

Joint Legislative Audit and Review Commission

The Virginia General Assembly

**THE COMMUNITY
DIVERSION
INCENTIVE PROGRAM
OF THE
VIRGINIA DEPARTMENT
OF CORRECTIONS**

A report in a series dealing with corrections issues
in Virginia

**REPORT OF THE
JOINT LEGISLATIVE
AUDIT AND REVIEW COMMISSION ON**

**The Community Diversion
Incentive Program
of the Virginia
Department of Corrections**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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PREFACE

The Appropriations Act of the 1984 Session of the General Assembly directed the Joint Legislative Audit and Review Commission (JLARC) to study the Community Diversion Incentive program operated by the Virginia Department of Corrections. This report responds to that mandate and offers recommendations for legislative and executive consideration.

The Community Diversion Incentive (CDI) program was created by the legislature in 1980 to provide the judicial system with an additional sentencing alternative. The program works by diverting nonviolent offenders from incarceration into programs operated by communities.


JLARC findings indicate that the program is beneficial to the State. CDI is meeting or working toward its statutorily designated objectives. The program reduces the number of inmates incarcerated in correctional institutions and saves the State money. It increases opportunities for offenders to make restitution and increases local involvement in crime response.

The CDI program has undergone numerous changes since it was created. Some of these changes may have contributed to a number of planning and management shortcomings that exist. JLARC therefore recommends that the balance of this biennium be used to stabilize the administration of the program.

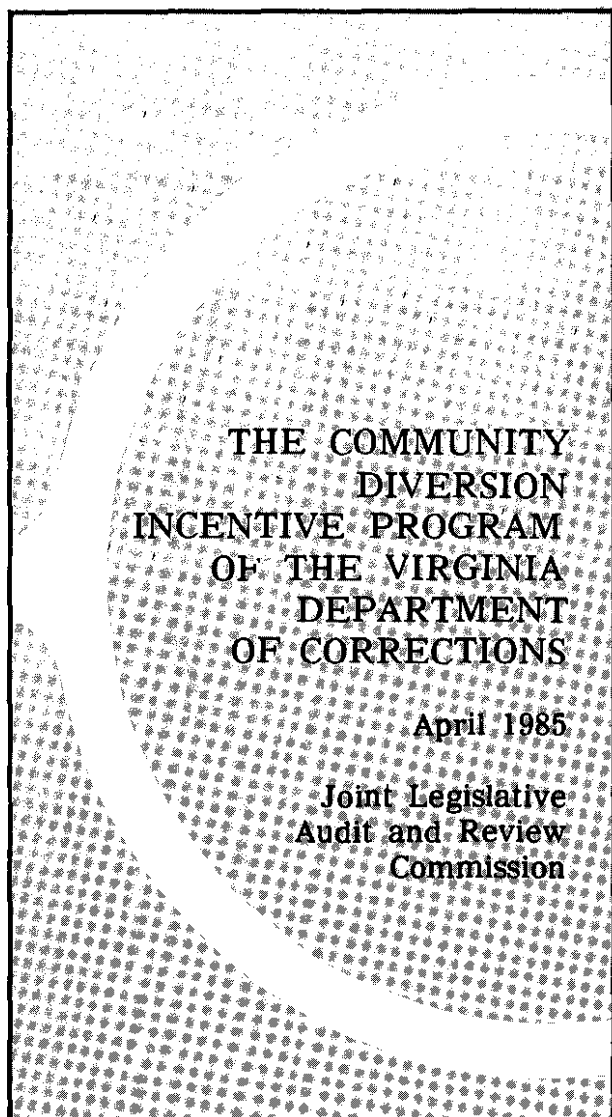
During this period of stabilization, the Department of Corrections should address a number of problem areas. A master plan for CDI should be developed, and policies and procedures regarding CDI and Probation and Parole interaction should be generated. The CDI management information system should be validated and supplemented. Greater emphasis needs to be placed on program monitoring and evaluation, and requirements for intensive supervision should be strictly enforced. Also, DOC's definition of nonviolent offender should be modified to screen out offenders with current convictions for serious violent crimes.

With these changes in place, the General Assembly may wish to expand the CDI program during the 1986-88 biennium -- especially into those local communities which commit large numbers of offenders to State correctional facilities.

On behalf of the Commission staff, I wish to acknowledge the cooperation and assistance provided by the Department of Corrections, local CDI agencies, and local Community Corrections Resources Boards during this study.


Ray D. Pethtel
Director

April 8, 1985



The Community Diversion Incentive (CDI) program was created in 1980 to "provide the judicial system with sentencing alternatives for certain nonviolent offenders who may require less than institutional custody but more than probation supervision." CDI is a State-supervised, locally administered program. Since 1980 over 3,000 felon and misdemeanor offenders have been diverted through 23 local CDI agencies.

Appropriated nearly \$7.3 million for the 1984-86 biennium, CDI provides opportunities for eligible offenders to be supervised within the community and to receive services that are intended to help them maintain a crime-free lifestyle. All divertees are required to perform unpaid community service work to make restitution for the crimes they have committed. Many are

ordered to make financial restitution. Most are also encouraged to find and maintain employment.

The program appears to be meeting or working toward its statutorily designated objectives. Shortcomings exist, however, regarding the planning, management, and monitoring of the program. Unplanned and uncoordinated growth in the program caused a tremendous increase in the size of CDI in FY 1984. Consequently, funding is tight during FY 1985. The Department of Corrections (DOC) does not always provide detailed and specific guidance in important areas such as budgeting and statistical reporting, and local agency submissions in these areas are often unclear or incomplete. Significantly increased attention should be focused on monitoring and evaluating the overall program and local agencies' performance.

A JLARC REPORT SUMMARY

It is most likely that rapid growth of the program, coupled with changes in legislation, diversion criteria, personnel, organizational placement, and standards have contributed to the problems observed in the program. Major changes or the creation of new local agencies should therefore be deferred until the program is able to address existing management deficiencies. These deficiencies should be addressed prior to the 1986-88 biennium.

Achievement of Statutory Objectives (pp. 19-40)

Indications at this time are that the Virginia CDI program is meeting or working toward its statutorily designated objectives. Analyses indicate that CDI: (a) appears to divert offenders from incarceration in a majority of cases, (b) saves the State money, (c) provides increased opportunities for offenders to make restitution, (d) increases local flexibility and involvement in crime response, and (e) allows local agencies to structure programs with a rehabilitative orientation. Available preliminary data also suggests that few successfully terminated State felons have committed repeat offenses

since their termination or "graduation" from the program.

Three problems affect the program's achievement of statutory objectives, however. First, even though CDI was specifically created as an alternative to incarceration, judges sometimes refer offenders to CDI for evaluation prior to sentencing. The existence of the sentence prior to referral serves as a check that the judge intended to incarcerate the individual. Second, DOC has not comprehensively assessed the CDI population to determine if there are certain types of offenders which are not suited to diversion and tend to terminate unsuccessfully. Unsuccessful terminations represent a greater burden to the correctional system than do incarcerated offenders because they represent a double expense. After CDI funds are expended on the attempted diversion, jail or prison costs are incurred to incarcerate the individual. And third, DOC does not track repeat offenses of CDI "graduates" to assess the program's rehabilitative nature.

Recommendation 1: *The Director of DOC should take two steps to help ensure that offenders have sentences of incarceration prior to referral to the program. First, Section A.19 of the CDI program standards should be modified to clearly indicate that local programs shall not accept a referred offender without a sentence of incarceration. The standard could be modified as follows:*

A.19. No Community Corrections Program shall accept a client who has not received a sentence of incarceration. No Community Corrections Program funds shall be expended for any purpose, including consultation, case management, and evaluation, on a client who has not received a sentence to incarceration.
[Italicized typed represents new language.]

Second, all program staff should take steps to ensure that judges are fully aware of this requirement.

Recommendation 2: *To strengthen the cost-saving nature of the program and ensure diversion of appropriate types of offenders, the Director of DOC should undertake an intensive assessment of the CDI population. This assessment should identify: (1) proportions of the divertee*

population which appear to have been inappropriately diverted, (2) proportions of the divertee population with prior and current convictions for violent offenses, (3) types of offenders that successfully and unsuccessfully terminate, and (4) reasons for these outcomes. The assessment should be specifically oriented toward determining types of offenders that should and should not be diverted.

DOC should then modify its model eligibility requirements to specifically eliminate types of offenders that appear to be unsuited for CDI participation. At a minimum, the eligibility requirements should be modified to prohibit the diversion of any offender with a current conviction for a serious violent offense such as rape. All findings should be communicated to local agencies to assist them with their diversion decisions and encourage higher successful termination rates.

Recommendation 3: *The Director of DOC should (1) require the CDI unit to assess repeat offenses annually, and (2) publish results in the Felons and Recidivists report. These results should be compared to recidivism rates for incarcerated and probation groups to assess CDI's success in reducing repeat offenses.*

Organizational Structure (pp. 41-69)

The Department of Corrections is the principal State actor in the CDI program, while 23 local CDI agencies and their boards carry out the program at the local level. Five DOC regional specialists oversee the program from the field. This structure reflects a conscious effort to enhance local flexibility and involvement in crime response by decentralizing responsibility for operations and giving localities the authority to structure programs to meet particular local needs. Although local agency organizational structures vary significantly, the overall organizational structure appears to be working.

Recommendation 4: *DOC should maintain the current CDI organizational structure for the present.*

Several areas related to organizational structure and responsibilities warrant atten-

tion, however. First, while the State/local nature of the program enhances local participation, State oversight can be inhibited by local CDI agencies that are reluctant to cooperate or do not understand the State's responsibility and authority to monitor the use of funding it provides. JLARC experienced difficulty obtaining information from several local agencies.

Recommendation 5: *In all future grant proposals from local CDI agencies, the Director of DOC should require a statement of agreement to cooperate with and provide data for State oversight activities required by the Governor, General Assembly, or DOC.*

Second, although the CDI manager is responsible for program operations, this position has not been assigned broad coordinative and planning duties. Although some managers have undertaken broad responsibilities in the past, not all have. For example, a CDI master plan has never been developed.

Recommendation 6: *The Director of DOC should modify the CDI manager's job description to include broad coordinative and planning responsibilities in addition to the operational responsibilities which are currently specified. These should include responsibility for master planning, ensuring that program operations and growth are in accordance with the master plan, anticipating legislative and executive needs for information and ensuring that information is available to meet these needs in a timely and accurate manner, and coordinating with other correctional components.*

Third, it appears that regional specialist workloads vary. Compared to other regions, the Southeast specialist has many fewer cases and agencies to oversee.

Recommendation 7: *The Director of DOC should require the CDI manager to assess regional specialist workloads to determine if inequities exist. If inequities are found, the manager should take steps to reduce them.*

Fourth, there appears to be an inconsistency between local Community Corrections

Resources Board responsibilities as designated in statute and the CDI Act. The CDI Act is clearly established to provide a sentencing alternative for offenders sentenced to incarceration. §53.1-185, however, currently directs boards to provide mechanisms for linking all offenders with service needs to appropriate services. This broad responsibility is inconsistent with the overall intent of the CDI Act and could lead to confusion on the part of local boards regarding the types of programs they may operate.

Recommendation 8: *The General Assembly may wish to amend §53.1-185(4) of the Code as follows: "Provide a mechanism whereby ~~all~~ diverted offenders with needs for services will be linked to appropriate services."*

Program Planning and Management (pp. 61-82)

DOC has not taken sufficient steps to provide for strong CDI program planning and management. A master plan has never been developed to serve as a guide for program direction and growth. The addition of misdemeanants in 1982 and 11 new CDI agencies in FY 1984 appears to be overburdening the program's fiscal and management information system resources. Program policies and procedures sometimes do not provide adequate guidance to local agencies, and State-level monitoring has not ensured adequate compliance with existing standards.

Recommendation 9: *The Director of DOC should direct the CDI manager to begin developing a CDI master plan. The plan should contain the following at a minimum:*

- *a comprehensive program description which provides information on program structure, responsibilities, clients, services and other areas;*
- *short- and long-term goals and objectives of the program. Goals and objectives should be stated in specific terms to enable assessment of goal achievement;*
- *specific strategies for achieving goals and objectives; and*
- *expectations regarding funding levels. Because the program has been*

expanding, expenditure figures from one year may not be applicable to the next. It would be useful to set out basic program funding needs and the different levels of operation that would be possible with additional funding increments.

Because CDI is implemented as a joint effort involving two levels of government, it is essential that effective communications be maintained. Strengthened communications between some State and local CDI staff and among local agencies themselves would generally serve to strengthen the program. Coordinated development of policy by CDI and Probation and Parole in two areas would further strengthen CDI.

Recommendation 10: To enhance communications and understanding among local agencies, the Director of DOC should instruct all regional specialists to hold regular group meetings with their local coordinators. In addition, notes or reports on these meetings, as well as all State-wide CDI meetings and workshops, should be disseminated to local agencies.

Recommendation 11: The Director of DOC should direct the CDI manager and the Probation and Parole manager to jointly develop and document policies and guidelines regarding interaction between CDI and Probation and Parole. Guidelines should specify when active probation supervision of CDI cases is to be waived, and circumstances under which it may be desirable. (In most instances, however, it should be waived.) The guidelines should also address the extent to which probation officers and CDI coordinators and case managers should communicate regarding CDI cases.

Recommendation 12: The Director of DOC should instruct the CDI manager and the Probation and Parole manager to (1) assess the current payment of the probation supervision fee by CDI divertees, and (2) develop a uniform policy for CDI divertees. Once a policy is developed, specific guidelines regarding payment should be developed and included in the probation manual and the CDI standards to ensure

that all divertees are subject to the same basic requirement. The Director should also seek an amendment to §53.1-150 of the Code to specify if CDI divertees are required to pay or are exempted from paying the \$15 monthly fee while in CDI.

Regarding program oversight and monitoring, serious problems exist with the accuracy and completeness of data in the CDI management information system as well as with the overall management of the system. As of September 1984, the system was missing about 800 client cases — 25 percent of the program's total caseload. Analysis of a sample of cases in the system showed that only 27 of the 76 cases in the sample were without errors. The existence of serious problems in several local agencies also indicates that regional specialists should spend greater portions of their time monitoring and evaluating local agencies.

Recommendation 13: The Director of DOC should designate validation and supplementation of the CDI management information system as a high priority for central and regional office CDI staff. Data contained in the system should be accurate and complete by July 1, 1985.

Recommendation 14: The Director of DOC should assess the current allocation of time by regional specialists to various activities. The specialist job description should then be updated to require that a greater portion of time be spent on local agency monitoring and evaluation. In addition, a regional specialists' handbook should be developed which sets out guidelines and requirements for monitoring and other activities to be undertaken by the specialists.

Client Services (pp. 83-104)

A major thrust and distinguishing feature of the CDI program has been to provide services to offenders who need more than probation yet less than incarceration. These services include, but are not limited to: (1) client case management, (2) intensive supervision, (3) counseling, (4) psychological testing and evaluation, (5) psychological treatment, (6) inpatient drug and alcohol treat-

ment, (7) outpatient drug and alcohol treatment, (8) basic education, (9) vocational training, (10) emergency housing services, and (11) residential care services. A number of items in this area also warrant DOC attention.

Actions by the DOC central office could help local agencies procure services in two areas. Psychological evaluations are procured by all local agencies, and are viewed by local boards and coordinators as very helpful in assessing offender needs. These evaluations are usually very expensive, between \$200 and \$400, and can consume a large portion of a local agency's budget. Residential beds for clients needing them are also expensive and often difficult to obtain.

Recommendation 15: *The Director of DOC should (a) develop a screening procedure that could be used by local agencies to assess whether a psychological evaluation should be performed on individual offenders referred for diversion, and (b) direct regional specialists to explore establishing group contracts to procure evaluations as is being done in the East Central region. Local agencies should also continue on their own to explore ways in which to provide psychological evaluations at a lower cost.*

Recommendation 16: *The Director of DOC should negotiate with the Department of Mental Health and Mental Retardation to make Community Service Board indigent beds available to eligible CDI clients. These beds should be available within the \$30/day limitation allowed by CDI.*

Several local coordinators cited problems encountered by their programs in providing drug and alcohol treatment to clients with dull normal or lower intelligence scores. Other coordinators mentioned other groups that appear to be difficult to manage or that tend to unsuccessfully terminate the program.

Recommendation 17: *The Director of DOC should take steps to assess special characteristic groups within the diverted population. Using the client specific data in the CDI management information*

system, the Director of DOC should assess the CDI offender population and identify those divertees which characterize special population groups such as emotionally disturbed, mentally retarded, dull normal intelligence, serious substance abusers, offenders with extensive juvenile records, and others. Once these groups are identified, DOC should assess: (a) how successfully they participate in CDI, (b) what factors contributed to successful participation or termination, (c) if repeat offenses have been committed, (d) if these groups are appropriate for CDI placement, and (e) if special treatments or procedures should be designed to meet the particular needs of these groups. These findings should be communicated to local agencies to assist them with their diversion and treatment decisions.

Four local CDI agencies operate residential facilities, and a proposal to develop a six-bed residential facility for females in the Richmond area is being developed. Methods of funding as well as budget documents for the four existing facilities vary between the facilities and make it difficult to assess and monitor the costs and staffing of each facility.

Recommendation 18: *The Director of DOC should take three actions concerning funding of CDI residential facilities. First, a consistent method for funding these facilities should be developed and implemented. Second, DOC should develop a standard budget format for residential facilities that clearly details uses of CDI funds. In instances where a residential facility has multiple funding sources, DOC should require that the budget clearly articulate the amount of funding from each source and the number of beds financed by each source. All agencies operating residential facilities should be required to use this format. Third, DOC should assess the funding of CDI beds at the Blue Ridge Diversionary Program residential facility.*

Recommendation 19: *The Director of DOC should assess the cost effectiveness of the existing eight-bed residential facility currently in operation. The decision on developing a six-bed residential center for females in the Richmond area should not*

be made until DOC has completed this assessment. Until this assessment is complete, DOC should continue to work with local agencies to procure residential services for female clients needing them.

Regarding the adequacy of services, local coordinators indicate that the range and type of services offered by the program appear to be appropriate. Some agencies, however, have not been completely successful in complying with intensive supervision requirements. A review of a sample of case files indicated that only 46 of 105 files were 100 percent compliant with intensive supervision requirements.

Recommendation 20: *The Director of DOC should strictly enforce the requirement for intensive supervision.*

Because CDI serves a distinct group of offenders with sentences to incarceration, it does not appear to duplicate or overlap services of other community corrections programs. To prevent fragmentation and future overlap and duplication, however, there appears to be a need to plan for coordinated growth and development of all community-based correctional efforts in which the State is involved.

Recommendation 21: *The General Assembly may wish to establish, by resolution, a temporary commission to assess the current state of community-based corrections in Virginia. The commission could also generate goals and objectives for community-based corrections efforts in which the State is involved and provide guidance for the development of a master plan for community-based corrections. DOC would then be responsible for completing this master plan, which should be considered by the Governor and General Assembly when making policy and funding decisions in this area.*

Conclusion and Future Options (pp. 105-114)

Indications at this time are that the CDI program is meeting or working toward its statutorily designated objectives. Shortcomings exist, however, regarding the planning, management, and monitoring of the program.

Major changes or the creation of new local agencies should therefore be deferred through the remaining portion of this biennium until these planning and management deficiencies have been addressed and a CDI master plan has been developed.

During the development of the master plan, consideration should also be given to three policy areas that could significantly affect the future direction of the program:

- expansion of CDI into a statewide program offering services to eligible offenders from every local jurisdiction,
- continued inclusion of jail divertees in the program, and
- restructuring CDI in the future to address future program goals and effect efficiency and coordination gains.

Decisions in these areas should influence funding, organizational, and operational objectives and strategies in the master plan.

A number of options are available to the State in each of these policy areas. At this time, it appears that benefits could accrue by expansion of CDI into high commitment areas of the State (beginning in the 1986-88 biennium) and continued inclusion of divertees from jails in the program.

Recommendation 22: *Concurrent with correction of existing program deficiencies, planning should continue for program expansion through the targeting of high commitment areas in the 1986-88 biennium.*

Recommendation 23: *The General Assembly may wish to consider appropriating additional funding to CDI to ensure adequate supervision of jail divertees. Once local agencies develop their projected number of diversions for FY 1986, DOC should calculate the additional amount that may be necessary for their supervision. This figure could be used as the basis for a CDI budget amendment request in FY 1986.*

Recommendation 24: *The Director of DOC should give consideration to alternative organizational structures as a CDI master plan is developed. Efforts should be concentrated on a structure which maintains local involvement but minimizes fragmentation of community-based corrections efforts.*

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I. INTRODUCTION

The Community Diversion Incentive (CDI) program provides an alternative to incarceration for certain nonviolent offenders in Virginia. The program was created in 1980 by the General Assembly in response to concerns over inmate overcrowding and growing correctional expenditures. It was specifically designed for offenders who require less than institutional custody but more than probation supervision.

Prior to the creation of CDI, the primary sentencing alternatives were release, probation, or incarceration in a State or local correctional facility. Judges in over half of Virginia's local jurisdictions now have the added option of placing certain offenders into diversion programs administered by 23 community diversion agencies (Figure 1). These local CDI agencies receive funding and supervision from the State Department of Corrections. Since the program began, over 3,000 nonviolent felon and misdemeanor offenders have been "diverted" into CDI by Circuit and General District Court judges.

The Legislature has shown continued interest in CDI as it has grown rapidly from five local pilot agencies with a total budget of \$600,600 in FY 81 to 23 local agencies with a \$3.3 million budget in FY 85. However, numerous concerns have been raised by the Legislature regarding:

- the potential for organizational and operational efficiencies,
- the services that are being provided by CDI,
- the overall effectiveness of the program, with special questions regarding the types of offenders being served, and
- possible alternatives to be considered.

JLARC was therefore directed by the 1984 Appropriations Act to review the effectiveness of the various programs designed to divert offenders from State prisons and local jails.

The remaining sections of this chapter provide a general introduction to Virginia's CDI program. Information is presented regarding the CDI population, the types of services provided, the process used to divert offenders from incarceration, and the overall organization and development of CDI. A final section describes the JLARC review.

THE CDI POPULATION

CDI divertees, or "clients" as they are called by CDI staff, are nonviolent offenders who have received sentences of incarceration in State and local adult correctional facilities. In accordance with eligibility criteria established by each local CDI agency, over 3,000 such offenders have been "diverted" into CDI since 1981. Divertees are required to perform unpaid community service work and often must also make financial restitution to pay back the community or individual that was victimized. While in CDI, divertees may receive certain services to help them develop a lifestyle free of crime.

The CDI Client

As of June 30, 1984, a total of 3,421 nonviolent offenders had been diverted into CDI since 1981. Composed of State felons, local felons, and misdemeanants, over half of those diverted successfully completed or terminated their stay in CDI. (Table 1 defines these terms as used by the CDI program.)

Eligibility criteria are established by each local CDI agency based on model eligibility criteria promulgated by DOC. These

Table 1

CDI DIVERSIONS AS OF JUNE 30, 1984

Type*	Diverted	Currently in Program	Successfully Terminated	Unsuccessfully Terminated
State Felon	717	339	221	157
Local Felon	146	27	111	8
Misdemeanant	2,558	458	1,772	328
TOTALS	3,421	824	2,104	493

*Definitions Used By the CDI Program:

State Felon = convicted of a felony and sentenced to a minimum of one year in the State Penitentiary.

Local Felon = convicted of a felony which results in jail confinement or sentences of 12 months or less.

Misdemeanant = convicted of misdemeanor(s) which total less than a 12-month sentence.

Source: Local CDI agencies.

criteria set basic parameters for the types of nonviolent offenders that may be admitted to CDI. Beyond these basic requirements, CDI divertees exhibit a range of characteristics.

Number of Clients. Of the 3,421 offenders that had been diverted as of June 30, 1984, 717 were State felons, 146 were local felons, and 2,558 were misdemeanants. Approximately one quarter (24%) of these divertees were still in the program at that time (Table 1).

Of the clients that had been released from the program, 2,104 (81%) had successfully terminated. The remaining 493 (19%) divertees had unsuccessfully terminated. Successful termination results when the divertee has fulfilled his or her diversion requirements. This could include performance of unpaid community service work, payment of financial restitution or court costs, and successful participation in specified treatment programs. Unsuccessful termination results when the divertee does not comply with diversion requirements. In these instances, the individual is released from CDI and incarcerated.

Eligibility Criteria. As specified in model eligibility criteria set out by DOC, each divertee must be nonviolent as defined by the local agency board and shall have received a sentence of incarceration (Table 2). In addition, divertees may not have:

Table 2

DOC MODEL ELIGIBILITY CRITERIA FOR DIVERSION

1. No offender diverted shall have a demonstrated pattern of assaultive or violent behavior.
2. No offender shall be eligible who has been given a mandatory sentence that cannot be suspended due to legal restrictions.
3. No offender diverted shall have any outstanding charges, detainers, or dispositions.
4. Each offender shall have received a sentence to be incarcerated in a state or local adult correctional institution.
5. Each offender shall be nonviolent as defined by the CCRB program objectives and approved by the Department of Corrections.
6. Each offender shall participate in the development of his/her contract and agree (by signing the contract) to abide by its conditions.

Source: DOC Community Diversion Program Standards.

- a demonstrated pattern of assaultive or violent behavior,
- a mandatory sentence that cannot be suspended, or
- any outstanding charges, detainers, or dispositions.

Types of convictions that are deemed eligible in various programs include forgery, breaking and entering, unlawful use of auto or credit card, grand larceny, drug possession, embezzlement, carrying a concealed weapon, shoplifting, solicitation, prostitution, and others.

Local agencies may also add additional eligibility criteria if they wish. For example, the Virginia Beach CDI agency adds additional criteria which further limit eligibility to:

- State felons convicted in the local Circuit Court,
- primarily residents of Virginia Beach,
- offenders with potential for gainful employment and volunteer community service,
- offenders with medical, psychiatric, or drug-alcohol abuse problems that are within the resources and structure of the diversion project, and
- sentence lengths that are neither too long or too short to permit effective use of the CDI program.

Thirteen local agencies have adopted such additional criteria which serve to more closely delineate the types of offenders that will be considered for participation in their particular CDI program.

Client Characteristics. A large number of State felon diverttees appear to exhibit similar characteristics. According to information available through the CDI management information system (MIS), the typical State felon diverted in FY 84 was a white male approximately 24 years in age. This individual was single with no dependents, of normal intelligence, and had anywhere from 7 years of education through some college. He received a median sentence of 4 years for larceny or burglary and had one or two prior commitments to jail. He was unlikely to have prior commitments to prison or a learning center. Table 3 and Appendices B and C provide greater detail on client characteristics.

The profiles for misdemeanants and local felons are fairly similar to those of State felons in terms of demographic characteristics. However, local felons are slightly younger and misdemeanants slightly older than State felons. When offense characteristics are reviewed, more differences are evident.

Table 3

AREAS WHERE DIVERTEE PROFILES DIFFER
(FY 84)

<u>Type of Divertee</u>	<u>Median Age</u>	<u>Median Sentence Length (months)</u>	<u>Most Frequent Offenses</u>
State Felon	24	48	Larceny/Burglary
Local Felon	23	12	Larceny/Burglary
Misdemeanant	25	2	Obstruction of Justice/Larceny

NOTE: Table shows most frequent substantive entry in each category (or median response where indicated). However, extensive amounts of data are missing from the CDI MIS. Appendices B and C provide greater detail on this table as well as the missing data.

Source: DOC CDI Management Information System.

The median sentence length is longer for State felons (48 months) than for local felons (12 months) or misdemeanants (two months). Larceny and burglary ranked as the first and second most common offenses for State and local felon divertees, while obstruction of justice and larceny were most common for misdemeanants.

