required cuts, PSA reduced its contracted drug

treatment services by 50 percent, imposed a limited hiring freeze and made sharp reductions in information technology, training and forensic laboratory expenses. Unfortunately, even after making these reductions, PSA must still furlough employees a total of six workdays. PSA worked closely with its labor union to determine the best approach to implementing the furloughs, which are scheduled to commence in April.

Despite these measures, we hope to sustain performance at levels similar to those seen during FY 2012. PSA achieved several milestones last fiscal year that showcase its commitment to results-driven performance. We will maintain our commitment to focus on improving identification and supervision of defendants who present a higher level of risk and/or a higher level of need, emphasizing innovative supervision strategies and technologies to reduce future criminality.

PSA conducts a risk assessment for each arrested person prior to first appearance in court to help judicial officers make informed and effective release or detention decisions. In FY 2012, PSA staff prepared over 13,600 pretrial reports for initial court appearance with recommendations for release or detention and almost 1,500 updated pretrial service reports for defendants who were held for a preliminary/detention hearing following their initial appearance. PSA also partnered with the D.C. Metropolitan Police Department to identify over 11,000 misdemeanor arrestees who were released safely from police custody pending their initial appearance in court.

PSA provides effective supervision of defendants, consistent with release conditions, to minimize the likelihood of criminal activity during the pretrial period and to assure future court appearances. In FY 2012, PSA supervised nearly 17,000 defendants in about 25,000 cases from the D.C. Superior Court and the United States District Court for the District of Columbia. PSA also placed almost 1,300 higher risk defendants on electronic surveillance, using hybrid global positioning surveillance and electronic monitoring technology.

PSA provides effective assessment and placement into clinically appropriate sanctions-based treatment programs for substance-abusing and addicted defendants to enhance community safety and achieve cost savings through community-based supervision in lieu of incarceration. In FY 2012, PSA placed nearly 900 defendants in sanctions-based residential, intensive outpatient, and outpatient services. PSA also successfully implemented several research-based improvements to the Drug Court and the Agency's in-house treatment program, designed to enhance the quality of clinical services and to align them more fully with evidence-based treatment practices.

Many criminal defendants have mental health problems severe enough to affect their ability to appear in court and to remain arrest-free. In FY 2012, PSA managed 2,600 such defendants in its Specialized Supervision Unit. This unit provides close supervision of defendants and makes referrals to community-based mental health services. Most defendants supervised by this specialized unit also need substance abuse treatment, and PSA arranges for these services once the mental health condition is stabilized.

Drug testing services are integral to the judicial process and to public safety in the District of Columbia. PSA's Office of Forensic Toxicology Services, its drug testing laboratory, processes urine specimens for PSA and CSOSA and tracks drug abuse trends within the local defendant and offender populations. In FY 2012, PSA's lab conducted over 3 million drug tests on almost a half million samples of persons on pretrial release, probation, parole, and supervised release, as well as for juveniles and adults with matters pending in the D.C. Family Court.

Several milestones showcase PSA's commitment to results-driven performance. These included external research assessments of Drug Court and its internal intensive outpatient treatment program, validation of its risk assessment procedures, completion of the *FY 2012-2016 Strategic Plan*, which outlines strategic

enhancements that PSA will effectuate over the next four years, and designation of PSA's Deputy Director as Chief Operating Officer.

As you can see, CSOSA has accomplished a great deal in the provision of comprehensive supervision services for offenders and defendants in the District of Columbia. Moreover, both CSP and PSA have greatly benefitted from implementation of Government Performance and Results Act Modernization Act (GPRA MA) of 2010. GPRA MA has helped to usher in a performance based operating structure and culture at CSOSA that allows us to efficiently and effectively execute our public safety and supervision related functions, while simultaneously maximizing our limited resources.

For example, one of CSP's agency priority goals calls for ensuring that timely assessments are conducted to determine appropriate levels of community supervision and the need for behavioral health and supportive services. In FY 2012, CSP met its targeted 80 percent goal of ensuring that drug tests are conducted on all offenders at the time of intake, and thus far this year is exceeding this goal by six percentage points. In order to continue improving on this particular performance measurement, CSP plans on increasing its target for the percentage of offenders drug tested at the time of intake from 80 percent to 85 or 90 percent in FY14.

PSA also met new standards issued by the Office of Management and Budget for research-driven budget enhancements and GPRA MA for Agency performance improvement and quality control. For instance, PSA completed its *FY 2012-2016 Strategic Plan*, based on feedback from its criminal justice and community-based partners, results from its previous high priority goals and objectives, and anticipated challenges and opportunities over the next four years. Additionally, PSA named its Director of the Office of Strategic Development as Performance Improvement Officer (PIO). As mandated under GPRA MA, the PIO reports directly to our Chief Operating Officer and assists in driving performance improvement efforts across the organization through goal setting, data-driven performance



reviews and analysis, cross-agency collaboration, and personnel performance appraisals aligned with organizational priorities.

While recent reductions in resources and ongoing budget uncertainty have undoubtedly complicated our Agency's ability to conduct business as usual, going forward, CSOSA is committed to continue doing our best to fulfill our mission of supporting the fair administration of justice and promoting public safety in the Nation's Capital as well as nationally. CSOSA appreciates the Subcommittee's ongoing support of our mission and looks forward to continuing to work with you and your staff.

Thank you again for the opportunity to present both our operational achievements and budgetary challenges before the Subcommittee this afternoon. We will be pleased to answer any questions you may have.