It is important to note that the profile, table and appendix were generated from data in the CDI MIS. When MIS data was obtained in October 1984, a large number of cases, primarily misdemeanants, were missing. Actual profiles could therefore vary somewhat from the profile generated from the MIS.

The following case examples describe offenders that have been diverted into CDI.

A 33 year old white male, married with two children, was diverted into an urban CDI program. He had been convicted of grand larceny by check and sentenced to five years in the penitentiary "at hard labor". The offender had a prior criminal history which included (1) numerous bad check charges, some of which were dismissed, others which resulted in time in jail or payment of fines and costs, (2) a hit and run misdemeanor conviction for which the offender received a 30 day suspended sentence, a fine, and a suspended license, and (3) numerous other charges which had been dismissed. The offender, who is a high

school graduate, has been unemployed since 1982 and has a long history of short-term employment.

This offender's behavioral contract required that he (1) participate in vocational counseling or training, (2) seek and secure employment, (3) participate in individual or group counseling to confront specific personal problems, (4) make financial restitution, (5) use only cash or money orders, (6) perform at least 500 hours of unpaid community service work, and (7) submit to urinalysis or breath tests as ordered by the CDI agency.

* * *

A 21 year old white female with chemical dependency problems was admitted to CDI in 1984. She had been convicted of fraud and sentenced to three years in the State correctional system.

This divertee had an eight-year prior criminal record with convictions for numerous auto violations, bad checks, and other fraud related offenses. She had completed some college study and was assessed as having good potential for vocational success.

The court ordered this offender to remain incarcerated until the local CDI agency could place her in a residential drug program, to pay court costs, and to submit to urinalysis screening. The behavioral contract further required that she participate in an outpatient self-help group following residential placement, obtain a job, perform a specified number of unpaid community service hours, and make financial restitution.

* * *

A 28 year old black male from a rural area was diverted into CDI in 1984 after being convicted of breaking and entering. This offender was single, lived with a girlfriend who had two children, and had held part-time positions as a laborer since 1980.

This offender had an alcohol abuse problem, a fifth grade education, and could barely read or write. He also had a prior criminal record that included convictions for auto larceny, driving

under the influence of alcohol, concealing merchandise, shoplifting, and other lesser charges.

The court ordered this individual to make financial restitution, to pay court costs, and to remain on supervised probation for two years after successful termination from CDI. His behavioral plan further required community service work and treatment for alcohol abuse.

CDI Services

Most CDI agencies offer a variety of services to offenders placed in their programs. Services include, but are not limited to: (1) case management, (2) intensive supervision, (3) counseling, (4) psychological testing and evaluation, (5) psychological treatment, (6) inpatient drug and alcohol treatment, (7) outpatient drug and alcohol treatment, (8) basic education, (9) vocational training, (10) emergency housing services, and (11) residential care services. Some CDI agencies offer budget management and other life skills assistance to help the offender master basic skills required to subsist from day to day.

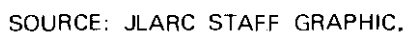
The only State-imposed service requirements are for case management and intensive supervision. Case management involves opening each diverttee's case, establishing the behavioral contract which outlines the requirements placed on the diverttee, and generally monitoring his or her progress. Under the intensive supervision requirement, each diverttee must then be seen face-to-face by local agency staff or other specifically designated individuals on a weekly basis to closely monitor the diverttee's progress.

Because of the program's emphasis on State felons and the more serious nature of their crimes, State felons typically receive a greater number of services and more expensive services than local felons and misdemeanants. While a State felon would usually receive several of the services outlined above, typical local felon and misdemeanor services would consist primarily of case management and intensive supervision.

THE DIVERSION PROCESS

A fairly standard process is followed by most local CDI agencies to assess offenders' eligibility and appropriateness for CDI placement. The judge, the Community Corrections Resources Board (CCRB), and the CDI staff all play a major role in the diversion process which typically involves six steps. These steps are: (1) Referral, (2) Evaluation, (3) Recommendation, (4) Diversion, (5) Contract Implementation, and (6) Termination (Figure 2):

The Diversion Process



1. *Referral.* After a nonviolent offender is found guilty and sentenced to incarceration, the judge may refer the case to the local CDI agency for evaluation.
2. *Evaluation.* The CDI agency does a full evaluation of the offender. During this period, the offender's history and needs are assessed through interviews, psychological evaluations, and a number of record checks. If the offender meets eligibility criteria and appears to be an appropriate candidate, a preliminary behavioral contract is drawn up specifying services the offender would receive and the conditions that he or she must comply with if accepted into the program. Agency staff then present their findings along with the preliminary contract to the CCRB, the supervisory board of the local agency.
3. *Recommendation.* The CCRB studies the staff findings and formulates a recommendation on whether the offender should be accepted or rejected for CDI. Both the findings and the CCRB recommendation are forwarded to the judge.
4. *Diversion.* The judge considers the CCRB recommendation and either:
 - Suspends the offender's sentence and diverts the offender to the CDI agency,

OR

 - Continues the sentence and does not place the offender in CDI.

When a State felon is diverted, he or she is also placed on Level 6 probation throughout CDI participation. This level was specifically created for CDI, and allows the District Chief to determine the level of probation contact with the client that will be necessary. In most cases this contact is negligible.

5. *Contract Implementation.* Once the offender is diverted to CDI, the terms of the behavioral contract are implemented immediately. Weekly face-to-face meetings with the case manager begin, as do any services that the offender will receive. The offender begins community service work and a plan is established for paying financial restitution or other costs that may be ordered.
6. *Termination.* If the offender completes the terms of the behavioral contract, the judge then successfully terminates him or her from the program and places the

individual (if a State felon) on regular supervised probation. If the offender violates the terms of the behavioral contract, he or she unsuccessfully terminates and is usually incarcerated by the judge.

The steps outlined represent the typical process. Sometimes the process is modified. For example, several local CDI agencies have established procedures whereby judges directly place misdemeanants in the program without CCRB review and evaluation. Some CCRB's require that each candidate appear before the CCRB to be interviewed, while others do not. State felon divertees are usually placed on probation after successful termination. Local felons and misdemeanants are usually not on probation throughout their participation in CDI, and are usually released outright upon successful termination.

THE VIRGINIA CDI SYSTEM

The Virginia CDI system into which clients are diverted is a decentralized structure dependent upon successful State/local involvement and cooperation. It is, however, fully funded by the State. The system has been in a continuous state of flux since its inception and has experienced numerous changes in statute, organizational placement and personnel, program requirements, size, and funding.

Decentralized Nature of the System

An important premise behind the CDI program is that of State/local cooperation. The General Assembly appropriates funds to the State Department of Corrections for CDI. DOC in turn solicits grant proposals from local jurisdictions and local private, non-profit agencies. DOC then awards grant funds to these local agencies to operate local diversion programs. This type of structure was intentionally created to enhance local involvement in crime response, a responsibility which has primarily fallen to the State over the years.

State Role. DOC's role is to make funding allocation decisions and to supervise the overall operations of the CDI program. The CDI unit, headed by the CDI manager under the Assistant Director for Adult Community Corrections, serves as the focal point for CDI in the DOC central office. Five regional specialists oversee the program from the field.

Local Role. Twenty-three local CDI agencies administer the CDI program with funds obtained from DOC. The local programs make decisions regarding eligibility criteria, how they will organize and operate, and how each diversion case should be managed. Local

agencies must, however, operate within broad guidelines established by the State and report on a regular basis to DOC.

Models in Other States. Community diversion programs are not unique to Virginia, and a number of other states have established diversionary programs in response to such problems as prison overcrowding and court congestion. While a number of other States have State/local structures, there does not appear to be a prototypical model for diversion programs. Individual states have developed programs with unique goals, eligibility criteria, organizational structures, funding sources, and services. The Virginia model, with its emphasis on local administration, is but one in a range of options that are available.

Program Funding

CDI is a State-funded program, and General Assembly appropriations to CDI have increased since 1980. (Some local agencies do receive other types of support from local governments such as office space, telephones, or a car.) In addition to legislative appropriations, the Department of Corrections directed an additional \$2 million in unexpended General Fund balances within its appropriation to the CDI program in FY 84 (Table 4). From a small initial appropriation, the CDI program has had increasing amounts available to expend each fiscal year.

System Development

The CDI system has undergone numerous changes which have served to keep it in a state of flux since its inception. Statutory amendments have made different types of offenders eligible for the program (resulting in a rapidly growing number of local jail diver-

Table 4

FUNDING AMOUNTS AVAILABLE TO CDI EACH FISCAL YEAR

<u>Year</u>	<u>Amount</u>
FY 81	\$ 600,600
FY 82	1,299,630
FY 83	1,350,300
FY 84	3,280,500
FY 85	3,383,737
FY 86	4,007,375*

*FY 86 Appropriation

Source: DOC Resources Management Section.

sions), and have allowed private, non-profit agencies to administer local programs. The location of CDI within the DOC central office has changed several times, as have the personnel overseeing the program. Program requirements have been reduced to allow greater local flexibility, and the size and funding of the program have grown significantly.

It is important to note these changes, because they have created conditions to which the program has had to continuously react. Rather than simply concentrating on establishing itself, the program has had to devote time and attention to these additional areas. A number of these changes will be referenced again later in the report and should be considered as short- and long-range recommendations for CDI are set out.

Legislative Changes. CDI was created by the Virginia General Assembly by passage of the CDI Act in 1980. Two major changes in the act have occurred since that time.

First, the language of the Act was amended to allow diversions from local jails as well as State correctional facilities. Prior to 1982, circuit courts, which have jurisdiction over all felons punishable by commitment to the State penitentiary, were the only courts empowered to divert. Statutory language was amended in 1982 to remove the strict references to the circuit court and penitentiary. This made misdemeanants and felons committed to local jails eligible for diversion to CDI.

Second, language was again amended in 1983 to make it possible for private, non-profit agencies to operate local CDI programs. Prior to this time the local agent had to be part of a local government structure.

Location and Personnel Changes. The organizational placement of CDI within DOC has shifted five times since CDI was created in 1980. These reorganizations have caused the program to report to four different positions within the organization. This situation will be described in greater detail in Chapter III.

In addition, there have been personnel changes at the manager level. The original CDI manager left DOC in 1983, a regional specialist served in an acting capacity for several months, and the current CDI manager took over in June of 1983.

Program Requirements. Program requirements have also changed, altering the way the program operates. For example, a requirement that all local agencies must contract for case management services rather than providing them directly has been rescinded, and 16 of the 23 agencies now provide direct case management. Also, the sheer volume of State-generated program regulations, policies, and procedures has decreased. From approximately 100 pages of directives generated by the State and in effect in 1983, program standards have been reduced to 14 pages.

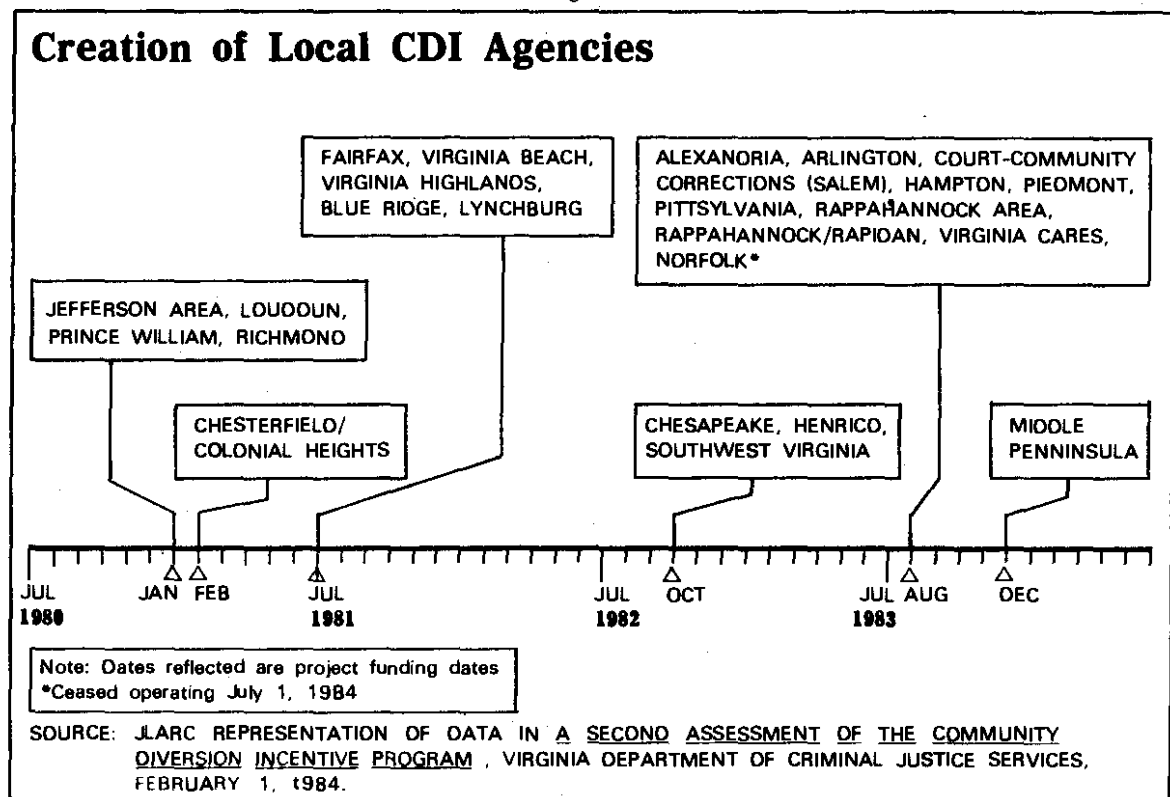
Increase in Program Size and Funding. The CDI program has grown from five pilot agencies established in 1981 with an appropriation of \$600,600 to 23 agencies with an appropriation of \$3.4 million for FY 85. As shown in Figure 3, five additional agencies were added in FY 82, three in FY 83, and eleven in FY 84. The Norfolk CDI agency ceased operations as of July 1984, bringing the total number of local agencies to 23.

JLARC REVIEW

House Bill 30 of the 1984 Session of the General Assembly directed JLARC to study numerous topics in Corrections and submit a final report to the Governor and General Assembly prior to the 1986 Session. The directive for this study stated: "A final phase of the report shall include a review of the effectiveness of various programs designed to divert offenders from State prisons and local jails."

Because the program is new and still developing, and because a complete and accurate database has not been maintained by DOC, it

Figure 3



was not possible to fully assess the outcomes or effectiveness of the program at this time. For example, data were not available to assess (1) the influence of particular services on client success or failure, or (2) reasons for the variation in successful termination rates between programs. In addition the program simply has not been in operation long enough to draw strong conclusions regarding its success in preventing offenders from committing repeat offenses. A major portion of the JLARC review therefore focused on "indicators of effectiveness" and the way the CDI program is supervised by DOC and administered by 23 local diversion agencies.

Study Issues

Ten major issues in three areas were examined throughout the course of the JLARC review:

Statutory Objectives

1. Does the CDI Program serve an appropriate offender group?
2. How does the cost of CDI diversion compare to the costs of probation and incarceration?
3. Does CDI provide increased opportunities for offenders to make restitution through financial reimbursement or community service?
4. Have State felon offenders committed offenses after successfully completing the program?
5. Does the CDI program allow localities and communities greater flexibility and involvement in responding to crime?
6. Are localities permitted to operate programs specifically designed to meet the rehabilitative needs of offenders?

Program Organization and Operations

7. Does CDI have an appropriate organizational structure?
8. Why do 39% of Virginia's cities and counties not participate in CDI?

Program Services

9. What services are provided to offenders in the CDI program and do they appear to be appropriate?

10. Do CDI services overlap or duplicate services of other community corrections organizations?

Research activities and methods were structured to answer these issue questions.

Research Methods and Evaluative Criteria

Both quantitative and qualitative research methods were used to develop a broad information base with which to assess the CDI program. Methodologies were developed to make use of existing program data and then to supplement or validate it as necessary. Four special research activities were undertaken: (1) site visits to the 24 local CDI agencies which were operational during FY 84, (2) structured interviews, (3) a logit analysis of offender characteristics, and (4) an assessment of repeat offenses.

Site Visits to 24 Local CDI Agencies. Each of the 24 local agencies that operated during FY 84 were visited during the study. The following activities were conducted during each visit, except for Norfolk (only the structured interview was conducted in Norfolk since the agency had ceased operations at the time of the visit):

- Structured Interview with Local Program Coordinator -- Each local coordinator was interviewed with a 27-page structured interview form to collect quantitative and qualitative data regarding agency organization and operations, program funding, communications, service provision, judicial support, CDI population, and other areas.
- Review of Case Files -- A random, systematically selected sample of five open State felon case files at each local agency were reviewed to assess compliance with DOC requirements for documentation and intensive supervision and to acquaint the study team with the types of State felon offenders in the program and the types of services they receive.
- Collection of Forms and Documents -- Locally generated forms and documents such as policy manuals and by-laws were obtained.
- Observation of Local Operations -- The physical plant and operations of each local agency were noted at the time of the visit.

Structured Interviews. In addition to interviews with local coordinators, structured interviews were conducted with (1) the 24 chairpersons of the local CCRBs, (2) 30 District and Circuit Court judges, (3) the city managers and county supervisors of 39 local

jurisdictions that do not participate in CDI, (4) the five CDI regional specialists, and (5) the DOC central office staff.

Logit Analysis of the Appropriateness of CDI's Population. The study team used a multivariate statistical analysis to determine if there are significant differences between certain characteristics of divertees, probationers, and incarcerated nonviolent offenders. Specifically, the analysis allowed the team to assess if the profile of the CDI group is sufficiently different from the profiles of the other two groups, particularly offenders sentenced to probation, to conclude that CDI is being properly utilized as a sentencing alternative.

The analysis was conducted with a random sample of offenders sentenced for nonviolent State felonies during FY 84. The CDI sample was selected from the 13 local agencies that began operation during FY 82 or FY 83. Incarceration and probation samples were selected from localities served by CDI.

Two independent analyses were conducted. The first analysis involved a comparison of divertees, probationers, and those incarcerated who have been sentenced in CDI localities. The second analysis classified a second sample of CDI divertees on the basis of the comparative results. The separate analyses provided a clearer picture of the distinctions between the sentence groups.

The two major variables included in the analysis were (1) present conviction offense, and (2) type and number of prior convictions. In addition, several other variables tested for possible confounding effects included (1) age, (2) race, and (3) education.

An Assessment of Repeat Offenses. For this assessment, local CDI agencies were asked to confirm the number of State felons that had successfully terminated from their program as of June 30, 1984, and to provide basic information for each one. Criminal records from the Central Criminal Records Exchange were then examined to identify if new offenses had appeared in the CCRE since termination.

Report Organization

The first chapter of this report has provided a general introduction to the CDI program in Virginia. Chapter II assesses the overall effectiveness of the program in terms of how well it appears to be meeting its statutorily designated objectives. Chapter III reviews the CDI organizational structure. Chapter IV then assesses the planning for and management of CDI, and Chapter V describes CDI services. Chapter VI concludes the report by (1) drawing findings together regarding the overall effectiveness of Virginia's CDI program at this time, and (2) presenting three important areas for future consideration.

II. ACHIEVEMENT OF STATUTORY OBJECTIVES

The *Code of Virginia* identifies six objectives for the CDI program. The primary objective is to serve as a sentencing alternative for certain nonviolent offenders sentenced to incarceration. Section 53.1-181 very clearly states that the use of supervised probation is not to be decreased by CDI.

The *Code* also sets out the following additional objectives for the program:

1. to promote efficiency and economy in the delivery of correctional services,
2. to provide increased opportunities for offenders to make restitution to victims of crimes through financial reimbursement or community service,
3. to provide appropriate post-sentencing alternatives in localities for certain offenders with the goal of reducing the incidence of repeat offenders,
4. to allow individual localities, communities, or the Commonwealth greater flexibility and involvement in responding to local crime, and
5. to permit localities, communities, or the Commonwealth to operate programs specifically designed to meet the rehabilitative needs of selected offenders.

Study findings indicate that the program is meeting or working toward its statutorily designated objectives. Specifically, the program appears to be (1) diverting offenders from incarceration in a majority of cases, (2) providing cost savings to the State, and (3) providing increased opportunities for offenders to make restitution. And although it is too early to thoroughly assess program recidivism or repeat offenses, available data indicates that few State felon offenders who have successfully completed CDI have been convicted of offenses since their release from the program.

This chapter addresses the first three objectives listed above as well as the extent to which the CDI program serves the population it was created to serve. The remaining locality-oriented objectives will be covered in following chapters.

THE APPROPRIATENESS OF CDI'S POPULATION

Since its inception, CDI has been intended to serve as an alternative to incarceration for nonviolent State felons. Although the scope of the program was broadened in 1982 to allow diversions from jails, its primary goal has been to divert offenders from State correctional facilities. These diversions are expected to ease overcrowding and help lower the operating costs of State correctional facilities. Unless CDI is diverting offenders from incarceration rather than from probation, it is unlikely that the program can have any direct impact on overcrowding or costs.

For the most part, CDI appears to be targeting an appropriate population. This determination was based on three tests. The first revealed that most State felons, local felons, and misdemeanants receive sentences of incarceration prior to referral to CDI. The second indicated that the majority of offenders who are evaluated for CDI participation but rejected are subsequently incarcerated. The third indicated that a large number of State felon divertees statistically resemble the incarcerated population.

Sentences of Incarceration

Because statutes create CDI as an alternative to incarceration, it is important for offenders to have a sentence of incarceration prior to referral to CDI. The existence of the sentence serves as an indicator and a check that the judge intended to incarcerate the individual.

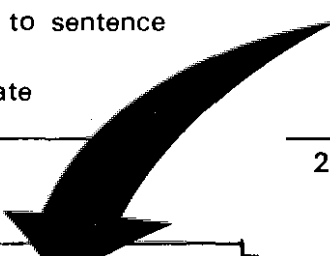
Comparison of Sentence and Referral Dates. Sentence and referral dates were therefore compared to identify if judges were sentencing prior to referral. Of the 2,835 State felon, local felon, and misdemeanor referrals shown in the CDI management information system, the majority (85 percent) did show sentencing prior to referral (Figure 4). Three percent (93 cases), however, were referred prior to sentencing. Referral dates were missing altogether for another 12 percent (344 cases). (It is important to remember that these figures were taken from the CDI management information system. While they are the best available figures, the system is known to be missing cases and contain inaccuracies. The extent of these shortcomings is addressed in Chapter IV.)

One local program coordinator indicated that judges sometimes want assistance in assessing a particular case, and will refer an offender prior to sentencing to get evaluative assistance from the CDI agency. Although CDI standards currently prohibit the expenditure of program funds on a client who has not received a sentence of incarceration, indications are that in some instances local programs do perform evaluations prior to sentencing. Because of CDI's statutory mandate to serve as an alternative to incarceration, however, offenders should not be evaluated until the

Figure 4

Comparison of Sentence & Referral Dates June 30, 1984

	Number of Cases	Percent
Cases with sentence prior to referral	2398	85
Cases with referral prior to sentence	93	3
Cases missing referral date	344	12
Total	2835	100%



Type of Case	Number
State Felon	54
Local Felon	4
Misdemeanant	28
Missing	7

SOURCE: CDI MIS.

judge has rendered a sentence of incarceration. This serves as an important check and helps ensure that judges are diverting from incarceration and not probation.

Conclusion. Although the majority of offenders receive a sentence prior to referral, two steps should be taken by DOC to encourage judges and require local agencies to comply in this area. First, Section A.19 of the CDI program standards should be modified to clearly indicate that local programs shall not accept a referred offender without a sentence of incarceration. The standard could be modified as follows:

- A.19. *No Community Corrections Program shall accept a client who has not received a sentence to incarceration. No Community Corrections Program funds shall be expended for any purpose, including consultation, case management, and evaluation, on a client who has not received a sentence to incarceration. [Italicized type represents new language.]*

Second, the DOC central office should ensure that judges are fully aware of this requirement.

Judicial Disposition Of Offenders Denied Admission to Program

The second test of the appropriateness of the CDI population was an assessment of judicial disposition of cases considered for CDI placement but rejected. If judges are consistently drawing their CDI referrals from the offender population to be incarcerated, any referrals which are not accepted into the program should consequently be incarcerated. This pattern was found in a majority of cases.

Data in the CDI management information system showed that 221 (82 percent) of 269 rejections were incarcerated (Table 5). These individuals were sentenced to prison, jail, or work release, or received a split sentence. Another 48 (18 percent), however, received probation, were released, absconded, or received some other sentence. (While considering these figures, it is again important to remember that the CDI MIS is missing cases and contains some inaccuracies. Actual figures may therefore vary from those reported in the MIS.)

Statistical Comparison of Offender Groups

The third test in evaluating the appropriateness of CDI's population was to statistically compare CDI State felon divertees to incarcerated State felons and probationers. A multivariate analysis

Table 5

JUDICIAL DISPOSITION OF REJECTIONS THROUGH JUNE 30, 1984

Type	Prison	Jail	Split Sentence	Work Release	Probation	Other*	Missing
State Felon	137	4	10	1	13	14	N/A
Local Felon	3	16	-	-	-	6	N/A
Misdemeanant	1	39	-	2	1	14	N/A
Missing	4	3	-	1	-	-	N/A
Total	145	62	10	4	14	34	10**

N = 279

*Includes released and absconded offenders.

**Data in the CDI MIS indicates that dispositions are missing for at least 10 offenders denied admission by the courts.

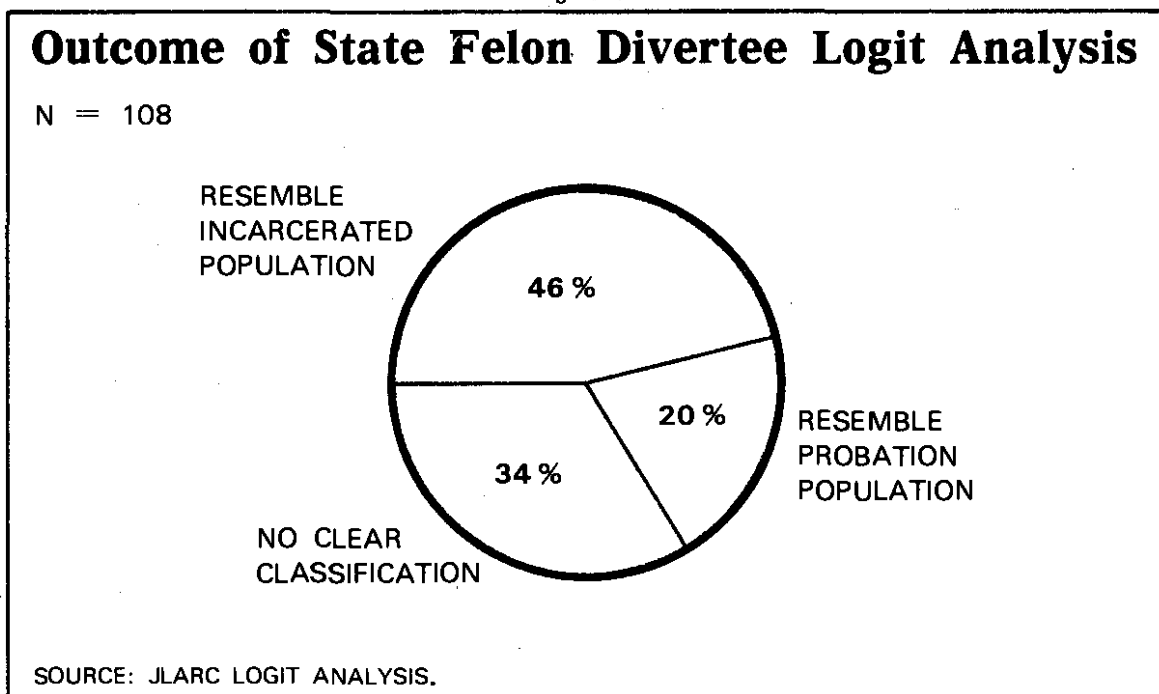
Source: CDI MIS.

called logit modeling was used to study differences among the three offender groups. Samples of the three groups were compared to determine how the CDI offenders differed from or shared characteristics with offenders in the incarceration and probation groups. It is important to note that all data for this analysis was verified and supplemented with information from local agencies. The technical basis and methodology for this analysis, along with a fuller discussion of the findings, are included in the technical appendix for this report.

The results of the analysis indicate that 46 percent (plus or minus nine percent) of the State felon offenders served by CDI in FY 84 very closely resemble the incarcerated population and would most likely have been incarcerated (Figure 5). Only 20 percent resembled the probation population. The remaining 34 percent of the sample could not be classified, most likely because of (1) sentencing disparity which is known to exist across the State, and (2) the possibility that factors in addition to those included in this analysis may have been considered by the judge while sentencing these cases.

Of the population that could be classified (66 percent of the total), approximately 70 percent resembled the incarcerated population and 30 percent resembled the probation population. Translating these percentages into numbers, an estimated 242 (70 percent) of the 345 State felon diversions reported by the DOC Research and Reporting Unit could be interpreted as having been placed in the program instead of incarcerated. An estimated 103 (30

Figure 5



percent) could be interpreted as having been placed in the program instead of being placed on probation. When using this 70 percent for additional analysis, we are making the assumption that a similar proportion of the unclassified group would have also been incarcerated had CDI not been available.

The analysis also generated considerable data which help to define and characterize the program, and which may be of interest to the Legislature and the Department of Corrections. These findings are summarized below.

Common Offenses. Crimes against property (for example, burglary, larceny, and stolen vehicles) were the most common major offenses in all three sentence groups. A greater percentage of CDI divertees (80%) were property felons than either probationers (74%) or those incarcerated (67%).

Sentence Lengths. The three groups were sentenced to different lengths of incarceration. On the average, divertees were sentenced to 4.5 years, while those incarcerated were sentenced to 5.5 years. In contrast, probationers were given an average sentence of 3.2 years.

Prior Records. Fewer incarcerated felons were first time offenders (31%) than either those sent to CDI (43%) or those sent to probation (44%). In addition, a greater proportion of the incarcerated offenders had been convicted of one or more nonviolent felonies in the past ten years than offenders sentenced to probation or CDI.

Approximately 40 percent of each sentence group had committed at least one prior nonviolent misdemeanor. Surprisingly, however, a slightly larger proportion of probationers (21%) had committed at least one prior violent misdemeanor than those incarcerated (16%) and those sentenced to CDI (10%). Less than five percent of the offenders from any of the groups had previously committed a violent felony.

Demographics. The only significant demographic difference among the three groups concerned education level. Probationers tended to be the most educated of the offenders, while CDI divertees were the second most educated group. Both groups had a significantly higher proportion of high school graduates than the incarcerated group, while the probation group had the greatest number of offenders with post-high school education. Since education level is often correlated with both occupation and income, it is possible that judges are selecting offenders to return to the community who either are gainfully employed or who have better opportunities for employment.

The groups were similar with respect to racial composition, age, and marital status. The findings indicate that, by and large, nonviolent felons are white, under 30, and unmarried. Although the

incarcerated group had a slightly higher proportion of non-white offenders (42%) than CDI (34%) and probation (30%), the difference was not statistically significant. With respect to age, approximately 20 percent of each group were under 20 years, while over half of all offenders were in their twenties. Few offenders were 35 years or over. There was little difference among the groups with respect to marital status.

Conclusion. The statistical analysis leads to the conclusion that CDI provides an alternative to incarceration for an estimated 70 percent of State felon cases. In addition, the analysis also indicates that CDI's use as an alternative to incarceration appears to be strongest when the offender is a prior felon presently convicted of a property offense. To some degree, CDI also diverts offenders from probation, particularly when the offenders are first time offenders or prior misdemeanants. However, the findings clearly indicate that CDI is not "creaming" its population by selecting the least serious offenders, nor is it pulling the majority of its clients from probation.

Nonviolent Nature of Divertees

While the logit analysis findings indicate that the majority of State felon participants are being diverted from incarceration, they also show that some diverttees have violent crimes in their pasts. Eleven (10 percent) CDI diverttees in the logit analysis sample had prior violent misdemeanor convictions. Two (two percent) had prior violent felony convictions.

In addition, case file reviews and interviews with local coordinators revealed that a convicted rapist and an individual convicted of shooting a sheriff had been placed in CDI. These crimes are clearly violent in nature.

According to DOC, an offender convicted of a violent offense may be defined as nonviolent under program guidelines. Some cases, such as simple assault, are not restricted from the program as long as the offender has not demonstrated a pattern of assaultive or violent behavior.

The DOC model eligibility criteria currently contain two references pertaining to the violent nature of a diverttee:

- (1) "No offender diverted shall have a demonstrated pattern of assaultive or violent behavior," and
- (2) "Each offender shall be non-violent as defined by the CCRB Program Objectives and approved by the Department of Corrections."

Statutes also state that the program is intended to divert nonviolent offenders.

Even though CCRBs carefully scrutinize divertees, the admission of offenders found guilty of serious violent offenses such as rape or shooting a law officer appears to be against the overall legislative intent of the program. DOC regards "a demonstrated pattern of assaultive or violent behavior" as the determining criteria. A current conviction for one serious violent offense could, however, be enough to cause most communities to perceive an offender as violent and therefore not appropriate for community supervision.

The Director of DOC should assess this area to identify the number of divertees with current or prior convictions that are for serious violent offenses. At a minimum, the DOC model eligibility criteria should be modified to prohibit the diversion of any offender with a current conviction for a serious violent offense such as rape.

Conclusion

Consideration of the findings of the three tests indicate that CDI appears to draw a majority but not all of its clients from the offender population that would have been incarcerated. Judicial discretion and varying sentencing practices and philosophies of judges make it difficult for DOC to totally control outcomes in this area. Nevertheless, DOC should continue to take steps to ensure that judges remain aware of the "diversionary" nature of the program and that local agencies strictly comply with standards in this area.

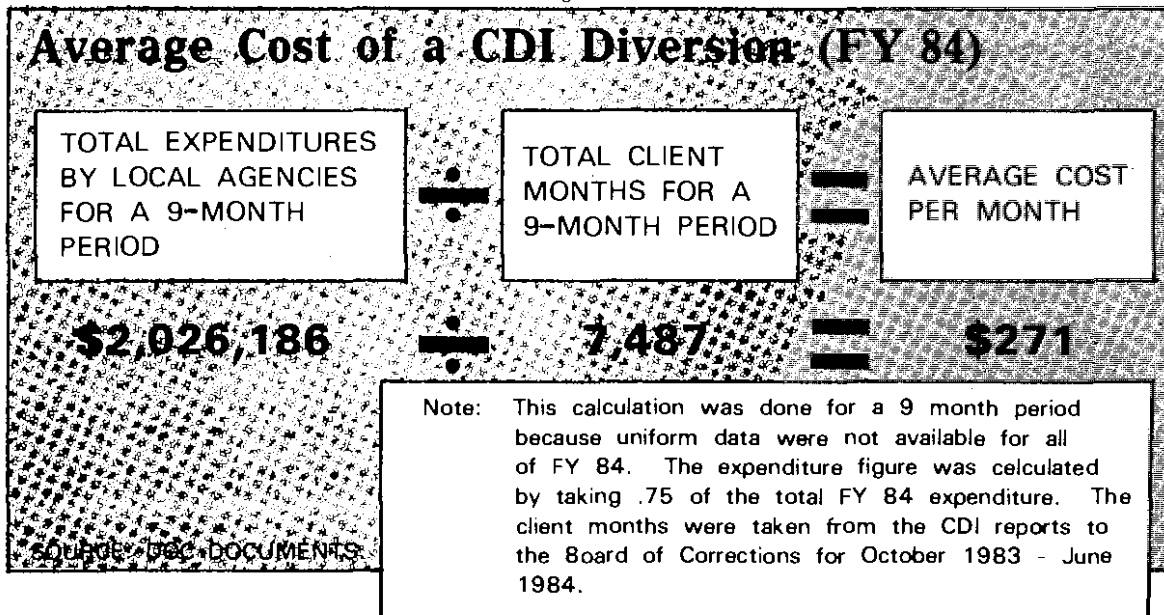
EFFICIENCY AND ECONOMY

CDI is expected to be less costly than incarceration because it avoids the capital and operating costs associated with locking prisoners up. CDI costs were assessed a number of ways during this review, and findings indicate that CDI is less costly than incarceration. For example, the estimated cost of maintaining a State felon CDI client was \$484/month in FY 84 compared to \$1,425/month in a DOC major institution. When the population served by CDI and the success rate of the program are considered, CDI saved the State an estimated \$325,000 in operating costs related to State felons in FY 84.

Average Cost of Diversion Compared to Incarceration

The first method used to assess the cost of the CDI program was to compare the average monthly cost of CDI to the average monthly cost of incarceration. Calculations showed that the average cost of a CDI diversion is \$271 per month. This figure was derived by dividing total grant expenditures by the total number of client months for a nine-month period in FY 84 (Figure 6). This figure does

Figure 6



not reflect differences in the level of spending between State felons and jail divertees (see next section).

This average cost is much less than the cost of incarceration in a State (\$1,425/month) or local correctional facility (\$780/month), but is higher than the average monthly cost of probation and parole supervision (\$55/month) (Figure 7). These figures represent operating costs only. If capital costs were added in, the cost of incarceration would increase significantly while CDI costs would stay the same.

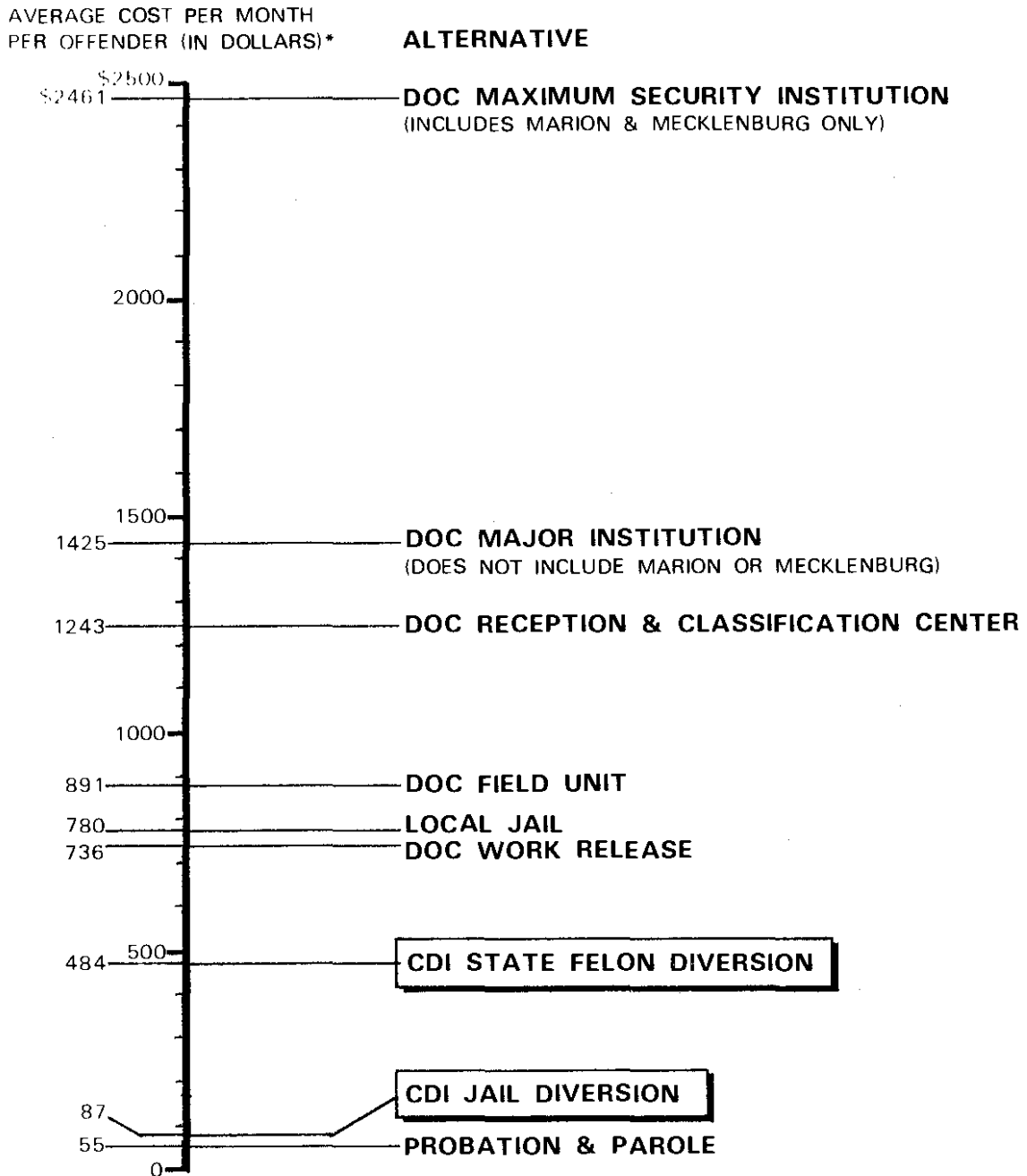
Differences in Cost of State Felon and Jail Diversions

The emphasis to date of the CDI program has been on State felons. Because this group receives more services, it is more expensive to maintain a State felon than a jail divertee in CDI. The estimated average cost/month for a State felon in FY 84 was \$484, while the estimated average cost/month for a jail divertee was \$87/month.

Because of poor data in the CDI management information system (MIS), an estimation procedure was used to derive these figures. The 13 original local agencies which were operating prior to FY 84 were used as the basis for calculation to avoid start-up costs which could skew the findings in one direction or another. The Southwest Virginia and Blue Ridge Diversionary agencies were subsequently eliminated from the analysis because of their inability to provide data regarding service expenditures. Expenditure figures for overhead and services were obtained from the monthly financial reports and adjusted to reflect direct case management by some local

Figure 7

Average Cost of Sentencing Alternatives - FY 84



*INCLUDES RSA INSTITUTIONAL EXPENDITURES, DOES NOT INCLUDE CAPITAL OUTLAY OR DOC CENTRAL ADMINISTRATION EXPENDITURES.

SOURCE: CALCULATED BY JLARC FROM FIGURES OBTAINED FROM DOC & RSA.

coordinators. These figures were then prorated to State felons and local divertees on the basis of estimates provided by local coordinators and caseload figures available from DOC. All calculations were done for a nine-month period because uniform data were not available for all of FY 84.

Estimated State Felon Savings from CDI in FY 84

Comparisons of the monthly costs associated with various sentencing alternatives indicate that the average cost of CDI per month is much less than the monthly cost of incarceration in a major State institution. However, further consideration of the population served by CDI as well as the rate at which offenders successfully complete the program reduces the overall difference significantly.

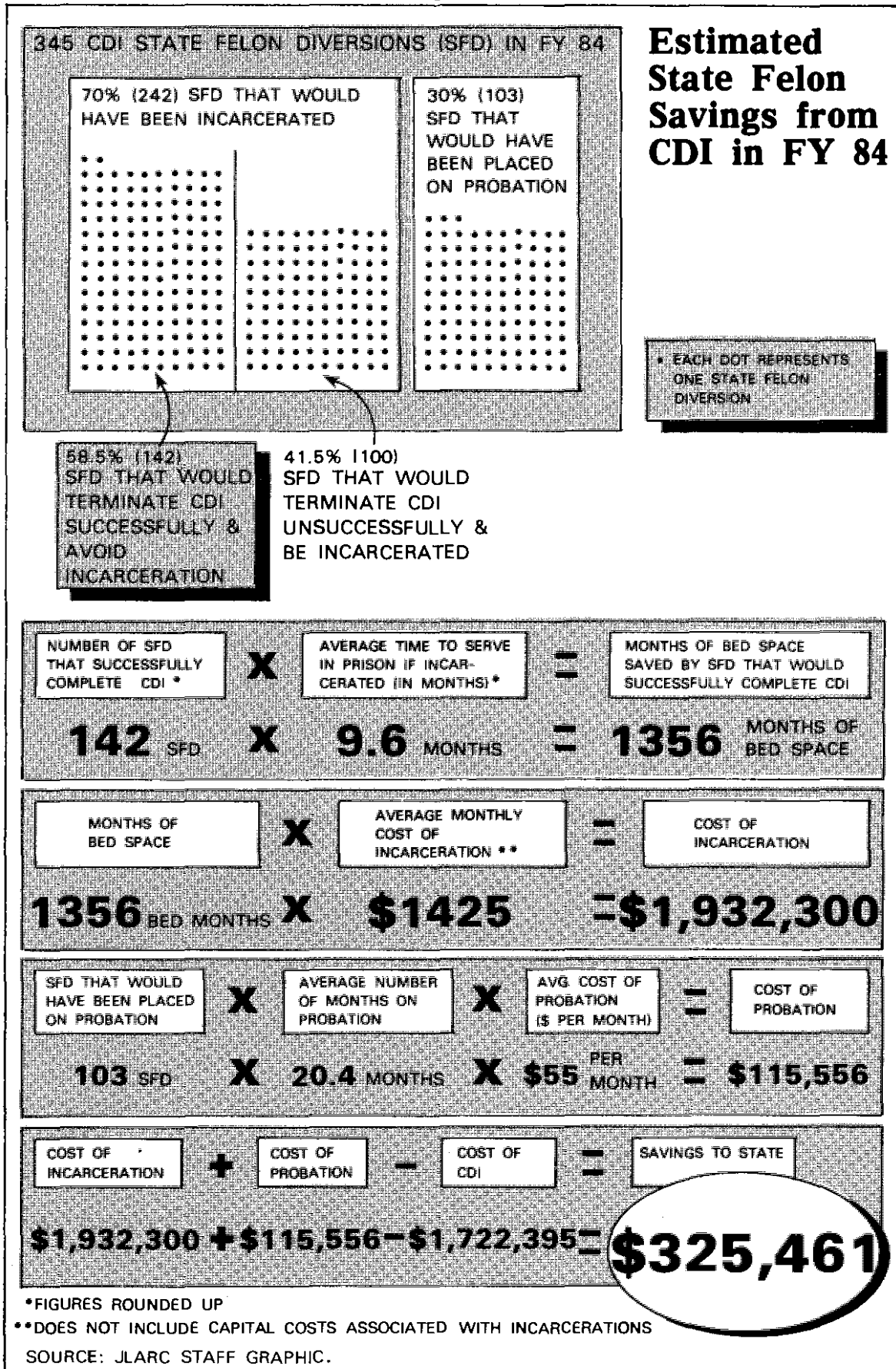
Figure 8 summarizes the process for estimating State felon savings from CDI. Although 345 State felons were placed in the CDI program in FY 84, the results of the JLARC logit analysis indicate that only 70 percent (242) of these participants would have been incarcerated. The CDI MIS indicates that of these, approximately 59 percent are expected to successfully complete the CDI program. Therefore, only 142 State felon diversions will actually result in incarceration savings for the State.

These State felons would have served an average of 9.6 months in a State major institution, based on the release component of DOC's population forecasting model for first-time, nonviolent, property offenders. (In JLARC's logit analysis, 80 percent of CDI State felons were property offenders.) Bed space savings from these State felon diversions total 1,356 bed months. Those who do not successfully complete the CDI program (41 percent or 100 State felon divertees) eventually return to the system to serve their original sentences. For CDI failures then, no bed savings to the State prison system are realized.

Another variable to be considered in the cost savings estimate is the cost of probation supervision that would have been incurred for 30 percent of the 345 State felon divertees had CDI not been available. Supervised probation costs an average of \$55 per month, and the average length of probation supervision for State felon offenders is approximately 20.4 months. This means that the cost to the State to supervise 103 State felons would have been approximately \$115,000.

Once the total months of bed space saved were calculated, the cost savings to the State were derived through the following steps: (1) the cost of incarceration in a State major institution was calculated by multiplying the average monthly operating cost of incarceration by the bed months saved by State felons diverted in FY 84, (2) the cost of probation supervision for 103 State felons for 20.4 months was added to the cost of incarceration, and (3) the cost

Figure 8



of the CDI program for 345 State felon diversions in FY 84 was subtracted from the projected incarceration and probation costs.

Although the CDI program saved the State an estimated \$325,461 for FY 84, this may be a conservative estimate of the savings generated by the program. This figure does not account for capital outlay expenditures associated with the cost of incarceration in a major State institution. Hypothetically, construction of institutional beds to house an annual equivalent of 113 diversions in FY 84 (had it been necessary) could have cost the State an additional \$5.65 million. The CDI program, as specified by program standards, does not have any capital outlay expenditures. Also, benefits to the State derived from the payment of financial restitution and the performance of community service work by State felon diverttees is not included.

Conclusion

To strengthen the cost-saving nature of the program, the Director of DOC should undertake an intensive assessment of the CDI population. This assessment should identify: (1) proportions of the diverttee population which appear to have been inappropriately diverted, (2) types of offenders that successfully and unsuccessfully terminate, and (3) reasons for these outcomes. The assessment should be specifically oriented toward determining types of offenders that should and should not be diverted. DOC may then wish to modify its model eligibility requirements to specifically eliminate types of offenders that appear to be unsuited for CDI participation. All findings should be communicated to local agencies to assist them with their diversion decisions and encourage higher successful termination rates.

INCREASED OPPORTUNITIES FOR RESTITUTION

According to DOC, offenders in the CDI program have paid \$88,772 in financial restitution and \$54,936 in fines and costs over a three and one-half year period. CDI participants have also worked a total of 127,865 hours of direct and community service (Table 6).

Although the concept of restitution is not new or unique to CDI, the CDI program does provide increased opportunities for offenders to make restitution to victims of crime through financial reimbursement and community service. Judges have a number of options available to them for ordering restitution, but most often these options are not appropriate for offenders who end up being incarcerated. By keeping offenders in the community and "punishing" them with financial restitution and community service orders rather than incarceration, CDI expands opportunities for restitution, particularly financial restitution.

Table 6

CONTRIBUTIONS OF CDI CLIENTS
(January 1981 - July 1, 1984)

	<u>Amount</u>
Estimated wages/salary earned	\$1,496,392
Financial restitution paid	88,772
Fines, costs, fees paid	54,936
Child support paid	21,157
1,239 Hours of Direct Service	4,151*
126,626 Hours of Community Service	424,197*

*Value of direct and community service derived by multiplying hours times federal minimum wage.

Source: DOC handout for American Corrections Association,
August 1984.

The following section will discuss existing mechanisms through which judges can order restitution. The concluding section then explains how CDI increases opportunity in this area.

Existing Opportunities for Restitution

In addition to CDI, there are five primary options available to judges through which they can order offenders to make restitution to communities and individuals. These options include:

- probation,
- court service units,
- Offender Aid and Restoration,
- jail programs, and
- ordering an offender to make restitution on his or her own without supervision.

While some options, such as ordering an offender to make restitution on his or her own without supervision, are available to all judges, other options are not available statewide or are not available to both the Circuit and District Courts. The only option available to incarcerated individuals is the jail programs, which operate only in certain areas of the State.

Probation. This is probably the most frequently used vehicle for supervising restitution. Under this option, the judge assigns financial restitution or community service work as a condition of probation, and the probation officer monitors compliance with the terms of the order. As Probation and Parole primarily serves the Circuit Courts, this option is typically available to Circuit Court judges only. Judges vary in their use of this option. Some never use community service orders, while others use them extensively.

Figures supplied by the DOC Probation and Parole manager show that \$4,009,000 in financial restitution was ordered during FY 84. Of this amount, \$921,979 (23 percent) was collected during the fiscal year. According to the Probation and Parole manager, an estimated 75 percent of probationers who successfully complete probation fulfill their restitution obligations. The collection period can stretch out for several years.

Court Service Units. Services to General District Courts and some Circuit Courts, including supervision of community service orders, are available through four court service units. These services are available to nine General District Courts and two Circuit Courts serving 17 localities. A total of 118 localities are not served by these units.

The court service units oversee community service orders, primarily for misdemeanants, in a fashion similar to probation officers. In fact, two of the four units are run by Probation and Parole.

While uniform figures on the amounts of financial restitution and community service work are not available from all the court service units, the following example gives an idea of the magnitude of the units' operations.

The Rockingham County General District Court Services Unit supervised 162 offenders during FY 83 who performed 5,296 hours of community service work at an estimated value of \$17,741. The unit also supervised 402 offenders who were ordered to pay financial restitution. The unit has a collection rate of about 90 percent, with approximately 10 percent judged "uncollectable" and probation being revoked for non-compliance.

Offender Aid and Restoration. Four Offender Aid and Restoration (OAR) programs have been established in Virginia, and serve the Richmond, Fairfax, Arlington, and Charlottesville areas. As part of a broader spectrum of services, each program provides community service and financial restitution monitoring to General District and/or Circuit Courts. Most emphasis appears to be placed on services to the General District Court and first time offenders.

During FY 84, the Arlington and Charlottesville programs both received some CDI funding.

OAR clients differ from CDI clients in that they have not been sentenced to incarceration, but simply have been ordered to perform community service work.

Jail Programs. Twenty-one of the 99 jails and jail farms in Virginia make provisions for inmates to perform community service work (Table 7). Under these programs, incarcerated misdemeanants and felons in local jails serving 22 communities can perform unpaid community service work. Inmates participate at the judge's or sheriff's discretion. Jails do not as a practice oversee financial restitution.

These programs can accommodate at least 170 FTE individuals per month out of the 5,500 - 6,400 offenders confined at the end of any month to the Commonwealth's jails. Offenders do not usually "work" a full 40-hour week, so more than 170 are typically working, on a part-time basis.

This is the one community service opportunity that would be available to some CDI divertees if CDI did not exist. Local felons and misdemeanants that would have been incarcerated in local jails might have an opportunity to perform community service work through these 170 slots, but they would have to vie for the opportunity against other incarcerated offenders.

Unsupervised Restitution. Under this option, the judge would not sentence an offender to probation or incarceration, but would order restitution. It would be up to the individual to fulfill

Table 7

NUMBER OF JAILS WITH COMMUNITY SERVICE PROGRAMS

<u>Region</u>	<u>Number of Jails With Programs</u>	<u>Estimated Monthly Capacity (Hours)*</u>
Western	0	0
Central	2	1,405
Northern	8	12,624
East Central	6	9,979
Southeast	5	2,855
TOTALS	21	26,863
		(170 FTE per month)

*Based on information provided for June, 1984.

Source: Information provided by DOC Regional Jail Managers.

the order without the supervision of another party. This option is available to any judge throughout the Commonwealth, but is viewed as less desirable because of the lack of supervision.

How CDI Increases Opportunities for Restitution

As outlined above, numerous opportunities exist outside of CDI for restitution. CDI, however, does increase opportunities for offenders to make restitution to victims of crimes in three ways:

- by retaining State felon offenders in the community, making it possible for them to perform community service or make financial restitution,
- by providing opportunities for misdemeanants to perform community service in a number of localities that do not have jail community service programs, and
- by adding capacity for restitution in communities that have limited jail community service programs.

Retaining State Felons In the Community. According to DOC's Court and Legal Services Unit, State felons with less than one year to serve will usually serve their sentence in a local jail. Felons with greater than one year are very likely to be transported to a State institution. Once in a State institution, there are no opportunities to perform community service and make financial restitution. (Prisoners working on gun gangs and in enterprise shops should not be counted, since prisoners are paid minimally for these efforts and their efforts do not generally benefit the violated community. CDI community service is unpaid and is intended to pay back the individual or community that was injured.)

The findings of the JLARC logit analysis indicated that an estimated 70 percent of State felons diverted in FY 84 would have been incarcerated. If these findings hold true for the previous fiscal years, then approximately 70 percent of the 700 State felon divertees would have been incarcerated. These individuals would not have performed community service if they had not been diverted to CDI. CDI therefore added to the opportunities available for community service for these 490 State felon offenders.

Jail Misdemeanants. The second way CDI expands opportunities for community service and financial restitution is by providing these opportunities in communities that do not have jail programs. When local felons and misdemeanants are diverted, they perform community service that would otherwise not have been possible had they been incarcerated in the local jail. The 61 localities referenced in Table 8 provide community service through CDI but not through their jails. During FY 84, approximately 1,493 local felons and misdemeanants were diverted in these localities.

Table 8

LOCALITIES THAT DIVERT LOCAL FELONS AND MISDEMEANANTS BUT
DO NOT HAVE LOCAL JAIL COMMUNITY SERVICE PROGRAMS

<u>Region</u>	<u>Number of Localities</u>	<u>Estimated Jail Diversions - FY 84</u>
Western	19	949
Central	7	123
Northern	11	301
East Central	22	90
Southeast	<u>2</u>	<u>30</u>
TOTALS	61	1493

Source: JLARC calculations from data provided by DOC.

Added Capacity. The third way CDI expands capacity is by making additional community service opportunities available in those localities with limited capacity in their jail community service programs. For example:

The Fauquier County jail has a community service program in which incarcerated offenders tend the grounds and do maintenance around the jail and other county buildings. The jail program can accommodate three offenders at any one time, and a total of 48 community service hours were worked during August 1984.

Fauquier County also participates in the Rappahannock/Rapidan CDI program, which diverted 21 local felons and misdemeanants from October 1983 through June of 1984. CDI adds to the capacity for community service in this area because, in addition to the three offenders that can perform community service through the jail, each divertee is also required to perform community service under the CDI program.

REPEAT OFFENSES

Another major goal of the CDI Act is to reduce the incidence of repeat offenses. Given the short tenure of the CDI program and its continuing evolution, the recidivism and repeat offense rates of CDI divertees cannot be comprehensively assessed at this time. JLARC did, however, assess available information to look for preliminary

indicators of repeat offenses for State felons who have successfully completed the CDI program.

JLARC worked with MIS data and local agency coordinators to identify every State felon that had successfully terminated as of June 30, 1984. The criminal records of these State felons were then examined. Of the 221 State felons who were identified as successfully completing the CDI program, 203 criminal records were reviewed. The State Police could not provide criminal histories on 18 of the requested cases.

The results of these criminal record checks indicate that the incidence of repeat offenses by these CDI State felons has been very low. As shown in Table 9, only eight State felons were identified by the Central Criminal Record Exchange (CCRE) as being convicted of a crime after successful completion of the CDI program.

Analysis of Repeat Offenses by CDI Clients

In order to properly assess the data in Table 9, several considerations must be kept in mind. First, CCRE criminal record reporting may not be up to date and accurate for all offenders. There is sometimes a lag for data processing, and instances of non-reporting may occur. For example, the Central Criminal Record Exchange does not record convictions outside Virginia.

Second, sufficient time has not elapsed to allow a full recidivism assessment. Many studies on recidivism track offenders for at least a three-year period after release from custody. Very few successfully terminated diverttees have been out of the program for three years. And third, there is no well-established base from which to compare these figures. Generally, DOC maintains very limited recidivism data, and comparable figures from other states do not appear to exist.

Table 9

REPEAT OFFENSES BY SUCCESSFULLY TERMINATED CDI STATE FELONS (June 30, 1984)

Number of successful CDI State felon terminations	221
Cases not available from State Police	- 18
Total number of State felon records reviewed	203

<u>State Felon Records Reviewed</u>	<u>Number of Repeat Offenders</u>	<u>Percent Convicted of Repeat Offenses</u>
203	8	3.9%

Source: Virginia Central Criminal Record Exchange (CCRE).

Table 10 illustrates the characteristics of the convicted repeat offenders who completed the CDI program successfully. Two of the eight offenses were violent crimes, while six of the offenses were property crimes.

Conclusion

Although the caveats mentioned above preclude any strong conclusions from being drawn, the findings are positive in that few repeat offenders were found. Continual assessment of this area, however, will be crucial for the program.

The objectives of the CDI Act necessitate a thorough and continual assessment of the incidence of repeat offenses. The CDI manager should undertake steps to begin a thorough analysis of this area. Repeat offenses should be assessed annually, and the results should be published in the Felons and Recidivists report. These results should be compared to recidivism rates for incarcerated and probation groups to assess CDI's success in reducing repeat offenses.

The implementation of these recommendations will assist DOC in not only meeting the objectives of the CDI Act, but also monitoring the CDI program's progress as it develops and stabilizes.

Table 10
CHARACTERISTICS OF CDI STATE FELON REPEAT OFFENDERS

<u>Age</u>	<u>Sex</u>	<u>Race</u>	<u>Date Completing CDI</u>	<u># Months from Termination to Crime</u>	<u>Offense</u>
27	Male	White	6/82	18	Weapon Offense (Violent Misdemeanor)
35	Male	White	6/83	9	Assault (Violent Misdemeanor)
23	Male	White	4/83	10	Larceny (Nonviolent Misdemeanor)
21	Male	White	2/84	1	Burglary (Nonviolent Misdemeanor)
21	Male	White	12/83	< 1	Stolen Vehicle (Nonviolent Felony)
42	Female	Black	2/84	3	Fraud (Nonviolent Felony)
21	Male	Black	10/83	3	Burglary (Nonviolent Felony)
21	Male	White	8/83	< 1	Breaking and Entering (Nonviolent Felony)

Source: Virginia Central Criminal Record Exchange.

CONCLUSION AND RECOMMENDATIONS

The CDI program fares well regarding the extent to which statutory objectives are met. CDI appears to (1) be targeting an appropriate population, (2) be less costly than incarceration, (3) provide increased opportunities to make restitution, and (d) have a low repeat offense rate to date.

Implementation of the following recommendations, however, would serve to strengthen the program:

Recommendation 1: The Director of DOC should take two steps to help ensure that offenders have sentences of incarceration prior to referral to the program. First, Section A.19 of the CDI program standards should be modified to clearly indicate that local programs shall not accept a referred offender without a sentence of incarceration. The standard could be modified as follows:

A.19. *No Community Corrections Program shall accept a client who has not received a sentence of incarceration. No Community Corrections Program funds shall be expended for any purpose, including consultation, case management, and evaluation, on a client who has not received a sentence of incarceration. [Italicized type represents new language.]*

Second, all program staff should be directed to take steps to ensure that judges are fully aware of this requirement.

Recommendation 2: To strengthen the cost-saving nature of the program and ensure diversion of appropriate types of offenders, the Director of DOC should undertake an intensive assessment of the CDI population. This assessment should identify: (1) proportions of the divertee population which appear to have been inappropriately diverted, (2) proportions of the divertee population with prior and current convictions for violent offenses, (3) types of offenders that successfully and unsuccessfully terminate, and (4) reasons for these outcomes. The assessment should be specifically oriented toward determining types of offenders that should and should not be diverted.

DOC should then modify its model eligibility requirements to specifically eliminate types of offenders that appear to be unsuited for CDI participation. At a minimum, the eligibility requirements should be modified to prohibit the diversion of any offender with a current conviction for a serious violent offense such as rape. All findings should be communicated to local agencies to assist them with their diversion decisions and encourage higher successful termination rates.

Recommendation 3: The Director of DOC should (1) require the CDI unit to assess repeat offenses annually, and (2) publish results in the Felons and Recidivists report. These results should be compared to recidivism rates for incarcerated and probation groups to assess CDI's success in reducing repeat offenses.

III. ORGANIZATIONAL STRUCTURE

The CDI program is carried out through a State/local organizational structure. The Department of Corrections is the principal State actor, while 23 local CDI agencies and their boards carry out the program at the local level. This structure reflects a conscious effort to enhance local flexibility and involvement in crime response by decentralizing responsibility for operations and giving localities the authority to structure programs to meet particular local needs. As a result, local agency organizational structures vary significantly. Although several areas of the organizational structure warrant attention, the structure itself is working and should be maintained for the present.

This chapter will present an overview of the current organizational structure and its rationale. The extent to which the structure reflects this rationale will then be reviewed, and certain issues at the central office, regional, and local levels will be discussed.

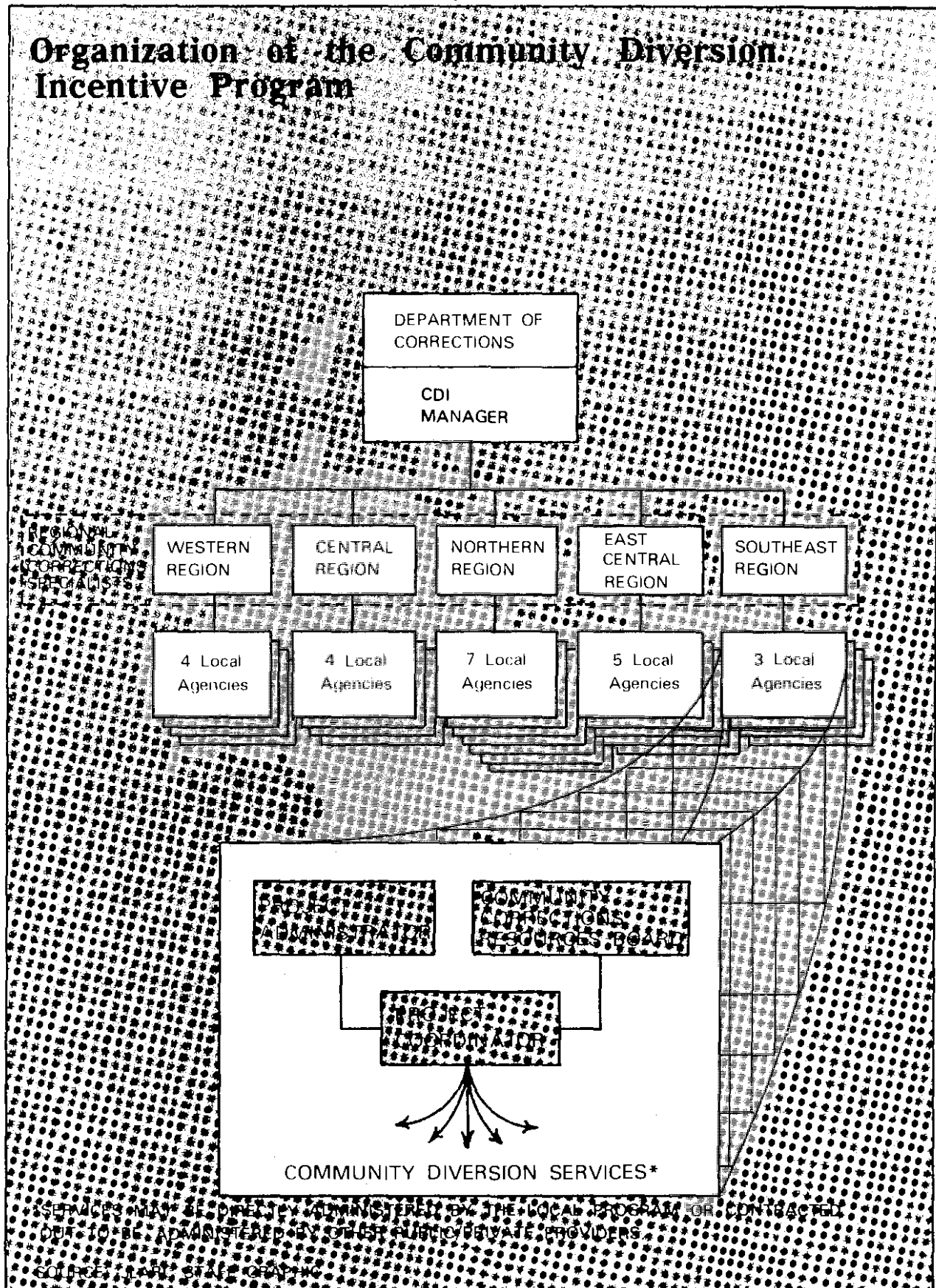
CURRENT STRUCTURE

Section 53.1-180 of the *Code of Virginia* lists numerous purposes of the CDI Act. One of these purposes -- "to allow individual localities ... greater flexibility and involvement in responding to the problem of crime in their communities" -- appears to have significantly affected the way the system has been structured. The CDI program has been configured as a tri-level structure to involve both the State and localities in a joint community diversion effort with decentralized responsibility and authority for various aspects of the program.

The Virginia Department of Corrections is statutorily designated as the State agency responsible for CDI. DOC therefore provides program guidance from the central office in Richmond, and DOC regional specialists oversee the program from five regional offices. Local CDI agencies and local boards, however, are responsible for actual operation of the program and the administration of CDI services (Figure 9).

In addition to encouraging greater local involvement and flexibility in responding to crime, this structure appears to have been configured to accomplish additional objectives including:

Figure 9



- enhancing State/local cooperation through a joint effort,
- reinforcing CDI's image as a new and distinct program in the State, and
- providing for necessary levels of program consistency and monitoring through State-level supervision.

Local Involvement and Flexibility in Responding to Crime

The organizational structure of the CDI program has successfully increased local involvement in responding to crime while allowing local jurisdictions flexibility in deciding how to organize and operate their local CDI programs. Local involvement and flexibility have been expanded through CDI in two ways. First, in most instances local jurisdictions and local staff actually operate the CDI agency. Second, participating jurisdictions appoint community members to sit on the local CDI agency's Community Corrections Resources Board (CCRB). Local citizens and officials are therefore responsible for (1) deciding if they wish to operate a local CDI agency designed to keep local offenders in the community, (2) deciding how to operate the CDI program, (3) establishing eligibility criteria, (4) making recommendations to the judiciary regarding the diversion of specific offenders, and (5) ensuring that appropriate services are delivered to diverted offenders.

State/Local Cooperation

Although local agencies administer the CDI program, the successful implementation of the program depends to a large extent on State and local cooperation. Interaction between the State and localities takes several forms: (1) the State funds local agencies based on their approved grant and budget proposals, (2) technical assistance is disseminated to local agencies through the five regional specialists, (3) program information is collected on the local level and channeled through the regional specialists to DOC, and (4) program monitoring of local agencies is conducted by the regional specialists. Cooperation by the State and localities ensures that localities do not violate program standards and that the standards allow for flexibility in local agency response to community needs.

While State/local interaction has been enhanced under the CDI Act, one area in particular warrants attention: State access to program information to perform oversight functions. The State oversight function can be inhibited by local CDI agencies which are reluctant to cooperate, or do not understand the State's responsibility and authority to monitor the use of the funds it provides.

JLARC staff encountered difficulty in several local agencies while carrying out the study in accordance with statutorily mandated oversight duties. Specifically, the Henrico and Arlington CDI agencies were unwilling to allow JLARC access to client files. Although DOC provided written notification of JLARC authority to all local agencies, this was virtually ignored, and time-consuming negotiations were necessary to obtain data to which JLARC has statutory access.

Since all CDI agencies are funded through the State, local cooperation in oversight and review of the program cannot be selective. To prevent future occurrence of information access problems, the Director of DOC should require a section in all grant proposals from local agencies addressing State/local cooperation. This section should state the local agency's agreement to cooperate with and provide data for State oversight activities required by the Governor, General Assembly, or DOC.

Recognition as a New Program

The structure of the CDI program gave it a distinct identity as a new and innovative program in the State's criminal justice system. Because of its unique organizational structure, CDI was perceived as being different from existing sentencing alternatives.

The creation of local CDI agencies under a new CDI unit served two basic purposes. First, creating CDI separate from the Probation and Parole system brought attention to its existence. The semi-autonomous nature of CDI helped to reinforce the idea that CDI services were different from what courts were already being offered through probation services. This separate program, carried out through distinct agencies, stressed CDI's ability to have smaller caseloads and provide more treatment services and intensive supervision to offenders than probation.

Second, the structure promoted CDI's image as a local agency responsive to local norms and needs. CDI agencies are locally operated, and CDI staff are not perceived as entrenched or committed to any long-standing or particular philosophy of corrections. This factor has likely contributed to CDI's success in gaining judicial support.

Program Consistency and Monitoring

The organizational structure of CDI allows for the promotion of some program standardization through the network of regional specialists. The existence of five regional specialists under the umbrella of the Department of Corrections can be viewed as a critical link to achieving consistency of operations and Statewide monitoring of the CDI program.

The regional specialists assist the central office in collecting information on local agencies, disseminating standards and technical assistance, and sharing information between local agencies. Their close association with the local agencies enables the central office to develop program policies which are responsive to the needs of the local agencies.

As the CDI program currently exists, the ability to achieve consistency in operations and monitoring is extremely important. Cost-saving measures, as well as ways of assessing program outcomes, can only be developed once a degree of program consistency is achieved. In addition, if in the future CDI expands to include new jurisdictions, consistent program development can be greatly enhanced through guidance and monitoring from the regional specialists.

CENTRAL OFFICE ORGANIZATION AND RESPONSIBILITIES

Within the DOC central office, the CDI program is supervised by the Manager of Community Placement Programs, who will be referred to as the CDI manager. The CDI manager, a planner, and a secretary comprise the CDI unit, which is one of three units under the Assistant Director for Adult Community Corrections (Figure 10). Other managers under the Assistant Director include the Local Jail manager and the Probation and Parole manager.

The CDI unit serves as the focal point for CDI at the State level. It is therefore imperative that the manager's responsibilities be clearly and appropriately designated, and that the unit itself be optimally and securely placed within DOC. There appear to be shortcomings in each of these areas, however.

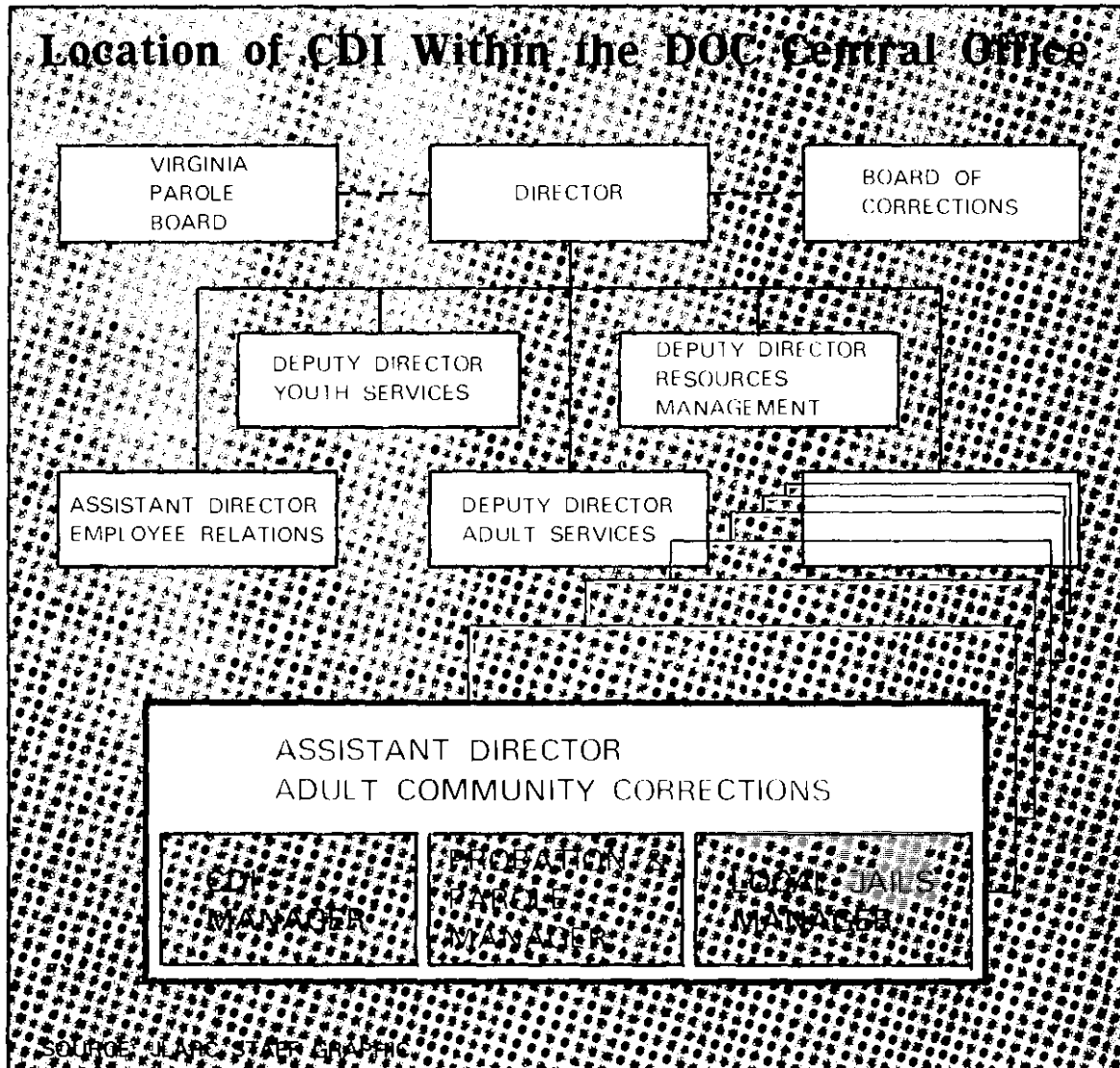
Responsibilities of the CDI Manager

The CDI manager is responsible for overseeing other State level CDI staff, developing statewide CDI policies and standards, monitoring program effectiveness, overseeing basic data collection, and developing and monitoring the CDI budget -- in summary, operational responsibility for all aspects of the program rests here. These responsibilities are outlined in Table 11.

A developing program, however, requires continuous top-level attention in additional areas. A broader focus must be maintained to ensure that program goals, objectives, growth and expenditure patterns, outcomes, and other considerations are clearly and deliberately developed, communicated, and understood by all involved parties.

It is important that the CDI manager be designated these broad responsibilities to ensure that all aspects of the program are planned and executed in a cohesive fashion. For example, short- and

Figure 10



long-term master planning should be undertaken at this level to ensure that program development and growth is planned, orderly and manageable. Legislative needs for information must be anticipated and responded to in a timely and accurate manner. Further, continuous high-level coordination is necessary between a developing program such as CDI and related correctional components, including adult institutions, jails, Probation and Parole, and private community corrections agencies.

Although some of these broad types of responsibilities have been undertaken by the individuals who have held the CDI manager

Table 11

RESPONSIBILITIES OF THE CDI MANAGER

<u>Responsibility</u>	<u>Percent of Total Working Time</u>
Supervise five community corrections specialists and one secretary*	50%
Market community corrections	15%
Review and monitor local community corrections programs and develop standards and policies for local programs	15%
Establish and oversee basic data collection	5%
Plan, develop, and monitor the CDI budget	5%
Develop and conduct staff training	5%
Develop new program proposals and present to Director of DOC	5%

*Note: The manager supervises an additional planner position which was created after this position description was developed.

Source: CDI manager position description -- 6/1/83.

position, not all have. For example, a CDI master plan has never been developed. Moreover, the JLARC study of the CDI program was mandated because of the Legislature's need for more information regarding the program.

The Director of DOC should therefore modify the CDI manager's job description to include broad coordinative and planning responsibilities in addition to operational responsibilities. This would include responsibility for master planning, ensuring that program operations and growth are in accordance with the master plan, anticipating legislative needs for information, and coordinating with other correctional components.

Location of CDI

A second and related organizational concern is evident at this level. As stated above, high-level coordination is necessary to ensure that plans, expectations, anticipated outcomes, and other program development issues are effectively communicated. Within DOC, the entities with whom CDI would need to closely communicate and

coordinate include: (1) the adult institution and jail systems, because their populations are affected by CDI diversions, (2) the Probation and Parole system, because Circuit Court divertees are placed on probation for the duration of their stay in CDI, and successful terminees are usually placed on regular probation after termination, and (3) the administrator to whom CDI directly reports, because this individual must serve as a conduit between the program and the DOC director. The positioning of CDI within DOC does not appear to have been designed to encourage strong ties.

CDI's location within the DOC organizational structure has shifted five times since the program was implemented four and a half years ago. Four of these shifts were accompanied by a change in reporting relationship (Table 12).

This type of continuous shuffling can have a negative effect on a developing program in three ways. First, it prevents the higher level administrator to whom the program reports from developing a long-term perspective and understanding of the program based upon actual interaction with program actors and experience with the program. Second, continuous shifting discourages the development of relationships that could be enhanced through a stable structure. Third, it is difficult for the CDI manager to track program expenditures for program evaluation and assessment purposes when program and other identifying codes change frequently.

Table 12

LOCATIONS OF CDI WITHIN DOC

<u>Location</u>	<u>CDI Reported To</u>	<u>Time Frame</u>
Division of Community & Prevention Services	Chief of Operations*	7/16/80 - 6/1/81
Division of Youth & Community Services	Chief of Operations*	6/1/81 - 6/1/82
Adult Institutions	Deputy Director	6/1/82 - 6/15/82
Office of the Director	Director or Acting Director of DOC	6/15/82 - 11/1/83
Adult Community Corrections	Assistant Director	11/1/83 - Present

*Same individual.

Source: Assistant Director, DOC Adult Community Corrections.

CDI's current organizational structure -- with the Jail and Probation and Parole managers under the Assistant Director for Adult Community Corrections -- should be maintained for the present. The current location provides continuity and a logical structure for coordination of community-based corrections efforts, and it appears to be working.

REGIONAL ORGANIZATION AND RESPONSIBILITIES

The second level within the CDI structure is that of the regional specialist. There are five community corrections specialists, working from the regional offices in Roanoke, Lynchburg, Fairfax, Richmond, and Suffolk. The regional specialists have a direct reporting relationship to the CDI manager in the central office.

The specialists have a wide range of responsibilities, including providing technical assistance to localities and local CDI agencies, serving as liaisons between DOC and local agencies, monitoring and evaluating local CDI programs, assisting in the review of program proposals and budgets, and promoting CDI.

There appears to be a clear need for the regional level. The workload among specialists, however, does not appear to be equitable.

Need for Regional Level

A previous JLARC report, Interim Report: Central and Regional Staffing in the Department of Corrections, found that there is a need for a regional level of management between the correctional facilities and programs and the top management in the DOC central office. The report found that the regional level had been established to achieve several organizational objectives, including:

- reducing the span of control of top management,
- improving uniformity and compliance with departmental policies and procedures,
- improving DOC visibility and communications throughout the State,
- reducing the total time spent by DOC staff traveling, and
- delegating some specific decision-making authority to the regional administrators.

The report concluded that the regional level had, on balance, achieved these objectives.

Although the previous JLARC report concentrated primarily on regional management over adult and youth institutions, all but one of the above objectives also apply to the regional level for the CDI program. The last objective, delegation of authority to the regional administrator (RA), does not apply because CDI regional specialists do not report to the RAs. They report directly to the CDI manager in the central office.

Span of Control. The regional specialists significantly reduce the span of control of the CDI manager. The manager currently has a span of control of seven -- consisting of the five regional specialists and two central office CDI staff. Each specialist is responsible for 3 to 7 of the 23 local CDI agencies. If there were no regional level of management, the CDI manager would have a span of control of 25, consisting of the 23 local agency coordinators and the two central office CDI staff currently supervised.

Uniformity and Compliance. Because 23 different local agencies administer the CDI program, State-level involvement is needed to provide uniformity and compliance with standards. Although local agencies submit various written reports and data to DOC on a periodic basis, the regional specialists are available to (1) provide technical assistance as decisions are being made, and (2) monitor local agency activities and decisions. This structure should enhance program uniformity statewide, as well as the probability that local actions will be in compliance with State standards.

Visibility and Communications. It is frequently the case with State/local programs that the localities resent statewide guidance from Richmond. This resentment primarily results from localities feeling that Richmond administrators are too far removed to really understand local problems.

The existence and geographic dispersal of regional specialists addresses this problem by placing State-level representatives in closer proximity to local agencies. Specialists visit local programs on a regular basis, weekly or even daily if a local agency is experiencing difficulties. This level of interaction would not be possible if only the CDI manager were available to visit local agencies.

Frequent communication also appears to take place between regional specialists and local agencies. The 23 local coordinators indicated that they communicated with their regional specialists an average of 8.5 times each month, and with the central office an average of 1.5 times each month (Table 13). If all communication were with the CDI manager, an unacceptably high portion of the manager's time would be drawn away from executive management responsibilities.

Travel Time. Although an assessment of travel time was not conducted for this study, results of the previous JLARC study showed that there would be a significant increase in travel time for

Table 13

LOCAL PROGRAM COORDINATOR COMMUNICATIONS WITH REGIONAL
SPECIALISTS AND CENTRAL OFFICE CDI STAFF

When local program coordinators were asked how often they communicated with or received communications from the regional CDI specialist and central office staff in the average month, their responses were as follows:

	<u>Number of Contacts With Regional Specialists</u>	<u>Number of Contacts With Central Office</u>
Alexandria	4	1
Arlington	12	1
Blue Ridge	4	1
Chesapeake	8	1
Court Community Corrections (Salem)	6	1
Fairfax	8	1
Hampton	8	3
Henrico	4	0
Jefferson	16	1
Loudoun	4	2
Lynchburg	12	4
Piedmont	12	1
Pittsylvania	12	1
Prince William	4	1
Rappahannock	4	0
Rappahannock/Rapidan	12	6
Richmond	5	2
Southwest Virginia	12	1
Urbanna	8	0
Virginia Beach	7	1
Virginia Cares	18	2
Virginia Highlands	4	2

Note: No response was obtained from Chesterfield.

Source: JLARC interviews with local program coordinators.

regional administrators and other regional personnel concerned with correctional institutions if regional offices were eliminated. Common sense dictates that this would hold true for CDI also. For example:

The Northern regional specialist, located in Fairfax, must travel 55 miles one way to visit

the Blue Ridge CDI agency in Winchester. The trip from Richmond, however, would be 136 miles one way.

* * *

The Southeastern regional specialist, located in Suffolk, must travel 38 miles to visit the Virginia Beach CDI agency. The trip from Richmond would be 104 miles one way.

Regional Specialist Workload

There appears to be a problem related to organization and responsibilities at the regional level. An assessment of workload-related considerations reveals that regional specialist workloads vary substantially (Table 14). Compared to the other specialists, the Southeast specialist has a small number of agencies and cases.

The CDI manager should assess regional specialist workload to determine if inequities do exist. If inequities are found, the manager should take steps to reduce them.

Factors that could be considered in the analysis include the number of agencies, the number of diversion cases, the number of non-participating local jurisdictions, and the size of the region. The number of cases and agencies is important because specialists periodically review cases and work directly with agencies. Non-participating jurisdictions are important because specialists promote CDI in these areas. And, size of the region most likely influences travel time requirements.

Table 14

REGIONAL WORKLOAD CONSIDERATIONS

<u>Specialist</u>	<u>Agencies</u>	<u>FY 85 Estimated Diversions*</u>	<u>Non- Participating Jurisdictions</u>	<u>Size of Region (sq. miles)</u>
I-Western	4	887	18	11,487
II-Central	4	511	9	8,847
III-Northern	7	634	0	5,278
IV-East Central	5	1,121	10	9,796
V-Southeast	3	136	16	5,147

*Includes State felon, local felon, and misdemeanor cases.

Source: DOC documents and JLARC highway allocations data file.

LOCAL AGENCY ORGANIZATION AND RESPONSIBILITIES

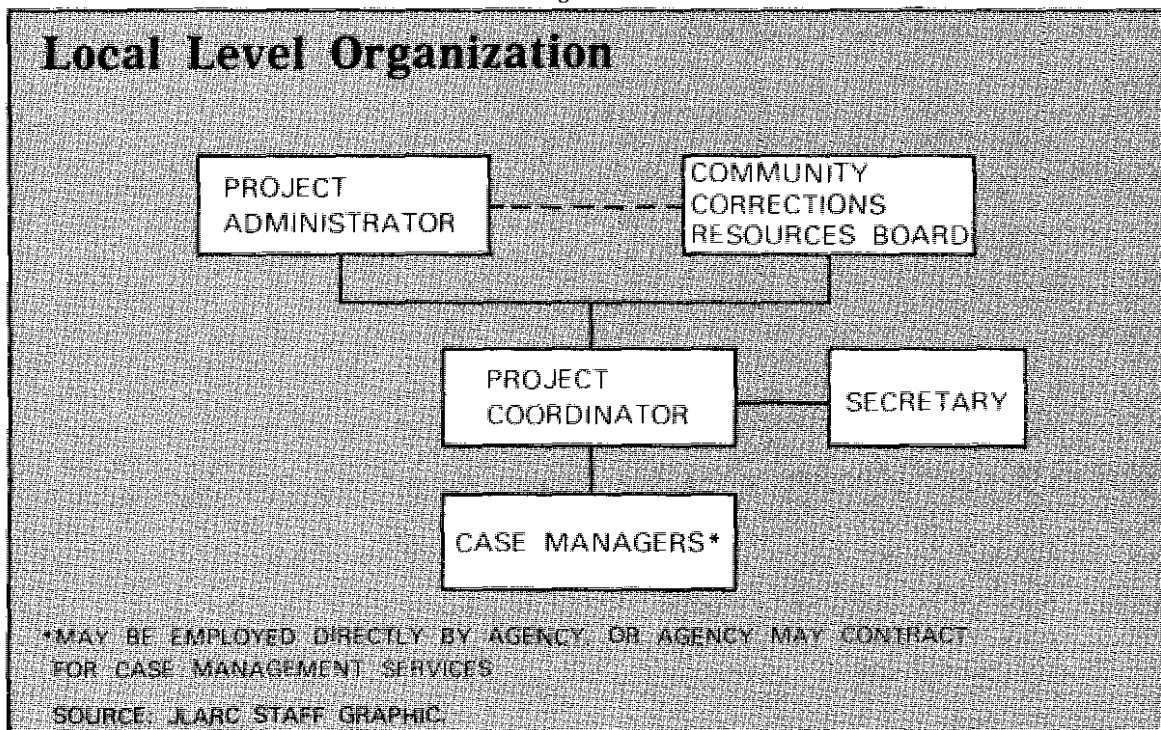
The third level of the CDI structure is comprised of 23 local CDI agencies responsible for administering the CDI program. Each agency has been structured to meet the needs of participating local jurisdictions, and as a result local organizational structures vary significantly. Local agencies are allowed to organize in a variety of ways because of the CDI Act's intent to promote flexibility in responding to specific crime problems. Although agencies are similar in that each has a board, project administrator, and project coordinator, there are numerous differences that are readily apparent.

Similarities Between Local Agencies

Primarily because of DOC program standards, some similarities are evident when local organizational structures are compared. Each local agency is required to have a Community Corrections Resources Board, project administrator, and project coordinator (Figure 11).

Community Corrections Resources Board. Both the *Code of Virginia* (§53.1-183) and the DOC standards require each local agency to have a Community Corrections Resources Board (CCRB) composed of representatives of participating communities. Each participating city or county appoints an equal number of board members, and each

Figure 11



court within the jurisdiction of the CDI program area may also appoint a member. The number of judicial appointments, however, may not exceed the number of local appointments. The DOC adult services regional administrator for the area also appoints one member.

Each CCRB serves as the supervisory body for its local agency and meets on a monthly basis to carry out its broad range of responsibilities. As set out in §53.1-185 of the Code, these responsibilities include the following:

- (1) make provisions for community services and programs for use by the courts in diverting offenders,
- (2) assist community agencies in establishing and modifying programs and services for offenders on the basis of an objective assessment of the community's needs and resources,
- (3) evaluate and monitor the effect of community programs on offenders,
- (4) provide a mechanism whereby all offenders with needs for services will be linked to appropriate services,
- (5) attempt to resolve CDI agency policies and procedures that make it difficult for offenders to receive services,
- (6) upon referral of an offender by the court, determine whether an appropriate behavioral contract can be developed, and
- (7) provide the judge of the referring court with findings and recommendations regarding if the referred offender should be diverted.

The DOC standards translate these broad responsibilities into more specific guidelines for CCRBs.

There appears to be one inconsistency with CCRB responsibilities as designated in statute. The CDI Act is clearly established to provide a sentencing alternative for offenders "sentenced" to incarceration. The fourth statutory responsibility, however, directs CCRBs to provide a mechanism for linking "all" offenders with service needs to appropriate services. This broad responsibility is inconsistent with the overall intent of the Act and can lead to confusion on the part of CCRBs regarding the types of programs they may operate. The following type of situation could occur:

The Southwest Virginia ASAP/CDI agency was found to be providing case management and community service supervision with CDI money to offenders who had not received sentences of incarceration.

The CDI regional specialist found 526 such cases. These cases are not eligible under the DOC CDI standards but could be viewed as possibly allowable under statutory provisions. The specialist is now working with a new program coordinator to ensure that this situation does not occur again.

To eliminate inconsistency in the CDI Act, the General Assembly should consider amending Section 53.1-185 (4) to read "Provide a mechanism whereby ~~all~~ diverted offenders with needs for services will be linked to appropriate services."

Project Administrator and Coordinator. In addition to the CCRB, all agencies must have a project administrator and a project coordinator. The administrator is an administrative officer of a governmental unit or non-profit agency, and is responsible for:

- coordinating efforts of a locality applying for Community Diversion Act funds and administering these funds, and
- ensuring full implementation of the CDI contract.

The project coordinator is responsible for the overall daily administration of the local community corrections agency. He or she provides staff support to the CCRB, oversees case management, and in some agencies may directly manage diversion cases.

Differences Between Local Agencies

The organization of local agencies varies in a number of ways, including their organizational status, number of jurisdictions served, number of staff employed, method of case management, and CCRB structure and composition. For example:

The Henrico CDI agency serves only Henrico County. CDI is an agency of county government, and reports to the County Manager. The agency directly employs four full time staff -- a director, a secretary, and two case managers.

* * *

The Jefferson Area CDI agency is an incorporated, non-profit entity. It began as a unit of local government in 1981, but acquired its independent status in 1984. Jefferson serves Charlottesville and the counties of Green, Albemarle, Fluvanna, Goochland, and Louisa. Jefferson employs only two staff directly and contracts with Charlottesville OAR for all of its case management services.

For the most part, the organizational differences observable at the local level do not appear to interfere with or detract from program operations.

Organizational Status. Local CDI agencies vary in status (Table 15). Thirteen are full-fledged agencies of a local government structure. Four are incorporated as private, non-profit agencies, and as such are not formally affiliated with a local government structure. Three have been created under joint exercise of powers provisions of the Code (§15.1-21) which allow political subdivisions to enter into agreements to create separate legal or administrative entities for joint or cooperative actions. These are public bodies that have a relationship with but are not a formal part of any local government structure.

The three remaining local agencies fall into a miscellaneous category and vary as follows:

- Southwest Virginia ASAP/Community Corrections was created out of a multi-jurisdictional planning group as an autonomous board. It is similar to agencies formed under the joint exercise of powers provisions, but there is no formal signed agreement.
- The Rappahannock area program is carried out by the Rappahannock Area Community Service Board, a political subdivision.
- The Richmond agency is created as a public body by an ordinance of the Richmond City Council, but is created as an autonomous body.

Number of Jurisdictions Served. Local agencies serve either a single local jurisdiction or multiple jurisdictions. As shown in Table 15, ten agencies serve one locality, while 13 agencies serve two or more. (Appendix D shows the specific jurisdictions served by each local agency.) Small jurisdictions or jurisdictions with low prison and jail commitment rates have the option to band together to operate and participate in a program.

Number of Staff. The number of staff directly employed by each agency varies from one at Virginia Cares to 16.5 in Richmond. The number of direct staff is influenced by the number of cases (standards dictate a caseload of 20 cases/caseworker) and whether the agency contracts out for case management services. The average number of staff directly employed is approximately four.

Method of Case Management. As will be covered in detail in the services chapter, agencies may hire their case managers directly, or may contract with outside agencies or individuals for these services. Currently, 16 agencies directly hire their case managers, two contract, and five do both.

Table 15

VARIETY IN LOCAL ORGANIZATIONAL STRUCTURES

<u>Agency</u>	<u>Organizational Status</u>	<u>Juris-dictions</u>	<u>Number Of Staff (FTE)</u>	<u>Case Manage-ment</u>
<u>Western Region</u>				
Salem	Local Government	Multiple	6	Direct
Southwest Virginia	Other	Multiple	11	Direct
Virginia Cares	Private, Non-Profit	Multiple	1	Both
Virginia Highlands	Local Government	Multiple	2.5	Both
<u>Central Region</u>				
Jefferson Area	Private, Non-Profit	Multiple	2	Contract
Lynchburg	Local Government	Single	3	Direct
Pittsylvania	Local Government	Single	4	Direct
Rappahannock/Rapidan	Joint Powers	Multiple	3	Direct
<u>Northern Region</u>				
Alexandria	Local Government	Single	1.5	Direct
Blue Ridge	Joint Powers	Multiple	7.5	Direct
Fairfax	Local Government	Multiple	2.5	Both
Loudoun	Local Government	Single	2.5	Direct
Arlington OAR	Private, Non-Profit	Single	6.5	Direct
Prince William	Local Government	Multiple	3	Direct
Rappahannock Area	Other	Multiple	1.5	Direct
<u>East Central Region</u>				
Chesterfield/ Colonial Heights	Local Government	Multiple	3.5	Direct
Henrico	Local Government	Single	4	Direct
Piedmont Court Services	Joint Powers	Multiple	2.5	Direct
Richmond	Other	Single	16.5	Both
Urbanna	Local Government	Multiple	4	Direct
<u>Southeast Region</u>				
Chesapeake	Private, Non-Profit	Single	1.5	Both
Hampton	Local Government	Single	1.5	Direct
Virginia Beach	Local Government	Single	1.5	Contract

Source: JLARC interviews with local program coordinators.

CCRB Structure and Composition. CCRB structures also differ somewhat. The number of board members ranges from five to 18, and varying portions are appointed by local jurisdictions and the courts. Criminal justice professionals comprise the largest number of board members, followed by retired individuals, business persons, and public administrators (Table 16). The following examples show the size and composition of two boards.

The Virginia Cares CCRB is composed of 18 members, 12 of which are appointed by local governing bodies, five by the circuit court, and one by DOC. The individuals on the board include attorneys, retired teachers, ministers and reverends, a school board chairman, a social service worker, a sheriff's department employee, a housewife, a teacher, correctional officers, and a member of a board of supervisors.

* * *

The Chesapeake CCRB has five members: a chief Probation and Parole officer, a bank vice-president, an attorney, a minister, and a retired principal. Two of these appointments were made by the local governing body, two by the Circuit Court, and one by DOC.

Table 16

TYPES OF PROFESSIONALS ON CCRBS

<u>Profession</u>	<u>Number</u>
Criminal Justice Professional*	60
Retiree	21
Business Person	17
Public Administrator	17
Minister	9
Teacher	7
Politician	6
Service Employee	4
Unemployed Person	4
Human Resources or Other Counselor	1
Other	8
TOTAL	154

*Includes lawyers, probation officers, sheriffs, and judges.

Source: JLARC interviews with local program coordinators.

CONCLUSION AND RECOMMENDATIONS

The following recommendations pertaining to the CDI organizational structure should be implemented:

Recommendation 4: DOC should maintain the current CDI organizational structure for the present.

Recommendation 5: In all future grant proposals from local CDI agencies, the Director of DOC should require a statement of agreement to cooperate with and provide data for State oversight activities required by the Governor, General Assembly, or DOC.

Recommendation 6: The Director of DOC should modify the CDI manager's job description to include broad coordinative and planning responsibilities in addition to operational responsibilities which are currently specified. These should include responsibility for master planning, ensuring that program operations and growth are in accordance with the master plan, anticipating legislative and executive needs for information, and coordinating with other correctional components.

Recommendation 7: The Director of DOC should require the CDI manager to assess regional specialist workloads to determine if inequities exist. If inequities are found, the manager should take steps to reduce them.

Recommendation 8: To reduce potential confusion over the role of CCRBs, the General Assembly may wish to amend §53.1 - 185(4) of the Code as follows: "Provide a mechanism whereby ~~all~~ diverted offenders with needs for services will be linked to appropriate services."

IV. PLANNING AND MANAGEMENT

The CDI program is relatively young, still developing, and has a tri-level organizational structure with decentralized responsibility. In light of these characteristics, it is important that standard management and planning elements be in place. Such elements can ensure that program goals and objectives are clearly established, communicated, and understood, and that CDI is operating in a manner consistent with the achievement of those goals and objectives. Among the elements needed are:

- a program master plan which provides short- and long-range guidance by clearly articulating goals and objectives as well as strategies for achieving them,
- adequate funding based upon documentable and clearly communicated program requirements,
- program policies and procedures that address essential areas of operation and provide adequate guidance for day-to-day operation of the program,
- successful communication and coordination between program participants, including local agencies, CDI central and regional offices, the probation system, and the judiciary, and
- State-level monitoring and oversight which allows quick identification and resolution of operational difficulties.

This chapter describes actions that have been taken to date in each area and assesses the extent to which these elements have been successfully developed and/or implemented within the CDI program.

MASTER PLAN

Although numerous presentations have been made to the Legislature, judiciary, local governments, local CDI agencies, and other parties over the years regarding the CDI program, a master plan document has not been developed. Consequently, long-range program goals are unclear and a number of misunderstandings regarding program operations and development have occurred.

Need For A CDI Master Plan

Any program, especially one that is expanding as it develops, should have a master plan that clearly describes the

program's goals and objectives, how those objectives are to be met, and the time-frame for meeting objectives. This master plan should be disseminated to policy makers in both the legislative and executive branches to ensure knowledge of and agreement with the overall orientation and direction of the program, including the rate at which the program should grow. Program participants should also be appraised of changes in the master plan to ensure that everyone is operating with the same expectations. As the program evolves, the plan should be changed to continually direct expectations and reflect revisions. This has not been the case with CDI, however.

CDI Planning Efforts

DOC has undertaken broad master planning efforts in the past, but these (1) have not specifically addressed CDI, or (2) have done so in a cursory manner which did not provide a guiding framework for CDI. For example, Corrections Options for the Eighties was developed in 1978 as a master plan for corrections in Virginia, but it predates the CDI program and therefore does not reference it. As a follow-up to the Options report, DOC published Continuing and Specific Objectives 1980-87. While references are made in this document to alternative, community-based programs, the references are so vague that they fail to provide any type of guidance for CDI.

According to the CDI manager, CDI goals are primarily set out in executive agreements and budget documents which are formulated each biennium. While these types of efforts serve their own specific purposes, they do not take the place of a master plan. Executive agreements are short-term documents, and do not adequately detail objectives and strategies. Budget documents do outline objectives and strategies for an extended period of time, but do not provide supporting detail or justification, and can be difficult to understand. In addition, they are not routinely distributed to all of the parties that need to be aware of the planned direction and growth of the program.

Problems Stemming From A Lack of Master Planning

The CDI program appears to be growing almost in a haphazard fashion, without answering such questions as:

- Is CDI planned to be a statewide program offering diversion opportunities in every local jurisdiction?
- If so, when is State coverage planned?
- On what type of time frame are new local agencies to be phased in?
- What success or recidivism rates are planned or anticipated for the program? What are acceptable levels?

- What types of services will the program provide to each of the three offender types eligible for diversion?
- How much will various components of the program cost?

Inattention to these types of questions, whose answers would form the basis for a program master plan, has resulted in a number of misunderstandings regarding how the program is to grow or develop. For example:

The CDI program's rapid expansion from 13 to 24 local agencies was accelerated by an executive branch decision to transfer an additional \$2 million into the program during FY 84. However, the General Assembly, holding most agencies and programs at level funding, wanted more information before continued expansion of the program. DOC's request for a 225 percent increase in appropriations for CDI was therefore not fully granted by the General Assembly for the 84-86 biennium. This resulted in DOC's imposing restrictions on service expenditures for misdemeanor and local felon divertees for all 24 agencies. The Norfolk CDI agency ceased operating on July 1, 1984, because of its disagreement with DOC regarding the new spending limitations on felons diverted from jails.

Another example involves the issue of local felons and the program's failure to clearly assess the needs of this group as well as map out a clear strategy for handling these types of offenders.

Local felons, as defined by the program, are offenders convicted of felonies but sentenced to 12 months or less of incarceration. State felons are also convicted of felonies but receive sentences of one year or greater. Although two offenders may have committed identical crimes, the judge's distinction between 12 months and one year greatly influences how a divertree can be treated in CDI. The local felon divertree primarily receives basic case management and intensive supervision. The State felon divertree is eligible for numerous services under the program guidelines.

Although many local coordinators feel that local felons' crimes and needs more closely resemble those of State felons, local felons are treated the same as misdemeanants under CDI guidelines. Local agencies are budgeted only \$144/local felon, which is the same amount budgeted for misdemeanants. For reporting purposes, local felons are often lumped in with misdemeanants.

CDI does not appear to have studied this group to assess their actual needs or how they should be treated while in the program. It does not appear that an adequate data base is even available to do so. This type of assessment is essential to

determine if local felons can adequately be served by the program. If they cannot be served, clear and definite decisions should be made as to continued diversion of these offenders.

Conclusion

An immediate objective of the Director of DOC and the CDI manager should be the development of a master plan for the CDI program. The plan should contain the following items at a minimum:

- a comprehensive program description which provides information on program structure, responsibilities, clients, services, and other areas;
- short- and long-term goals and objectives of the program, stated in specific terms to enable assessment of goal achievement;
- specific strategies for achieving goals and objectives; and
- expectations regarding funding levels. Because the program has been expanding, and expenditure figures from one year may not be applicable to the next, it would be useful to set out the basic program funding needs and the different levels of operation that would be possible with additional funding increments.

PROGRAM FUNDING

The CDI program was appropriated \$3.7 million for FY 85, which represents an almost 600 percent increase in appropriations since it was first funded in 1980 at \$600,600. While program funding has increased, so has the total number of local agencies participating in CDI. Because of a big surge in FY 84 (11 new agencies were created) DOC has imposed stricter spending limitations on local CDI agencies this fiscal year.

Funding and Expenditure History

The CDI program has had increasing amounts of money available for expenditure each fiscal year since it was created. Although the program received a small initial legislative appropriation of \$600,600 in FY 81, it was appropriated almost \$7.3 million for the 84-86 biennium (Table 17). As discussed later, these figures do not reflect all CDI expenditures. Unexpended balances have reverted to the General Fund at the end of FYs 82, 83, and 84.

It is not surprising that CDI's expenditures have lagged behind appropriations. CDI was a new concept in the Commonwealth,

Table 17

CDI APPROPRIATIONS AND GRANT EXPENDITURES

Time Period	Appropriation	Carryover Or Transfer	Total Available	Expenditure	Reversion
FY 81	\$ 600,600	\$ --	\$ 600,600	\$ 200,373(a)	\$ --
FY 82	899,400	400,230	1,299,630	887,091(a)	412,539
FY 83	1,350,300	--	1,350,300	813,903(a)	536,397
FY 84	1,310,500	2,000,000(b)	3,280,500(c)	2,791,064	489,436
FY 85	3,276,345(d)	--	3,383,737(e)		
FY 86	4,007,375(d)				
				\$4,692,431	

(a) Reflects partial or no expenditures for CDI central administration.

(b) DOC Adult Services money which was originally drawn down from the Central Appropriation for Compensation Supplements for institutional overtime, unexpended for adult services, then carried over and transferred to CDI.

(c) \$30,000 was transferred to CDI Central Administration.

(d) Includes CDI Central Administration: FY 85 \$103,875; FY 86 \$106,925.

(e) Includes an additional \$107,392 for CDI Central Administration.

Source: DOC.

and it was difficult for DOC to gauge (1) how many local jurisdictions would actually participate in the program, and (2) how readily judges would make use of this new sentencing alternative. In spite of this uncertainty, the Legislature has made increasing appropriations to CDI each year except for FY 84.

An inaccurate impression regarding a legislative "budget cut" appears to have developed in numerous local jurisdictions. This impression most likely developed when the Governor's request for \$10.7 million for the 84-86 Biennium was not approved by the Legislature, which in turn appropriated \$7.3 million to CDI. Rather than a cut, this figure represents a \$2.62 million (56 percent) increase over the previous biennium's appropriation.

Two points pertaining to funding and expenditures require attention. These concern additional CDI expenditures not reflected in Table 17, and the \$2 million transfer in FY 84.

Additional CDI Expenditures

As noted earlier, figures in Table 17 do not reflect all expenditures toward CDI since 1980. The expenditure figures shown prior to FY 84 reflect only grant amounts to local programs. Central

and regional CDI administration were accounted for under other DOC cost codes. For FY 84, only \$30,000 in CDI central administrative costs is accounted for. Starting with FY 85, however, all central administrative expenditures are shown.

Table 18 shows DOC administrative expenditures for FY 81 through FY 84 of \$456,746. This figure is conservative because personnel costs for regional specialists are not counted until FY 83. Although the formal CDI specialist positions were not filled until April and May of 1982, other regional positions had overseen the program until that time. In addition, not all regional expenditures are accounted for.

Adding grant expenditures (\$4,692,431) to central administration expenditures (\$456,746) yields a total CDI expenditure of \$5,149,177 from July 1, 1980 through June 30, 1984.

The \$2 Million Transfer

Although most funds have come to CDI through the standard legislative appropriation process, the Governor and DOC made provisions in FY 84 for an additional \$2 million to go into the program. In FY 83, DOC received an approved reimbursement from the Central Account for Compensation Supplements for a portion of Adult

Table 18

ESTIMATED CENTRAL ADMINISTRATIVE EXPENDITURES

<u>Time Period</u>	<u>Expenditure</u>	<u>Comments</u>
FY 81	\$ 27,355	Central office expenditures only.
FY 82	32,720	Central office expenditures only.
FY 83	162,764	Includes central office expenditures for 12 months and regional specialist expenditures for 3.5 months which total \$99,014, and estimated salary cost for 5 regional specialists of \$63,750 for 8.5 months.
FY 84	<u>233,907</u>	Includes central office expenditures and expenditures for CDI regional specialist personnel services and travel.
TOTAL	\$456,746	

Source: DOC, except for estimate of FY 83 regional personnel service expenditure, which was calculated by JLARC.

Services overtime. This reimbursement created an unused balance in Adult Services at the end of FY 83. This balance was brought forward into FY 84 and allocated to CDI for the purpose of expanding the program. There appear to be three difficulties with this situation.

First, reimbursing agencies from the Central Account for Compensation Supplements when other funds appear to be available within the agency is a questionable practice. It would appear that DOC did not need the \$2 million for overtime if it was unexpended and available for transfer to CDI.

Second, this seems to be an inappropriate use of these central funds. Item 662(A) of the 84-86 Appropriations Act states that:

Transfers out of the amount for Compensation Supplements (State) may be made to supplement appropriations to state agencies to provide for: (1) salary regrades necessitated by exceptional labor market conditions; (2) adjusting base rates of pay and for essential overtime of wage and salary employees; (3) increasing salaries for positions with salaries listed elsewhere in this Act; (4) employer costs of employee benefit programs when required by wage and salary base pay adjustments. To the extent deemed necessary by the Governor, such transfers shall also be made to the Virginia School for the Deaf and the Blind at Hampton and the Virginia School for the Deaf and the Blind at Staunton to effect teacher salary scales that are competitive with those in effect for public school teachers in the school division in which each is located.

Although the money was filtered through Adult Services, the outcome of the process was a two-step reimbursement from the central account to CDI. CDI does not, however, appear to meet the conditions set out in the Act.

Third, the additional funding did not appear to be in accordance with any type of long-range plan. While it did provide an exceptional amount of funding that year and allowed DOC to start 11 new local agencies, it was simply assumed that the General Assembly would pick up full funding for what the executive branch had started. However, this was not the case. The General Assembly appropriated \$7.3 million to CDI out of the \$10.7 initial budget request. DOC had to impose spending restrictions on local agencies and, as a result, lost one local agency from the program.

PROGRAM STANDARDS

CDI program standards set out numerous rules and regulations for the conduct of CDI. Required as well as unallowable actions or conditions are specified. As with standards for any program, the standards serve as a guide for program operations and also serve as the measuring stick against which local agencies are evaluated.

The CDI standards are very brief and provide only basic information regarding how the program is to operate. Even though very minimal requirements are specified, local agencies were found to be out of compliance in a number of important areas.

CDI Standards

Local agencies receive minimal guidance from DOC regarding how their CDI programs are to operate. Funding limits are specified in their grant application packages, brief financial guidelines describe allowable and unallowable expenditures, and periodic memorandums may spell out additional rules or requirements. The primary written guidelines, however, are formal standards that were approved by the Board of Corrections in February 1984.

The standards spell out various requirements and unallowable conditions or actions in four areas (1) administration and management, (2) program operation, (3) eligibility, and (4) residential services. For the most part, the standards appear to be clearly written and cover essential areas of operation. There are several additions or modifications, however, that should be made:

- (1) A recommended turnaround time for getting the CCRB recommendation to the judge should be specified.
- (2) Guidance should be given pertaining to the placement of CDI clients on probation and the interaction between CDI and Probation and Parole.
- (3) Standards pertaining to the funding and operation of residential facilities should be incorporated.

Compliance With Standards

A number of local agencies are out of compliance with certain CDI standards. For example, CDI standards require that the following documentation be maintained in each client's records:

pre/post sentence report, if available,
all diagnostic evaluation information,
court order of diversion,
behavioral contract,

documentation of intensive supervision,
client contact summaries,
documentation of services provided as outlined in the
contract,
progress reports from service providers,
exit/termination summary,
written correspondence regarding client, and
court reports.

A sample of CDI client files reviewed by JLARC revealed that 20 percent of these files (21 of 105 files) were not in compliance with CDI standards for documentation. The most frequent documents omitted from client files were: (1) progress reports on the client by service providers, (2) court orders of diversion, and (3) documentation of services provided to clients.

In addition, DOC found problems with documentation compliance during a file audit. For example, out of 1,139 case files audited, 372 (or 33 percent) were missing documentation for court orders of referral and diversion. A missing court order is a significant problem because the order: (1) documents whether or not a client is an eligible CDI diversion, (2) serves as the official document of CDI placement, and (3) documents the type of diversion made to the CDI program.

In addition to the documents that must be maintained in each client's file, the following documentation must be available at each local CDI agency:

- Program records regarding clients (including the Client Intake Form and the Monthly Transaction Report) must be maintained in a centralized and systematic manner and be available for monitoring or data analysis by the Department of Corrections.
- Records of on-site supervision by a work-site supervisor must be maintained for each offender performing community service work.

Again, these documentation requirements are not always adhered to by local agencies. For example:

Copies of CDI client intake and monthly transaction forms are not maintained by the Richmond CDI agency after they are sent to the DOC central office. A data exercise conducted by JLARC required information from these forms. Collecting this information, however, was difficult and time-consuming because the forms were not available in the Richmond or the contracting agency files.

Compliance with standards for intensive supervision documentation was also examined in the JLARC review and DOC's case file audit. Both assessments found non-compliance to be prevalent among local CDI agencies. (These assessments are discussed in detail in Chapter V.)

Currently, DOC is actively assisting local CDI agencies in complying with standards for documentation. Regional specialists have been working closely with the agencies to prepare them for the Department of Corrections certification process, which will begin sometime next year. Regional specialists should continue their efforts in this area to ensure that local agencies remain in compliance with documentation requirements.

COMMUNICATION AND COORDINATION

Because CDI is implemented as a joint effort involving two levels of government, it is essential that effective communications be maintained. Goals and objectives, reports of actions, requests for clarification, answers, and other items must be clearly communicated to ensure that all involved parties are aware of conditions and expectations, and that all participants are working toward the same ends.

There are several indications that communications should be improved between some State and local CDI staff, between the local agencies themselves, and between CDI and Probation and Parole. Communications between CDI and the judiciary generally appear to be meeting judges' and the program's needs.

Communication Between State and Local Program Staff

Regional specialists are the typical conduits of DOC policies and procedures for local agency coordinators. While the relationship between local agency coordinators and regional specialists varied among regions, most local coordinators were positive about the guidance they received from regional specialists. DOC guidance was rated as very helpful in the western, northern, and east central regions. Guidance in the central and southeast regions was rated as somewhat helpful (Table 19).

Assessments of guidance appear to be related to each local coordinator's tenure rather than the frequency of communication with the regional specialist (Table 20). Coordinators that have recently assumed their jobs tend to rate guidance more highly than other coordinators.

Regional specialists, especially in the central and southeast regions, should very closely assess the types of guidance and assistance they are providing to local agencies. It is most

Table 19

ASSESSMENT OF REGIONAL SPECIALISTS' GUIDANCE

<u>Regional Specialist</u>	<u>Coordinators' Responses*</u>	
	<u>Helpfulness of Guidance**</u>	<u>Frequency of Communications</u>
I - Western	Very helpful	10
II - Central	Somewhat helpful	13
III - Northern	Very helpful	6
IV - East Central	Very helpful	7
V - Southeast	Somewhat helpful	8

Note: *Coordinator's responses were averaged by region and then rounded.

**Three response options were available - very helpful, somewhat helpful, and not at all helpful.

Number of respondents = 23

Source: JLARC interviews with local program coordinators.

Table 20

COORDINATORS' ASSESSMENTS OF SPECIALISTS' GUIDANCE
CONSIDERING LENGTH OF TENURE

<u>Tenure in Years</u>	<u>Number Responding</u>		
	<u>Very Helpful</u>	<u>Somewhat Helpful</u>	<u>Not at all Helpful</u>
Less than 1	8 (80%)	2 (20%)	- (0%)
1 to 2	3 (60%)	2 (40%)	- (0%)
Greater than 2	4 (50%)	2 (25%)	2 (25%)

Number of Respondents = 23

Source: JLARC interviews with local program coordinators.

likely that as programs and coordinators develop, specialists' orientations should shift from the provision of close guidance and developmental technical assistance to more monitoring and oversight.

Communication Among Local Agencies

Interviews with local agency coordinators revealed that communication among agencies is poor. For example, over half of the

local coordinators (53%) could not compare their successful termination rate to other agencies' rates. This lack of communication can be attributed to two main factors: (1) absence of DOC support for agency interaction, and (2) inaccurate data about local agencies contained in the CDI management information system. This latter factor will be discussed in detail later in this chapter.

Interaction among CDI agencies appears to have been discouraged by the previous CDI manager. Significant steps have been taken by the current manager, however, to alleviate problems in this area. Several statewide workshops and meetings have been organized on topics of interest to all agencies in such areas as financial management, case management, and the CDI management information system. Local coordinators are also again attempting to organize a network through which they can communicate on a regular basis. Other actions could also enhance communication among local agencies.

First, local coordinators should be kept regularly informed of program developments around the State. All regional specialists should be required to hold periodic group meetings with their coordinators, such as those currently held in several regions. For example:

The Northern regional specialist, whose guidance is rated "very helpful" by agency coordinators, holds a group meeting with her coordinators about every six weeks and has been doing so for several years. At the meetings, coordinators discuss problems and issues that they are facing and sometimes receive training. The meeting locations rotate between agency sites, allowing coordinators to observe operations in other agencies.

Regular meetings would keep local coordinators abreast of general developments Statewide. These meetings would also provide a forum for sharing insights into common problems.

Second, notes or reports on all Statewide CDI meetings, training sessions, or workshops, such as the CDI case management workshop held at the Academy for Staff Development in April 1984, should be disseminated to all local agencies after each session is held. This would ensure that local agencies that could not send a representative to the session are informed of actions that have taken place.

Communications Between CDI and Probation and Parole

The CDI program appears to be designed to foster a close relationship between CDI and the Probation and Parole structure. This is evidenced by the placement of State felon divertees on "level six" probation and DOC's typical practice of appointing a Probation and Parole representative to each CCRB. In spite of these linkages,

there are indications that some communication and coordination problems may exist between the two entities. In one area of the State, probation supervision appears to be duplicating the efforts of CDI. Throughout the State, payment of probation supervision fees is not consistently required of all divertees.

State felon divertees are placed on level six probation, a supervisory level specifically created for CDI, for the duration of their stay in CDI. Item 140.04 of the Virginia Probation and Parole Officer's Manual specifies that under level six, "Contacts are to be maintained between the Probation and Parole Officer and the Local Counselor in a manner prescribed by the Chief Probation and Parole Officer." This is the only guidance provided regarding the type and frequency of contact that is expected between probation and CDI.

In most instances, all client contact and casework is carried out by CDI staff, and probation officers periodically consult with the CDI caseworker concerning the divertee. This appears to be the type of working relationship alluded to by Item 140.04, and also appears to provide client supervision without duplicative effort.

As described below, this type of working relationship does not appear to be in place in the Charlottesville area.

CDI divertees in the Jefferson Area program receive active supervision from both CDI caseworkers and probation officers. The CDI caseworkers are required to provide intensive supervision by meeting with the divertees on at least a weekly basis. The probation officers also maintain active contact with the divertees and see them once each month. According to the CDI Coordinator, at this rate of supervision, the time of one-half of a probation officer is used each month. It does not appear necessary for divertees to receive supervision from both sources.

Other CDI coordinators have also indicated that additional guidelines are necessary regarding CDI and Probation and Parole interaction. For example, one Probation and Parole officer in the Urbanna area has kept very close tabs on CDI clients. This has led to disagreement in the past between CDI and probation over case-related issues.

This area of shared responsibility between CDI and Probation and Parole needs to be more clearly defined. The two staffs should be required to coordinate their efforts to avoid duplication. The Director of DOC should direct the CDI and Probation and Parole managers to jointly develop policies and guidelines for interaction. Guidelines should specify when active probation supervision is to be waived, and circumstances under which it may be desirable. (In most instances, however, it should be waived.) The guidelines should also address the extent to which probation officers should be involved

with CDI coordinators or case managers. These guidelines should then be included in the probation manual and CDI standards.

Probation Supervision Fee

Payment of probation supervision fees is another area where Probation and Parole and CDI do not appear to consistently communicate or coordinate. Section 53.1-150 of the Code requires that gainfully employed persons on probation shall be required to contribute 15 dollars per month toward the cost of their supervision, beginning 30 days from the date of employment. The sentencing court may exempt a probationer from payment on the grounds of unreasonable hardship.

The supervision fee provision applies to State felon divertees because they are technically on probation. Currently, the application of this requirement and monitoring of it varies among CDI agencies. According to local program coordinators, State felon divertees in 14 agencies pay the fee, while divertees in eight programs do not. (One local coordinator was not sure if clients paid or not.) Of those programs where clients paid, the proportion of State felons paying ranged from an estimated 10 to 90 percent.

The CDI manager and Probation and Parole manager should assess this area and jointly develop a policy for CDI clients. Once a policy is developed, specific guidelines regarding payment should be developed and included into the probation manual and the CDI standards to ensure that all divertees are subject to the same basic requirement. Also, after a determination is reached, DOC should seek an amendment to §53.1-150 of the Code to specify if CDI divertees are required to pay or are exempted from paying the \$15/month fee while in CDI.

Communications Between CDI and the Judiciary

Communications between CDI staff and the judiciary appear to be satisfactory. CDI staff at the central, regional, and local levels all indicate that they have worked with the judiciary to promote understanding and use of the CDI program, and two criteria indicate that this interaction has been successful.

First, the Director of Judicial Planning in the Office of the Executive Secretary of the State Supreme Court reports that CDI staff have been very responsive to her requests, and have addressed several judicial conferences and meetings regarding the CDI program.

Second, the responses of judges who were interviewed by JLARC regarding CDI staff assistance were generally positive. Twelve of 15 judges responding indicated that they had received much assistance from CDI personnel in understanding the CDI program. When asked if there are any CDI procedures or requirements that were unclear to them, 13 of 16 judges said no.

MONITORING AND OVERSIGHT

To ensure that goals and objectives set at the State level are met through the locally operated agencies, the CDI program has developed several monitoring and data collection mechanisms or procedures. These include a management information system (MIS), quarterly financial and progress reports, and on-site monitoring and review by regional specialists. While DOC is to be commended for putting these types of mechanisms in place, two of them need further development.

As a result of inattention to and underdevelopment of monitoring mechanisms, (1) accurate and complete data regarding referrals, diversions, terminations, service expenditures and other client-related statistics are not available, (2) program management depends on a combination of MIS and hand-generated information which often does not correspond, (3) inaccurate statistical data has been disseminated to local agencies for their use, and (4) two local programs have seriously violated program standards as well as the laws of the Commonwealth. Descriptions of the MIS, CDI quarterly reports, and regional specialists' monitoring are provided below.

The CDI Management Information System (MIS)

A central computerized data system for the CDI program was created in 1982 to ensure that certain basic data items would be captured and retained for research, analysis, and reporting purposes. Two basic files contain information on client characteristics as well as services, community service work, financial restitution, and other areas. Serious problems exist, however, with the accuracy and completeness of the data as well as the overall management of the CDI MIS.

Accuracy and Completeness. A very large number of cases are missing from the CDI MIS, and case information that does appear is often incorrect. While monthly DOC reports that are generated from figures called in by local agencies (and consequently reported to the State Board of Corrections) showed a total of 3,162 diversions as of June 30, 1984, as of September the MIS reflected only 2,384 cases for June 30 (Table 21).

An additional example of the system's incompleteness concerns accounting for the number of successful State felon terminations. For part of the JLARC analysis it was necessary to identify all successfully terminated State felons as of June 30, 1984. A total of 156 were identified through the MIS. When local agencies were contacted to confirm these numbers, another 65 successfully terminated State felons were identified that did not show up in the system.

Table 21

NUMBER OF CASES IN MIS AND STATE BOARD REPORT

<u>Source</u>	<u>State Felons</u>	<u>Local Felons</u>	<u>Misdemeanants</u>	<u>Missing</u>	<u>Total</u>
Monthly report submitted to State Board of Corrections	700	165	2,297	-	3,162
MIS	<u>613</u>	<u>146</u>	<u>1,495</u>	<u>130</u>	<u>2,384</u>
Difference	87	19	802	130	778

Source: CDI MIS and monthly report submitted to Board of Corrections.

In addition, the data that is captured in the system is often incorrect. A 5 percent sample (76 cases) of the 1,520 cases in the MIS reflecting a FY 84 board referral date was selected and validated against local agency files. The validation exercise showed that only 27 of the 76 cases contained no errors. Of the cases with errors, there were an average of 3.8 errors per case. The most frequent errors occurred with termination month, termination year, termination reason, date accepted, offense type, and date diverted.

Accurate MIS data is important and necessary in order to: (1) ensure that the CDI program is achieving its statutory objectives, (2) monitor monthly program transactions, and (3) evaluate program outcomes to determine the efficacy of the program. Accurate data also provides a basis for comparisons between local agencies to assess diversion and termination rates as well as client characteristics and other criteria.

Management of the CDI MIS. While local agencies have experienced some difficulties coding data accurately, a number of the problems with the MIS stem from poor management of the system. Overall, adequate attention has not been devoted to the system since its inception. For example, in the past, if a variable was invalidly coded on a MIS form, the computer would reject the entire form and generate an error report. The error report would be sent to the local agency, but no record of the report was maintained by the central computer. Unless the local agency resubmitted an identical form with corrections, the client file would not be created in the computer, and the central office had no way to track this omission.

Also, it appears that clear directions were never given to local agencies as to how to submit corrected data. Many would try to submit the data on an update form which would not be accepted because the computer had never established an initial file.

Another major problem with the system has been a lack of provisions to distinguish between missing data, zeroes, and situations where a variable is not applicable for a particular case. For instance, "reason for denial" shows up in the system with 89.4 percent of the cases missing. In actuality, a major portion of this represents the high acceptance rate for CDI referrals, making it impossible to distinguish between the cases where the variable is not applicable, and those where the data is simply missing.

An additional problem in the past concerned the computer's ability to record an offender's placement in the program a second time. Although this has not happened with State felons, several misdemeanants have reentered CDI. Because the computer was programmed to accept a social security number only once, these case files could not be entered a second time.

In response to widely recognized problems with the system, DOC has designed new data collection forms and procedures and has slightly altered the system contents. It is important that DOC monitor implementation of the new system to ensure that it prevents future occurrences of previous problems.

The need for an accurate database for the CDI program requires renewed and continued effort by DOC to ensure that by July 1, 1985, all problems with the database and system will be resolved. Accurate information should then be available to local agencies and CDI management for reporting and evaluative purposes.

Quarterly Reporting

In addition to MIS forms, local agencies submit two quarterly reports to DOC. A financial report, which until July 1984 had been submitted on a monthly basis, explains the local agency's expenditures for the period and year to date. A progress report describes the agency's progress toward its goals and objectives.

Until this fiscal year, the financial report was very general. Agencies reported expenditures in six categories (personnel, office equipment, office supplies, travel, other, and services) which were not specific enough to identify if problems were developing in any one area. The new report requires expenditure information in 29 categories, and specifically identifies service expenditures for State felons, local felons, and misdemeanants.

Both the quarterly and financial reports should serve to provide useful information regarding local agencies' expenditures and achievement of objectives.

Regional Specialist Monitoring

As mentioned earlier in this chapter, the length of a local coordinator's tenure appears to influence his or her views and needs

for regional specialist guidance. As a program matures, the regional specialist should place increased emphasis on monitoring and oversight duties. The existence of several problems in local agencies also indicates that more time should be spent on monitoring and evaluation, and standardized procedures should be developed for all specialists to follow.

A number of long-standing problems have been discovered in local agencies. Although these problems were eventually discovered by regional specialists, regular and rigorous monitoring would most likely have uncovered them sooner, and might have prevented some entirely. For example:

The Southwest Virginia ASAP/Community Corrections agency operates both the Alcohol Safety Action Program (ASAP) and CDI program for the Lebanon area. The agency has received CDI funding since 1982, and has experienced significant difficulties complying with CDI financial requirements since that time. Questions by the Western regional specialist regarding some of the agency's operations resulted in an audit by the DOC Internal Audit Unit. This occurred in April 1984 for the period 10/1/82 through 3/31/84. The audit found that:

- *CDI funds were being used, in part, to fund the ASAP program,*
- *CDI monies were co-mingled with ASAP monies contrary to the CDI contract,*
- *budget line items were over-expended by \$18,870 for the audit period,*
- *unbudgeted expenditures were incurred, and*
- *numerous expenditures were reimbursed without documentation.*

* * *

The Loudoun CDI agency was audited by the DOC Internal Audit Unit in June 1983 for the period 1/1/81 through 5/31/83. The auditors found the following serious administrative problems:

- *operating policies and procedures were being ignored,*
- *funds were being transferred from monies budgeted for client services to the*

- administrative maintenance and operations category contrary to written policies and procedures,
- documentation was lacking for travel vouchers, and
- CDI program telephones were used for numerous personal out-of-state calls by the coordinator.

In summary, the internal auditors found approximately \$20,000 in unauthorized expenditures and use of funds for the period under review, and concluded that the then coordinator had misapplied grant funds and issued improper financial statements. In a follow-up audit, the Auditor of Public Accounts found additional financial alterations of a criminal nature which were turned over to the Department of State Police for investigation. The coordinator was eventually prosecuted in court.

Currently, no formal guidelines exist to guide the specialists in their monitoring and evaluating efforts. According to the specialist job description, only ten percent of the specialist's time is to be spent monitoring and evaluating (Table 22). Because of the problems experienced by local agencies, a greater portion of the specialists' time should be devoted to monitoring and evaluation. In addition, a regional specialist's handbook should be developed which sets out guidelines and requirements for monitoring and other activities to be undertaken by the specialists.

CONCLUSION AND RECOMMENDATIONS

The following recommendations pertaining to program planning and management should be implemented:

Recommendation 9. The director of DOC should direct the CDI manager to begin development of a CDI master plan. The plan should contain the following at a minimum:

- a comprehensive program description which provides information on program structure, responsibilities, clients, services and other areas;
- short- and long-term goals and objectives of the program. Goals and objectives should be stated in specific terms to enable assessment of goal achievement;
- specific strategies for achieving goals and objectives; and

Table 22

RESPONSIBILITIES OF REGIONAL SPECIALISTS

<u>Responsibility</u>	<u>% of Time</u>
Provide technical assistance to localities.	50%
Serve as problem solver/negotiator for the successful development or continuation of community diversion programs.	20
Assist in the collection/review of program proposals.	10
Aid in monitoring and evaluation of scope and effectiveness of CDI programs, and prepare factual evaluative summaries based on a review of financial and program data reports on on-site visits.	10
Work with other State agencies to enhance flow of information and coordination of efforts and services.	5
Stimulate local awareness and support of diversion programs.	5

Source: Regional Specialist job description, 9/15/81.

- expectations regarding funding levels. Because the program has been expanding, expenditure figures from one year may not be applicable to the next. It would be useful to set out the basic program funding needs and several different levels of operation that would be possible with additional funding increments.

Recommendation 10. To enhance communications and understanding among local agencies, the Director of DOC should instruct all regional specialists to hold regular group meetings with their local coordinators. In addition, notes or reports on these meetings, as well as all Statewide CDI meetings and workshops, should be disseminated to all local agencies.

Recommendation 11. The Director of DOC should direct the CDI manager and the Probation and Parole manager to jointly develop and document policies and guidelines regarding interaction between CDI and Probation and Parole. Guidelines should specify when active probation supervision is to be waived, and circumstances under which it may be desirable. (In most instances, however, it should be waived.) The guidelines should also address the extent to which probation officers and CDI coordinators and case managers should communicate regarding CDI cases.

Recommendation 12. The Director of DOC should instruct the CDI manager and the Probation and Parole manager to (1) assess the current payment of the probation supervision fee by CDI divertees, and (2) develop a uniform policy for CDI divertees. Once a policy is developed, specific guidelines regarding payment should be developed and included in the probation manual and the CDI standards to ensure that all divertees are subject to the same basic requirement. The Director should also seek an amendment to §53.1-150 of the Code to specify if CDI divertees are required to pay or are exempted from paying the \$15 monthly fee while in CDI.

Recommendation 13. The Director of DOC should designate validation and supplementation of the CDI management information system as a high priority for central and regional office CDI staff. Data contained in the system should be accurate and complete by July 1, 1985.

Recommendation 14. The Director of DOC should assess the current allocation of time by regional specialists to various activities. The specialist job description should then be updated to require that a greater portion of time be spent on local agency monitoring and evaluation. In addition, a regional specialists' handbook should be developed which sets out guidelines and requirements for monitoring and other activities to be undertaken by the specialists.

V. CDI CLIENT SERVICES

A major thrust of Virginia's Community Diversion Incentive program has been to provide services to offenders who need more than probation, but less than incarceration. These services are rehabilitative in nature, and are intended to help the offender develop skills to maintain a crime-free lifestyle. It is generally recognized that the CDI program's ability to finance services for a manageable caseload of offenders is one of the features distinguishing it from both probation and incarceration.

This chapter examines the services provided to offenders in local CDI agencies. The chapter covers:

- the range of services provided by local CDI agencies,
- the adequacy of services provided to offenders placed in CDI agencies, and
- potential overlap of CDI agency services with services offered by other private, non-profit community corrections agencies.

At the onset of the study, JLARC staff had planned a detailed assessment of client services. Difficulties with the validity and completeness of MIS data, however, curtailed these activities. The section on adequacy of services therefore primarily reflects the results of the local coordinator survey and case file reviews conducted by JLARC and DOC. The appropriateness, success, cost effectiveness, and other considerations regarding services were not assessable at this time.

SERVICES AVAILABLE THROUGH CDI AGENCIES

Most CDI agencies offer a variety of services to offenders placed in their programs. Services include, but are not limited to: (1) client case management, (2) intensive supervision, (3) counseling, (4) psychological testing and evaluation, (5) psychological treatment, (6) inpatient drug and alcohol treatment, (7) outpatient drug and alcohol treatment, (8) basic education, (9) vocational training, (10) emergency housing services, and (11) residential care services. Some CDI agencies offer budget management instruction and other life skills assistance to help the offender master basic skills required to subsist from day to day. These services are provided to offenders by either of two methods: (1) direct provision of services by the local CDI agency, or (2) referral to outside sources.

Services Provided Directly by CDI Agencies

All of the local CDI agencies act as "brokers" to some extent by referring clients to service providers in the community. This method of service provision appears to be an efficient method of service delivery. If CDI agencies were to attempt to directly provide all services needed by divertees, the result would be a duplication of existing community services, as well as inefficiency related to economies of scale. Another benefit of service brokerage is the contribution it makes to the full utilization of existing community resources for these services.

Three services, however, are typically provided directly by CDI agencies. These are: case management, intensive supervision, and client counseling. Because these services appear to be the most commonly offered, they will be referred to in the text as basic CDI services.

Case Management. Case management is the process used to open and monitor the case of each client who enters the CDI program. It entails setting up the proposed behavioral contract for the client, documenting casework services, maintaining client records, completing monthly statistical reports, and supervising the client's activities.

Over the course of the development of the CDI program, the trend has been toward the direct provision of case management services by CDI agency staff. When the CDI program began operating in 1981, local agencies were required to contract with outside sources for client case management services. This requirement has been removed, however, and many of the newer CDI agencies opted for direct provision of case management services. Currently, 16 of the 23 local CDI agencies directly provide case management services for all of their clients. Two other programs which currently contract for some case management services are planning to manage their caseloads directly later this fiscal year.

One difficulty currently associated with direct case management is the way this service is accounted for in local agency budgets. In some cases, local agency coordinators are responsible for managing some or all client cases. Local agency coordinators' salaries, however, are broken out under program administration. This method of accounting does not accurately reflect the cost of client services and may artificially inflate administrative costs. For example:

The Hampton CDI coordinator estimated that he spends approximately 50 percent of his time on case management duties. The part-time secretary spends approximately 60 percent of her time on client service-related activities. Of the \$71,100 budgeted for FY 85, 53 percent (or \$37,800) is broken out for program administration. This

includes the coordinator's and secretary's full salaries. If the budget accurately reflected the portion of the coordinator's and secretary's time spent on client services, the total administrative costs would account for only 28 percent of the total budget, or \$19,908.

DOC should require coordinators who provide case management services to budget a portion of their salary under client services. Administrative and client service costs would then be accurately reflected in agency budgets. This would also allow for easier comparison of service expenditures in the MIS to budgeted amounts for services.

Intensive Supervision. Probably the most unique component of CDI is the requirement for intensive supervision. DOC standards for intensive supervision require that case managers hold a weekly face-to-face meeting with each client under their supervision. Further, once each month the face-to-face contact must take place at the client's residence. During these meetings the case manager and divertree discuss the divertree's progress and any problems he or she may be encountering. The client will bring pay stubs to verify employment and may make financial restitution payments during these meetings. The meetings reinforce the fact that the divertree is under supervision and his or her actions are being monitored.

Client Counseling. As stated earlier, some form of client counseling is provided directly by all CDI agencies. For the most part, this is provided in an informal fashion by case managers during the intensive supervision sessions. However, many programs go beyond this by also providing more specific and structured counseling through group and individual sessions. For example:

The Chesapeake CDI agency offers a guided group interaction program. This program involves CDI clients in frequent and intensive group discussions of their own and other members' current problems and experiences. The group is loosely structured to facilitate open discussion and is primarily concerned with peer group dynamics and the operation of the peer group in reconstructing more socially acceptable norms and values. Discussion topics include: coping with offender status, problem-solving techniques, and image improvement.

* * *

The Jefferson Area CDI agency in Charlottesville offers some individual counseling to clients by the coordinator, who is a licensed counselor. Counseling sessions are tailored to the needs of the individual CDI client. Due to the

coordinator's counseling expertise, this agency is able to directly provide individual counseling at a level obtained by most programs only through referral to outside community agencies or practitioners.

Most local CDI agencies assess the counseling needs of their clients and refer them to licensed counselors or clinicians if client needs outweigh the capabilities of the CDI agency staff members.

Services Provided by Outside Sources

All CDI agencies make use of services available through outside sources to address specific needs of CDI clients. The type and frequency of use of these services varies among agencies depending on the availability and the cost of particular services. Some of these services can be obtained at little or no cost if the client meets the eligibility requirement of a particular agency. For example, if the client is indigent, disabled, a veteran, mentally retarded, or possesses other characteristics, he or she may qualify for free or low-cost treatment. Table 23 depicts the services provided by local CDI agencies to clients through outside sources. These services will be referred to as supplemental CDI services, since they are selectively provided in addition to the basic services mentioned earlier.

Psychological Evaluations. Psychological evaluations are procured by all CDI agencies. Psychological evaluations are used (1) to help CCRBs assess whether or not the local agency can accept a client into the program and still protect the public, and (2) to assess a specific client's particular needs and identify services which can be provided to help the client.

These evaluations are generally performed only on State felon clients, and consist of several types of personality and behavioral assessments. For example:

The Fairfax CDI agency may have one or more of the following tests administered to a client during a psychological evaluation: Minnesota Multiphasic Personality Inventory (MMPI), the Bender Gestalt Test (an indicator of intellectual impairment or deterioration), and the Wechsler Adult Intelligence Scale (I.Q. computations).

Local agencies may spend up to \$400 per evaluation. In some instances this is the most expensive service (excluding case management) a State felon receives while in the program. Because the cost of this service could quickly deplete an agency's service budget, some agencies have searched for less expensive means of providing these services. For example, one program has contracted with a university to handle all psychological evaluations at a

Table 23

Client Services Provided by CDI Agencies Through Outside Sources

PROGRAM	PSYCHOLOGICAL EVALUATIONS	INPATIENT DRUG/ALCOHOL TREATMENT	OUTPATIENT DRUG/ALCOHOL TREATMENT	PSYCHIATRIC TREATMENT	COUNSELING	MEDICAL TREATMENT	BASIC EDUCATION	VOCATIONAL TRAINING	EMERGENCY HOUSING	RESIDENTIAL SERVICES
ALEXANDRIA	■	◻	■	■	■	◻	■	■	■	■
ARLINGTON	■	■	■	■	■	◻	■	■	◻	■
BLUE RIDGE	■	■	■	■	■	◻	■	■	■	■
CHESAPEAKE	■	■	■	■	■	◻	■	■	■	■
CHESTERFIELD/COLONIAL HEIGHTS	■	■	■	■	■	◻	■	■	■	■
COURT-COMMUNITY CORRECTIONS (SALEM)	■	■	■	■	■	◻	■	■	■	◻
FAIRFAX COUNTY	■	■	■	■	■	◻	■	■	■	■
HAMPTON	■	■	■	■	■	◻	■	■	■	◻
HENRICO	■	■	■	◻	■	◻	■	◻	■	■
JEFFERSON AREA INC	■	■	■	◻	■	◻	■	■	■	■
LOUDOUN	■	■	■	■	■	■	■	■	■	■
LYNCHBURG	■	■	■	■	■	■	■	■	■	◻
PIEDMONT COURT SERVICES	■	◻	■	■	■	◻	■	■	◻	■
PITTSYLVANIA	■	◻	■	◻	■	◻	■	■	◻	◻
PRINCE WILLIAM	■	■	■	■	■	■	■	■	■	■
RAPPAHANNOCK AREA	■	■	■	◻	■	■	■	■	◻	◻
RAPPAHANNOCK/RAPIDAN COURT SERVICES	■	■	■	■	■	■	◻	◻	◻	◻
RICHMOND	■	■	■	■	■	■	■	■	■	■
SOUTHWEST VIRGINIA ASAP	■	■	■	◻	■	■	■	■	◻	■
TOWN OF URBANNA	■	■	■	■	■	■	◻	■	◻	■
VIRGINIA BEACH	■	■	■	■	■	■	■	■	■	■
VIRGINIA CARES	■	◻	■	◻	■	■	◻	◻	◻	■
VIRGINIA HIGHLANDS	■	■	■	■	■	■	■	■	■	■

SOURCE: JLARC SURVEY OF LOCAL AGENCY COORDINATORS.

reasonable pre-arranged fee. In the East Central region, the local coordinators are working with the regional specialist to negotiate a group contract for psychological evaluations at reduced rates. And, although 13 of the 23 local CDI agencies conduct psychological evaluations on all State felon referrals, ten programs conduct screening assessments and do not automatically have psychological evaluations performed on everyone.

Psychological evaluations are viewed as a necessary service by CCRBs and local coordinators. To ensure that local agencies get the most for their money in this area, several steps should be taken to help hold costs down. First, DOC should develop a standard screening procedure that could be used by local agencies to assess whether a psychological evaluation is necessary. Second, similar to what is being done in the East Central region, each regional specialist should be directed to explore establishing group contracts to procure evaluations. Third, local CDI agencies should continue on their own to explore ways of procuring psychological evaluations at lower costs.

Inpatient Drug and Alcohol Treatment. Drug and alcohol treatment programs are important for CDI clients. One coordinator estimated that 80% of his clients had drug or alcohol abuse problems. Most of the CDI agencies utilize community resources to provide inpatient drug and alcohol treatment services to clients exhibiting this need.

For the most part, inpatient drug and alcohol treatment programs are expensive to provide. Many local agencies are successful, however, in using residential treatment programs which offer services at low fees if clients are indigent. Other agencies have had difficulty accessing indigent beds because CDI is viewed as a responsible third party payer, that is, a party other than the client which can contribute to the payment of services for that client. For example:

Community Service Boards provide mental health services throughout the State with funding from the Department of Mental Health and Mental Retardation. Nine Community Service Boards in central and northern Virginia have formed a consortium to procure a spectrum of residential alcohol treatments for the medically indigent (medically indigent clients are defined as those who need services but have no means to provide payment for all or part of their medical services). The consortium has contracted with 7 facilities to pay \$60 per bed per day for these services.

According to the Prince William CDI coordinator, the cost for CDI to purchase these services directly from the facilities would be up to \$200 per bed per day. The coordinator has therefore attempted to place CDI clients with residential

alcohol treatment needs in these facilities through the Community Service Boards. Because CDI has funds to pay for some services, they have been refused access to CSB beds even when CDI clients are indigent.

CDI budget ceilings limit contracted residential treatment to \$30 per bed per day. Without access to these CSB-contracted indigent beds, the Prince William CDI agency cannot afford to provide this spectrum of residential alcohol treatments to clients.

As shown above, the fact that CDI has some funds to spend on services sometimes jeopardizes the ability of the local agencies to access services for indigent clients. This is one area in which DOC could play an important role. Although the Northern Virginia regional specialist is monitoring the progress of negotiations, it is possible that the DOC central office could accomplish more. DOC should actively negotiate with the Department of Mental Health and Mental Retardation to make indigent beds available to eligible CDI clients. These beds should be available within the \$30 limitation allowed by CDI.

Outpatient Drug and Alcohol Treatment. All 23 local CDI agencies offer outpatient drug and alcohol treatment through such sources as Alcoholics Anonymous, Mental Health Services, and other private agencies. The success of these treatments depends on the client's willingness to participate in and accept them. According to one local agency coordinator, the threat of going to prison serves as a strong motivation for clients to attend and complete the treatment services outlined in their behavior contracts.

Several coordinators, however, have mentioned problems with providing drug and alcohol treatment to emotionally disturbed clients and to clients with dull normal or lower intelligence scores. These clients have difficulty understanding the nature of their substance abuse problems and appear to do poorly in treatment programs. Currently, CDI clients with I.Q. scores defined as dull normal or lower account for approximately 10 percent of the population included in the CDI management information system.

Because of these types of concerns, DOC should take several steps to assist agencies in this area. Using the client-specific data contained in the CDI MIS, DOC should assess the CDI population and identify special population groups. Once these groups and the number in each are identified, DOC should assess: (1) how successfully they participate in CDI, (2) what factors contribute to successful participation or termination, (3) if repeat offenses have been committed, (4) if these groups are appropriate for CDI placement, and (5) if special treatments or procedures should be designed to meet the particular needs of these groups. This information should be communicated to local agencies to assist them with diversion and treatment decisions.

Basic Education and Vocational Training. All agencies have some mechanism to provide basic education and/or vocational training to clients in CDI. Most programs use the community resources available for obtaining Adult Basic Education and General Education Degrees through local school boards and community colleges. Vocational training is available through manpower training programs funded by the federally sponsored Job Training Partnership Act. Both of these services usually involve relatively minimal costs.

Psychiatric and Medical Treatment. The availability of medical treatment and continued psychiatric services is very limited through CDI. Six agencies indicated that they do not provide medical services, while 14 provide medical services on a very restricted basis. Three programs indicate they have had no need to provide this service. A number of programs indicated that they make use of a divertee's individual medical insurance policy if one is available, or refer clients to the local Health Department or mental health clinic for services as necessary.

Most programs avoid providing these services due to the prohibitive costs associated with providing them. For example, medical treatment is usually limited to covering the cost of an eye examination or glasses for a client.

The current limited availability of these services through local CDI agencies appears to be appropriate. Expanding services to provide extensive psychiatric and medical services would not be an efficient use of CDI program resources. Medical and/or psychiatric services for just one client could amount to an exorbitant figure, thereby severely diminishing an agency's ability to serve its other divertees. The program should continue to make use of clients' insurance when available and local health department and mental health clinic services in other instances.

Emergency Housing Services. Emergency housing needs arise if a CDI client suddenly loses his or her housing, or if the environment in which he or she is living makes it difficult to carry out the behavioral contract. Fifteen of the 23 agencies offer emergency housing for clients on a limited basis. Situations warranting emergency housing usually are resolved by placing a client in a motel, church mission, or CDI residential facility for a few days until other living arrangements can be made.

Funds for emergency housing services are limited. For FY 85, the budget limitation set by DOC for emergency services for clients was \$2,000 per local CDI agency. (This includes but is not limited to emergency housing.) Most agencies do not accept offenders into the CDI program unless they have suitable living arrangements set up prior to acceptance into the program. Because CDI presupposes a stable living environment, continued limitations on emergency housing services appear to be fitting.

Other Services. Local CDI agencies provide a variety of other services to clients in addition to those mentioned above. The Department of Rehabilitative Services (DRS) is used by almost every CDI program for eligible CDI clients. DRS provides counseling, personal adjustment services, job search skills, and in some instances sheltered workshop services. Many community programs provide job search skills and job placement services to clients. (Most CDI agencies require that an offender obtain and maintain full-time employment while participating in CDI.) The Lynchburg CDI agency requires that all State felon clients receive consumer credit counseling.

The following case examples illustrate some of the different services offered by local agencies:

The Urbanna CDI agency offers employment services and vocational assistance to divertees through a variety of sources. First, the agency refers eligible CDI clients to the Lewis B. Puller Vocational Center. At the center, mentally and physically handicapped clients receive training in areas such as woodworking, catering, job search skills, and budgeting. The agency also uses the Community Service Board's Counseling Center to train clients to refine work habits and to prepare them for work. Clients may also receive job search counseling from the CDI agency coordinator.

* * *

The Virginia Beach CDI agency at one time offered career diagnostic services to all its clients. However, after assessing client use of the service, the coordinator determined that the service was not being fully utilized. Many CDI clients neither had basic skills necessary for entry level positions nor held steady jobs. In short, the service was too advanced for clients who were still developing job skills. Currently, the coordinator focuses on client achievement of the primary criteria in the behavioral contract. After clients are in the program for a period of time and show motivation for career development, they may then be eligible for the diagnostic services.

RESIDENTIAL CARE SERVICES

Residential care services are used by CDI agencies to provide a structured living environment for some CDI clients. Residential care facilities provide a place to live and closely

monitor client activities and the fulfillment of behavioral contract requirements. Use of residential care varies among CDI agencies. In one agency all clients must reside at least 30 days in the residential facility. In other agencies, only selected cases are sent to a residential center.

Currently, four CDI agencies directly operate residential care facilities (Figure 12). Arlington Offender Aid and Restoration (OAR) operates the Frank Young House. Richmond CDI operates the Capitol Area Residential Center. Southwest Virginia ASAP/Community Corrections operates the Lebanon Community Corrections Center. The Blue Ridge Diversionary Program in Winchester also operates a residential facility. Eleven other CDI agencies send selected clients to these facilities for residential services. Four community diversion agencies do not use residential centers and two have indicated that as yet they haven't needed to provide residential care services.

Funding Residential Care Facilities

The CDI program funds residential facilities in one of two ways: (1) through the budget of the CDI agency operating the residential facility, or (2) through the budgets of CDI agencies utilizing residential facilities. Currently, three of the four CDI residential facilities are funded through the first method. All operating funds come out of the administering agency's budget, and other CDI agencies do not pay for residential services. The fourth facility receives funding through the second method of distribution. Some operational expenses are funded through the administering CDI agency, but user agencies contract for beds each fiscal year and pay for the use of those beds.

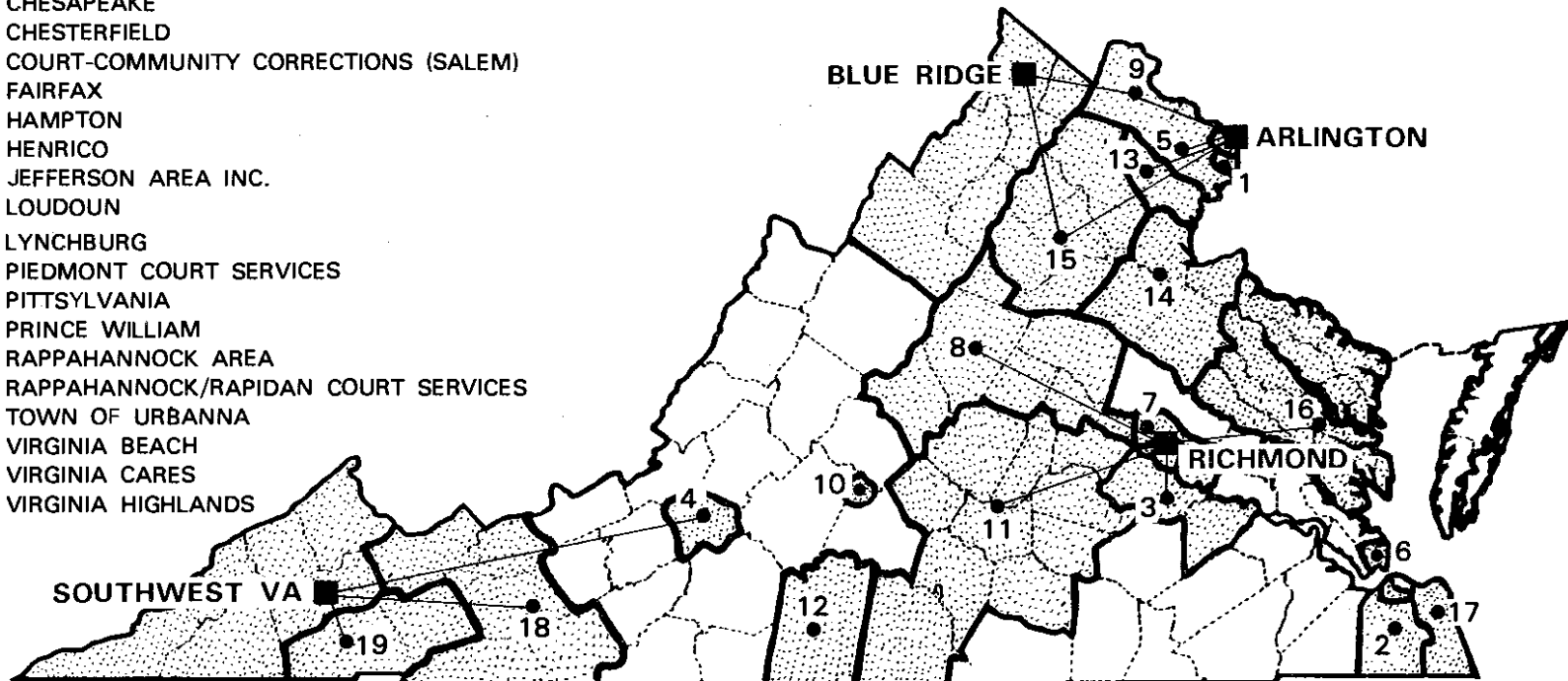
This inconsistency in funding results in a number of accounting difficulties. First, when user agencies are not required to account for residential services, it is difficult to determine the full service costs of each CDI agency. This breakdown will be essential for CDI to measure program outcomes in the future. Second, inconsistent funding mechanisms makes it very difficult to compare costs among residential facilities. This can inhibit DOC's ability to monitor residential facility expenditure patterns. For these reasons, DOC should implement a consistent method of funding all residential facilities.

Although either method of distributing funds could be implemented, the second method of distributing funds may encourage the most efficient use of resources as well as allow for the easiest assessment of agency service costs. If required to purchase bed space, local CDI agencies would be more likely to carefully assess their needs for residential services. If a contracted slot were empty, agencies could negotiate with the residential facility to use it for other clients.

Figure 12

Residential Centers Operated by CDI Agencies and Other CDI Agencies Using Those Residential Centers

- 1 ALEXANDRIA
- 2 CHESAPEAKE
- 3 CHESTERFIELD
- 4 COURT-COMMUNITY CORRECTIONS (SALEM)
- 5 FAIRFAX
- 6 HAMPTON
- 7 HENRICO
- 8 JEFFERSON AREA INC.
- 9 LOUDOUN
- 10 LYNCHBURG
- 11 PIEDMONT COURT SERVICES
- 12 PITTSYLVANIA
- 13 PRINCE WILLIAM
- 14 RAPPAHANNOCK AREA
- 15 RAPPAHANNOCK/RAPIDAN COURT SERVICES
- 16 TOWN OF URBANNA
- 17 VIRGINIA BEACH
- 18 VIRGINIA CARES
- 19 VIRGINIA HIGHLANDS



CDI PROGRAM SERVICE AREAS



CDI AGENCY THAT OPERATES A RESIDENTIAL CENTER



CDI AGENCY THAT DOES NOT OPERATE A RESIDENTIAL CENTER

Note: Some CDI agencies utilize residential services operated by private non-profit agencies. These residential centers are not included here.



AGENCY WHICH USES A RESIDENTIAL FACILITY OPERATED BY ANOTHER CDI AGENCY

SOURCE: JLARC STAFF GRAPHIC.

Need for Uniform Budget Submissions

In addition to differences in methods of distributing CDI residential funds, sources of funds for these facilities also vary. Currently, three of the four CDI agencies operating residential centers serve additional types of clients and receive funds from sources in addition to CDI. These agencies are: the Blue Ridge Diversionary Program, Richmond CDI, and Southwest Virginia ASAP/Community Corrections.

While the existence of outside funding sources in itself causes no problems, a lack of budgeting requirements in this area does. Although DOC has developed a sample budget to be followed by local CDI agencies, (1) it does not provide adequate guidance to agencies with residential facilities that receive funds from multiple sources, and (2) agencies are not required to follow the format. Current budget submissions therefore vary significantly in format and level of detail. In some instances it is impossible to identify to what extent CDI funds various administrative and service positions or what portion of CDI money goes toward, for example, maintenance and operations. This lack of clarity makes it virtually impossible to determine the CDI cost per client ratio in each residential facility.

The following example illustrates the type of situation that can arise when budget documents are unclear:

The Blue Ridge Diversionary Program receives funds from three sources for its residential facility. These sources are: (1) CDI, (2) a local work release program, and (3) the Federal Bureau of Prisons.

According to information derived from interviews and various documents, the CDI program funds 65 percent of the operating costs of this facility. The CDI program, however, only uses 10 of the 35 beds in the facility. CDI is therefore funding 65 percent of this facility's total operations, but CDI clients are only utilizing 29 percent of its capacity.

Budget guidance for residential facilities is inadequate at this time and more specific directions from DOC are necessary to ensure detailed and specific budgeting and accounting. DOC should develop a standard budget format for residential facilities that clearly shows uses of CDI funds. In instances where a residential facility has multiple funding sources, DOC should require that the budget clearly articulate the amount of funding from each source and the number of beds financed by each source. All agencies operating residential facilities should be required to use this format. These measures would allow cost comparisons across all residential facilities and provide DOC with clear information against which to assess and monitor residential facility expenditures. DOC should

also examine the funding of CDI beds at the Blue Ridge Diversionary Program facility. Funding should be proportionate to bed usage.

Residential Facility Development

Currently, a proposal is being drawn up by CDI agencies in the East Central region to develop a small residential facility to serve female clients. Although these agencies have used an Offender Aid and Restoration facility in Richmond to house women, the Richmond CDI agency stated that it is too costly to use. Also, the availability of alternative residential facilities for women is scarce. Presently, the only CDI residential facility serving female clients is the Lebanon Community Corrections Center.

The facility under consideration will have a capacity of approximately 6 beds at a estimated annual cost of \$60,000. Since the only other small residential center developed through CDI (Arlington's Frank Young House) has been operating for less than a year, it is unclear at this time whether or not facilities of this size are cost effective. Decisions regarding the development of this and other residential facilities should be postponed until DOC is able to assess the cost effectiveness of the Arlington residential facility. Until this assessment takes place, DOC should continue to work with the CDI agencies in the East Central region to procure residential services for female clients who need these services.

ADEQUACY OF SERVICES

As previously mentioned, the poor quality of available client-related data prohibited a comprehensive assessment of the quality, adequacy, or appropriateness of CDI services. Interviews with local program coordinators and case file reviews, however, indicate that the range and types of services offered appear to be appropriate. Some agencies have not been completely successful in complying with intensive supervision requirements, however. And some feel that they cannot completely meet the needs of clients because of financial constraints or the unavailability of particular services in some areas.

Service Requirements

Little State guidance is given regarding the services provided to CDI clients. The only required service is intensive supervision, which mandates a weekly face-to-face contact between the client and a case manager and one home visit each month. Financial guidelines promulgated by DOC, however, do impose some expenditure limitations on services. Table 24 summarizes the budget ceilings for service expenditures in FY 85. On the whole, localities are given considerable latitude to offer clients a variety of services from different types of providers.

Table 24

FY 85 BUDGET CEILINGS & FINANCIAL GUIDELINES
FOR CDI SERVICE EXPENDITURES

<u>Service</u>	<u>Expenditure Ceiling</u>	<u>Allowable Expenditures</u>
Evaluation:		
State felons	\$400 per offender	Diagnostic services including: psychological, psychiatric, medical, psycho-social, educational, vocational, & IQ
Local felons	\$200 per offender	
Misdemeanants	\$200 per offender (when applicable)	
Non-residential services:		
State felons	\$1,000 per offender	Individual outpatient counseling or therapy, group or family outpatient therapy, costs of educational or vocational train- ing as outlined in behavioral contract, cost of job placement & counseling for job readiness, transportation costs directly related to provision of therapy or work
Local felons	\$500 per offender	
Misdemeanants	\$200 per offender	
Residential services:		
Contracted community	\$30 per day per offender	Residential services of a gen- eral nature, such as promoting employability, life skills, & meeting behavioral contract objectives; residential services addressing a specific client need such as alcohol or drug dependence treatment
CDI center residential	\$10,500 per bed per year	
Emergency services	\$2,000 per agency per year	Emergency provision of life maintaining food, clothing, shelter, & transportation for offenders only
Case management:		
Intensive supervision	\$1,300 per offender	Case management for intensive supervision of behavioral con- tracts, community service placement, & monitoring of com- munity service orders
Community service order coordination	\$6,500 if divert 50 or less offenders	
	\$13,100 if divert 50- 100 offenders	
	\$200 per offender if divert more than 100 offenders.	

Source: DOC CDI budget justification summary & financial guidelines.

Local Coordinators' Impressions Regarding Adequacy of Services. All of the CDI agencies indicated that they provide basic services such as case management and intensive supervision to all State felon, local felon, and misdemeanor diverttees in their programs. Thirteen of the 23 agencies, however, felt that the supplemental services offered to address specific client needs were not complete. Eight of these coordinators felt that service needs were not met completely because certain services, such as residential and medical services, were not available in their areas. Four felt that CDI funds were not adequate to meet all service needs, and another felt that agencies should be allowed to purchase clothing and other client necessities. Some agencies were also concerned that counseling was being curtailed due to growing caseloads and budget constraints.

Additional Requirements for Service Provision. The determination of which client services are provided is highly dependent on the results of assessments of individual clients by coordinators and/or case managers. Coupled with psychological evaluations and client background information, these assessments form the basis for deciding which particular services are provided to each client participating in CDI. Because the decision of the coordinators on client services is so crucial, their views were examined to identify if certain services were important enough to warrant State requirements for all agencies to provide them.

When asked about the advisability of DOC's requiring that certain services be offered by all agencies, over 40 percent of the local agency coordinators felt that there are some services the State should require all local agencies to provide. However, there was not universal agreement on which services should be mandated. Four coordinators felt that drug and alcohol treatment should be mandated. Three felt that residential services should be required. Other services mentioned were employment and training, formal counseling, and medical treatment.

The Provision of Intensive Supervision

As mentioned earlier, intensive supervision is an integral part of the CDI program, and it appears to be the most important service provided to clients. For this reason, JLARC staff reviewed case files on a sample of active State felon diverttees. Five case files were reviewed at each local CDI agency (unless agencies had fewer than five active State felon cases) to assess if intensive supervision was being carried out in compliance with DOC standards. JLARC also examined the results of a case file audit conducted by DOC of all CDI client files.

JLARC Case File Review. The JLARC case file review found that only 46 percent of the 105 files reviewed were compliant with DOC standards for intensive supervision (Table 25). An additional 17

Table 25

EXTENT OF COMPLIANCE WITH
INTENSIVE SUPERVISION REQUIREMENTS

<u>Files Reviewed</u>	<u>Number of Files</u>	<u>Percentage of Files</u>
100% compliant	48	46%
Contacts missing:		
1 - 2	18	17%
3 - 5	12	11%
6 - 10	17	16%
10+	10	10%
TOTAL	105	100%

Source: JLARC file review of open State felon files.

percent of the files were missing only one or two intensive supervision contacts. Thirty-seven percent of the files had three or more contacts missing.

DOC Case File Review. DOC also recently performed a case file review. The DOC regional specialists found that 12 of the 23 agencies had between 90 and 100 percent of their State felon files in compliance with intensive supervision requirements. The remaining ten agencies had 60 to 88 percent of their State felon files in compliance with intensive supervision requirements. One agency had no State felons in the program at the time of the review.

DOC, however, found numerous significant problems with the provision of intensive supervision to misdemeanor clients. Documentation was lacking on (1) the performance of community service by these offenders, (2) intensive supervision through worksite supervisors, and (3) worksite reporting.

Conclusion

DOC should carefully assess local agencies' perceived shortcomings in the services area and determine if additional steps are necessary to make some of these services available. It does not appear at this time that the General Assembly or DOC should require all agencies to provide additional services.

DOC should also closely monitor local agency provision of intensive supervision, and work with agencies to ensure compliance with this standard.

POTENTIAL SERVICE OVERLAP WITH OTHER COMMUNITY CORRECTIONS AGENCIES

Questions have arisen regarding potential overlap or duplication between CDI and other community corrections organizations in the Commonwealth. To identify if this overlap or duplication does exist, JLARC compared the programs, clients, and geographic areas served by six existing community corrections agencies to CDI.

The comparison showed that the agencies do not appear to be duplicating services. For the most part, agencies are providing specific services to distinctly defined groups or geographic areas. In general, their responsibilities are not blurred with CDI's. There does appear to be a need, however, to plan for coordinated growth and development of all community-based correctional efforts in which the State is involved.

This section first describes the need for a Statewide community corrections master plan. Services offered by CDI and other community corrections agencies are then compared.

Need for a Community Corrections Master Plan

Currently there are seven community-based correctional efforts which are funded through State agencies (Table 26). Inattention to broad community corrections planning at this time could result in an extremely fragmented system in future years which could be hard to coordinate, inefficient, and inconsistent in terms of service and public safety.

Community-Based Correctional Efforts. New River Community Sentencing, Inc. is a program that operates similarly to CDI in the 27th Judicial District, but judges can place offenders in the program without imposing a sentence of incarceration. Three court service units, operating in Rockingham County, Portsmouth, and Winchester, are funded by DOC and provide community service monitoring and other services to the General District Courts in those areas. Virginia Cares operates a CDI program in the Wytheville Area and provides pre- and post-release services throughout the State. Offender Aid and Restoration also provides post-release services in several local jurisdictions. In addition to CDI, jails, and Probation and Parole, the State is involved in each of these community-based correctional efforts and is likely to become involved in more.

Federal Justice Assistance Act. In addition to the seven existing programs, the potential exists for State involvement in others. The Federal Justice Assistance Act makes large sums of money available to State and local criminal justice programs through block grants. These funds are available to support public safety efforts in 16 areas including: (1) alternatives to pre-trial detention, jail, and prison for nonviolent offenders, (2) prison and jail overcrowding, and (3) other innovative programs.

Table 26

COMMUNITY-BASED CORRECTIONAL EFFORTS
IN WHICH THE STATE PLAYS A ROLE

<u>Effort</u>	<u>Type of Function</u>	<u>State Funding Agent</u>	<u>State Role</u>
CDI	Alternative to incarceration	DOC	Provide funds, Supervise program
Jails	Incarceration	Compensation Board, DOC	Provide funds, Set guidelines
Probation and Parole	Probation and parole	DOC	Administer program
New River Community Sentencing, Inc.	Alternative to incarceration	DOC	Provide funds
Virginia Cares	Alternative to incarceration	DOC	Provide funds, Supervise program
	Pre- and post-release services	Department of Criminal Justice Services	Provide funds, Evaluate
Offender Aid and Restoration	Post-release services	Department of Criminal Justice Services	Provide funds, Evaluate
Court Service Units	Probation and parole type services to 3 court jurisdictions	DOC	Provide funds

Source: JLARC interviews.

Although definite plans have not been made by Virginia regarding whether it will claim its approximately \$1.5 million share during FY 85, there is a good chance that some of this funding may go toward the establishment of additional court service units to serve the General District Courts if the State receives this money. These units would provide probation type services to more General District Courts. They would also increase the overall number of community corrections entities in which the State would be involved.

Potential Impact. Unplanned and opportunistic growth in the community corrections area could result in a community-based

corrections maze in Virginia with unclear divisions of responsibility and authority, overlapping operations, gaps in services or areas served, inefficient organizational structures, and a number of other maladies stemming from uncoordinated planning. To avoid this, the General Assembly may wish to establish, by resolution, a temporary commission to assess the current State of community-based corrections in Virginia. The commission could also generate goals and objectives for community based-corrections efforts in which the State is involved, and provide guidance for the development of a master plan for community-based corrections. DOC would then be responsible for completing this master plan, which should be considered by the Governor and General Assembly when making policy and funding decisions in this area.

Overlap and Duplication of Services

Of the community-based correctional efforts discussed in the previous section, questions have arisen regarding potential overlapping services between CDI and six of these agencies:

- Offender Aid and Restoration of Arlington
- Offender Aid and Restoration of Charlottesville
- Offender Aid and Restoration of Fairfax
- Offender Aid and Restoration of Richmond
- New River Community Sentencing, Inc.
- Virginia Cares, Inc.

When the services, clients, and geographic areas that are served by each of these programs are compared to those of CDI, however, duplicative or overlapping services are not evident (Table 27).

The Arlington OAR, Charlottesville OAR, and Virginia Cares programs do not duplicate effort with CDI because they are the contracted agents administering CDI or portions of it in their areas. Fairfax OAR serves as a sentencing alternative to misdemeanor offenders who may have faced incarceration in Fairfax, but this does not duplicate CDI effort because the CDI program in Fairfax does not serve misdemeanants. Richmond OAR provides community service and financial restitution opportunities to offenders charged for the first time with misdemeanors, but these individuals have not been sentenced to incarceration and will have clean records if they complete their requirements. New River provides sentencing alternatives that are similar to those offered by CDI, but serves areas of the State that do not have CDI programs.

Additional detail on each of these agencies is contained in Appendix F.

Table 27

PROGRAMS OF COMMUNITY-BASED CORRECTIONS AGENCIES

<u>Agency</u>	<u>Area Served</u>	<u>Funding</u>	<u>Programs (Client Group)</u>
OAR/Arlington	Northern Va.	Local State (CDI) Private	Post-Release Outreach (Released Felons) Inmate Counseling (Jail Inmates) CDI (Sentenced Felons) Community Service (All Offenders)
OAR/Charlottesville	Charlottesville, Albermarle, Green, Fluvanna, Louisa, Goochland, & Nelson	Local State (CDI) United Way	Inmate Counseling (Jail Inmates) Transitional Services (Felons in State Institutions) Bail Assessment (Anyone Arrested) Community Service (All Offenders) CDI (Sentenced Felons, Misdemeanants)
OAR/Fairfax	Fairfax Co.	Local Private	Inmate Counseling (Jail Inmates) Post-Release Services (Released Felons) Community Service (Misdemeanants) Family Support (Families of Offenders) Work Empowerment (Misdemeanants)
OAR/Richmond	Richmond, Henrico, Hanover, & Chesterfield	Local State (DCJS) Federal	Inmate Counseling and Literacy (Jail Inmates) ROR Assessment (Anyone Arrested) Community Service (Misdemeanants) Job Development (Released Jail Inmates)
New River Community Sentencing, Inc.	Pulaski, Montgomery, Floyd, Giles, & Radford	State (DOC) Private Federal (JTPA)	Community Service (Felons, Misdemeanants) Worksite Placement (Juvenile Offenders) Worksite Supervision (Adults from Juvenile Court) Employment Service (Felons, Misdemeanants) Social Services (Felons, Misdemeanants) Family Support (Families of Offenders) Parole Planning (Felons in State Institutions) Court Orientation, etc. (Victims and Witnesses in Felony Cases)
Virginia Cares	Post Release* Pre Release** CDI***	State (DOC, DCJS)	Pre-release Services (Felons) Post-release Services (Felons) CDI (Felons, Misdemeanants)

*Post-release services offered in Fairfax, Arlington, Richmond, Norfolk, Roanoke, Alexandria, Newport News and Hampton.

**Pre-release services offered to 30 State correctional institutions: Bland, Pulaski, Marion, Tazewell, Wise, Staunton, Greenville, Botetourt, Chatham, Patrick Henry, James River, Fluvanna, Buckingham, Rustburg, Halifax, White Post, Haymarket, Fairfax, Culpeper, Stafford, Haynesville, Caroline, Chesterfield, Correctional Center for Women, New Kent, St. Brides, Tidewater, Nansemond, Capron, and Deerfield.

***CDI services offered in Galax, Bland, Carroll, Grayson, Tazewell, and Wythe.

Source: JLARC interviews and data analysis.

CONCLUSION AND RECOMMENDATIONS

The following recommendations pertaining to services should be implemented:

Recommendation 15. The Director of DOC should (a) develop a screening procedure that could be used by local agencies to assess whether a psychological evaluation should be performed on individual offenders referred for diversion, and (b) direct regional specialists to explore establishing group contracts to procure evaluations, as is being done in the East Central region. Local agencies should also continue on their own to explore ways in which to provide psychological evaluations at a lower cost.

Recommendation 16. The Director of DOC should negotiate with the Department of Mental Health and Mental Retardation to make Community Service Board indigent beds available to eligible CDI clients. These beds should be available within the \$30/day limitation allowed by CDI.

Recommendation 17. The Director of DOC should take steps to assess special characteristic groups within the diverted population. Using the client specific data in the CDI MIS, the Director should assess the CDI population and identify those divertees which characterize special population groups such as emotionally disturbed, mentally retarded, dull normal intelligence, serious substance abusers, offenders with extensive juvenile records, and others. Once these groups are identified, DOC should assess: (a) how successfully they participate in CDI, (b) what factors contributed to successful participation or termination, (c) if repeat offenses have been committed, (d) if these groups are appropriate for CDI placement, and (e) if special treatments or procedures should be designed to meet the particular needs of these groups. These findings should be communicated to local agencies to assist them with their diversion and treatment decisions.

Recommendation 18. The Director of DOC should take three actions concerning funding of CDI residential facilities. First, a consistent method for funding these facilities should be developed and implemented. Second, DOC should develop a standard budget format for residential facilities that clearly details uses of CDI funds. In instances where a residential facility has multiple funding sources, DOC should require that the budget clearly articulate the amount of funding from each source and the number of beds financed by each source. All agencies operating residential facilities should be required to use this format. Third, DOC should assess the funding of CDI beds at the Blue Ridge Diversionary Program residential facility.

Recommendation 19. The Director of DOC should assess the cost effectiveness of the existing eight-bed residential facility currently in operation. The decision on developing a six-bed residential center for females in the Richmond area should not be made

until DOC has completed this assessment. Until this assessment is complete, DOC should continue to work with local agencies to procure residential services for female clients needing them.

Recommendation 20. The Director of DOC should strictly enforce the requirement for intensive supervision.

Recommendation 21. The General Assembly may wish to establish, by resolution, a temporary commission to assess the current state of community-based corrections in Virginia. The commission could also generate goals and objectives, for community-based corrections efforts in which the State is involved, and provide guidance for the development of a master plan for community-based corrections. DOC would then be responsible for completing this master plan, which should be considered by the Governor and General Assembly when making policy and funding decisions in this area.

VI. CONCLUSIONS AND FUTURE OPTIONS

Indications at this time are that the Virginia CDI program is meeting or working toward its statutorily designated objectives. Analyses indicate that CDI (a) appears to divert offenders from incarceration in a majority of cases, (b) saves the State money, (c) provides increased opportunities for offenders to make restitution, (d) increases local flexibility and involvement in crime response, and (e) allows local agencies to structure programs with a rehabilitative orientation. Available preliminary data also suggests that few successfully terminated State felons have committed repeat offenses since their "graduation" from the program.

Shortcomings exist, however, regarding the planning, management, and monitoring of the program. Unplanned and uncoordinated growth in the program caused a tremendous increase in the size of the program in FY 84 and, consequently, funding is tight this year. Detailed and specific guidance in important areas such as budgeting and MIS reporting is not always provided, and local agency submissions in these areas are often unclear or incomplete. And significantly increased attention should be focused on monitoring and evaluating the overall program and the performance of local agencies.

It is most likely that rapid growth of the program, coupled with changes in legislation, diversion criteria, personnel, organizational placement, and standards have contributed to the problems observed with the program. Major changes or the creation of new local agencies should therefore not be undertaken until such time as (a) the severely deficient MIS is updated and corrected, (b) DOC has completed thorough assessments of success rates, recidivism rates, residential center funding and operations, special offender groups, and other areas, (c) actions have been taken to rectify other shortcomings or problems cited in this report, and (d) a CDI master plan, with funding requirements and options, is completed and disseminated to local agencies and the Legislature. DOC should accomplish the above prior to the 86-88 Biennium.

During the development of the master plan, consideration should also be given to three policy issues. Decisions on these issues will influence major funding, organizational, and operational objectives and strategies in the master plan. These policy issues are:

- potential expansion of CDI into a Statewide program offering services to eligible offenders from every local jurisdiction,

- whether inclusion of local felons and misdemeanants in the program should be continued, and
- restructuring CDI to address future program goals and effect improved efficiency and coordination.

CDI AS A STATEWIDE PROGRAM

The master plan, as described in Chapter IV, should address decisions regarding the extent to which CDI will offer services statewide. Will CDI serve as a diversion alternative to qualified offenders from all localities, or will program coverage be limited to designated areas? DOC's response to this question (as articulated in the master plan) should be shared with the General Assembly, and its agreement with this policy decision should be obtained.

Decisions in this area will enable both DOC and the Legislature to better anticipate the future direction of the program and provide a stronger basis for funding decisions, long-range projections of bed savings in correctional institutions, and other activities. They will also serve as the framework within and around which many of the master plan components can be structured.

The rest of this section presents three options available for possible program expansion, and information on why local jurisdictions currently do not participate in CDI.

Options For Program Expansion

Three options are available regarding CDI program expansion. These include:

- maintaining the status quo,
- targeting high commitment areas that currently do not participate, and
- expanding statewide to offer CDI diversion in every local jurisdiction.

Maintaining the Status Quo. Regarding areas of the State served by the CDI program, the status quo should be maintained through the remainder of this biennium. As previously explained, the program needs time to stabilize and develop a number of areas where deficiencies are now evident. The status quo could also be maintained for the long term if the executive and legislative branches are satisfied with "coverage" offered by the program at this time. This would deny the CDI alternative, however, to approximately 29 percent of the Commonwealth's population.

Targeting High Commitment Areas. Although DOC has promoted CDI across the State, several areas with high commitment rates to State correctional institutions still do not participate in the program. These jurisdictions, including Norfolk, Portsmouth, Danville, and Petersburg, send a significant number of nonviolent offenders into DOC's custody each year. (It should be noted here that Norfolk did participate in CDI for approximately one year, but withdrew on July 1, 1984, because of disagreements with DOC over program priorities and funding.) The development of CDI programs in these target areas would most likely expand the program's capacity to reduce the number of beds needed for nonviolent offenders in State institutions.

Expanding Statewide. The final option is to expand CDI to provide services to qualified offenders in each local jurisdiction. Under this option, the 20 cities and 33 counties that currently are not served could begin to participate in the program, or DOC could administer programs in those areas that do not show interest in participating.

While this option would ensure that all offenders have an equal opportunity for diversion, there may be some difficulties associated with statewide coverage. DOC may experience difficulty getting localities that currently do not participate to initiate programs. If DOC administration of the program in some areas were necessary, it could be viewed negatively by the localities, and local support that is evident in current programs might be harder to obtain. The following section briefly addresses why these local jurisdictions currently do not participate.

Non-Participating Local Jurisdictions

In order to assess why some local jurisdictions do not participate in the CDI program and actions that may be necessary for expanded coverage, JLARC surveyed a randomly selected sample of 39 city managers and county administrators from non-participating local jurisdictions. These local representatives were selected because regional specialists indicated that these individuals are often contacted as part of the specialists' efforts to promote CDI. The most commonly cited reasons for non-participation included:

- lack of knowledge about the CDI program,
- the perceived existence of alternative programs in which to place offenders,
- inadequate numbers of local government staff to supervise community service work by offenders, and
- financial and other constraints faced by localities.

Knowledge of the CDI Program. Although the CDI program has existed for almost four years, a general lack of knowledge about CDI was prevalent among the local representatives surveyed and was the most common reason given for non-participation. Almost three-quarters of the local jurisdiction representatives interviewed were not familiar with the CDI program and did not know (1) how the program operates, (2) what types of offenders are served by CDI, or (3) how the program is funded. Table 28 illustrates the general impressions of surveyed representatives regarding the CDI program.

Table 28

GENERAL IMPRESSIONS OF THE CDI PROGRAM

Question: Are you familiar with the CDI Program?

<u>Responses</u>	<u># of Respondents</u>	<u>Percent</u>
Yes	22	56%
No	17*	44%
	39	100%

Question: If familiar with CDI, what is your general impression of the program?

<u>Responses</u>	<u># of Respondents</u>	<u>Percent</u>
CDI appears to be a good workable solution to incarceration	6	27%
CDI benefits the community	2	9%
It does not appear to be appropriate for localities to administer	3	14%
Unsure/don't know how it would fit in the community	11*	50%
	22	100%

*17 Respondents were not familiar with the CDI program. In addition, of those familiar with the program, 11 respondents could not offer a general impression of the program. Together, these respondents account for almost 72% of those surveyed.

Source: JLARC survey of a sample of localities not participating in CDI.

Seventeen of 39 respondents indicated that they were not familiar with the CDI program. In addition, 11 of the respondents who stated they were familiar with CDI were not familiar enough to give an impression. And over half of the representatives could not predict whether or not Circuit Court judges serving their jurisdictions would use the CDI program as a sentencing alternative if it were available in their districts. (Seven of 10 judges in non-participating districts surveyed by JLARC stated that they would be likely to use the CDI program as a sentencing alternative if it were available).

Most representatives felt that their jurisdictions would be receptive to developing a community diversion agency if State funds were available today to do so. However, some representatives offered caveats to local development of a CDI agency that again convey a sense of confusion about the program. Although the CDI program is funded by DOC, some stated that the local jurisdiction would be receptive to developing an agency only if it was funded by the State. Another representative felt that developing a local CDI agency would divert law enforcement officers from the jail to supervise community service worksites. In fact, CDI divertees are not usually supervised in this manner. Another representative stated that his jurisdiction would rather have the funds to build a new jail.

Perception of Availability of Alternative Programs for Adult Offenders. For the most part, local jurisdictions which do not participate in CDI do not have a substitute for the program to divert offenders from incarceration. Several representatives surveyed, however, identified some mechanisms in their jurisdictions for obtaining financial restitution and/or community service work from offenders. These jurisdictions offer community service options primarily as a means of collecting fines from misdemeanor offenders. As described in Chapter II, although financial restitution and community service options may be available in some localities, it is not routinely available statewide.

Perceptions Regarding Staffing and Financial Limitations. Approximately one fifth of the responses to why CDI agencies have not been developed related to the problem of funding additional staff to supervise offenders in community service worksites. Many jurisdictions felt that they have enough constraints to work under without bearing the costs of community service worksite supervision.

Many jurisdictions were also unsure of continued funding for the CDI program because of its existence as a State grant program. They are worried that if a CDI agency were developed in their jurisdiction, they might have to shoulder the responsibility of paying for the program at some future date.

Conclusion. The responses of surveyed local representatives clearly illustrate that non-participating jurisdictions do not fully understand many of the main features of the program, and that others are unaware of changes the program has

undergone since its inception. For example, many were not aware that misdemeanor clients can be diverted from local jails into the CDI program.

If the decision is made for CDI to expand statewide, or for efforts to be made in targeted areas, promotion of the Community Diversion Incentive program with local governments should be increased to renew interest in the program by non-participating jurisdictions. Promotional efforts should not be undertaken, however, until (1) the program has stabilized and (2) a policy decision is reached regarding CDI coverage and funding.

INCLUSION OF JAIL DIVERTEES

The second policy area that requires consideration is the continued diversion of misdemeanants and local felons into CDI. Increasingly large numbers of divertees are coming into CDI from local jails. These local divertees, however, receive few services. For the most part they receive case management and intensive supervision (often by the community service worksite supervisor) and are required to perform community service work and/or to make financial restitution. As shown in Chapter II, the cost to maintain a local jail divertree in the program is approximately \$87 per month compared to \$484 per month for a State felon.

Although the inclusion of misdemeanants and local felons in the program has not caused major difficulties to date, problems will most likely occur in this area in the future. For example, continued increases in the number of divertees from jails could interfere with the provision of State felon services if adequate funding is not provided to supervise jail divertees.

Past expenditure patterns indicate that local agencies have spent on the average an estimated \$174 per jail divertree. (Most jail divertees are misdemeanants with an average stay of two months. Two months x \$87 per month = \$174.) For this fiscal year, DOC has only budgeted each local agency at \$144 per jail divertree. An additional \$70,000 would need to be allocated by DOC to enable local agencies to provide supervision at past levels to the 2,250 jail diversions projected for FY 85. This amount could be allocated out of a program reserve still unallocated by DOC to local agencies. This action, however, could interfere with the provision of services to State felons.

Three options are available in this area. These include:

- eliminating jail divertees from the program,
- restricting the number of jail diversions each year, or
- providing additional funding to ensure adequate supervision of jail divertees.

Eliminating Jail Divertees

If jail divertees were eliminated from the program, all CDI funds would be targeted toward diversions from State correctional facilities. CDI represents, however, a less expensive alternative than jail incarceration (\$87/month compared to \$780/month), and this benefit would be foregone. This option therefore does not appear to be cost beneficial.

Restricting Numbers

Under this option, DOC would specify a number of jail diversions allowed for each local agency and continue to provide limited funding per diversion. Judges would have to limit their number of diversions in some instances, and DOC's current budget limitation of \$144/divertee would most likely not provide adequately for the supervision of these divertees. This option also appears to have significant shortcomings.

Providing Additional Funding

As explained previously, the General Assembly may wish to consider appropriating additional funding to CDI to ensure adequate supervision of jail diversions. This option would allow CDI to continue relieving jails as well as State correctional facilities, and allow judges to continue diverting from jails as they see fit. This option therefore appears to be most desirable.

RESTRUCTURING CDI

Consideration should also be given during master plan development to a third area -- the development of an alternative organizational structure. Although the current organizational structure appears to have met its objectives, an alternative structure could possibly meet new objectives that may emerge, such as fostering communication and coordination with probation, delivering direct State services in localities which currently do not participate in CDI, and decreasing fragmentation in the community-based correctional efforts in which the State is involved.

In addition, two areas of concern emerged through the local coordinator interviews. First, almost half of the local agency coordinators indicated that an alternative organizational structure would be more efficient or effective than the current one. Second, there currently appear to be some coordination problems between CDI and Probation and Parole. Chapter IV described these difficulties.

Alternative Organizational Structures

Six alternative organizational structures, including the current structure, could be considered for CDI:

Alternative One

Transfer CDI to Probation and Parole. CDI would become a State administered program and probation officers would manage diversion cases.

Alternative Two

Transfer CDI to Probation and Parole. CDI would continue to be locally administered and CCRBs would continue to serve in their current roles. Probation and Parole, however, would provide State level supervision. In those localities where local governments do not wish to actively participate in the program, Probation and Parole could directly administer the program.

Alternative Three

Transfer CDI to the Department of Criminal Justice Services. CDI would continue to be locally administered, but DCJS would provide State-level supervision.

Alternative Four

Transfer CDI to the Secretary of Public Safety. CDI would continue to be locally administered, but the Secretary would provide minimal State-level supervision.

Alternative Five

Directly appropriate funds to local programs. Any State-level guidance would appear in statute, and there would not be continuous State-level supervision of the program.

Alternative Six

Maintain the Status Quo. CDI would continue to be locally administered, and the DOC CDI Unit would continue to provide State-level supervision.

In accordance with recommendations made previously for a period of stability, however, any alternative structure that may be decided upon should not be implemented prior to the 86-88 biennium.

The Preferred Alternative

DOC should consider alternative two as CDI stabilizes and decisions are made regarding the program's future. Alternative two would enhance coordination between CDI and Probation and Parole by bringing the supervisory end of the programs under one umbrella. Under this alternative, the statewide Probation and Parole structure could serve as the mechanism through which CDI could be provided in non-participating localities. While it maintains local involvement, this alternative is a step in the direction of addressing the fragmentation that is beginning to appear in the community-based corrections area.

Local agencies, however, did not favor this option. Although 65 percent of the agency coordinators indicated that they interact at least daily with probation and parole, 85 percent felt that merging CDI into the Probation and Parole system would not help it operate more efficiently or effectively. Eighteen of 23 CCRB chairpersons responded similarly when asked the same question. Much of this response was based on perceptions regarding the large caseloads of probation officers and the relatively small amount of time available to officers for client contact. These conditions would not exist, however, if local agencies continued to administer CDI as Alternative Two proposes.

CONCLUSION AND RECOMMENDATIONS

The following recommendations pertaining to future options should be implemented:

Recommendation 22. Concurrent with correction of existing program deficiencies, planning should continue for program expansion through targeting of high commitment areas in the 86-88 biennium.

Recommendation 23. The General Assembly may wish to consider appropriating additional funding to CDI to ensure adequate supervision of jail divertees. Once local agencies develop their projected number of diversions for FY 86, DOC should calculate the additional amount that may be necessary for their supervision. This figure could be used as the basis for a CDI budget amendment request in FY 86.

Recommendation 24. The Director of DOC should give consideration to alternative organizational structures as a CDI master plan is developed. Efforts should be concentrated on a structure which maintains local involvement but minimizes fragmentation of community-based corrections efforts.

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APPENDIX A TECHNICAL APPENDIX SUMMARY

JLARC policy and sound research practice require a technical explanation of research methodology. The full technical appendix for this report is available upon request from JLARC, General Assembly Building, Suite 1100, Capitol Square, Richmond, Virginia 23219.

The technical appendix includes a detailed explanation of special methods and research employed in conducting the study. The following is a brief overview of the major research techniques used during the course of this study.

1. Site Visits to 24 Local CDI Agencies. Each of the 24 local agencies that operated during FY 84 was visited during the study. Interviews were conducted, documents were collected, and the overall operations of the agency were reviewed.
2. Structured Interviews. Survey instruments were designed to collect quantitative and qualitative information through two methods: (1) structured face-to-face interviews, and (2) telephone interviews. Over 125 structured interviews were conducted including interviews with:
 - 24 local CDI agency coordinators,
 - 24 local Community Corrections Resources Board chairmen,
 - 30 District and Circuit Court judges,
 - 39 officials in non-CDI localities,
 - CDI regional specialists and central office staff, and
 - Staff in other community-based corrections programs.
3. CDI Population Analysis. A multivariate analysis called logit modeling was employed to help evaluate the appropriateness of CDI's State felon offender population. Using key sentence variables collected from the CDI MIS, the Central Criminal Records Exchange (CCRE), and the Offender Based State Correctional Information System (OBSCIS), the profile of the CDI group was compared to probationers and incarcerated

nonviolent State felons. A more detailed explanation of this analysis can be found in Appendix D.

4. Review of Criminal Offense Records. State Police records from the CCRE were reviewed to assess the incidence of repeat offenses by State felon offenders who successfully completed the CDI program as of June 30, 1984. Records for 203 State felons were reviewed and the percentage of State felons convicted of repeat offenses was calculated.
5. Validation of MIS Data. In order to assess the validity of the MIS database, a five percent sample of the 1520 cases in the MIS reflecting a FY 84 referral date was selected. These cases were verified against local CDI agency files and the incidence of error was calculated.
6. Cost of Sentencing Alternatives. Using information obtained from DOC, local CDI agencies, and the Rehabilitative School Authority, estimates were generated of the costs associated with various sentencing alternatives. In addition, estimated cost savings of CDI were calculated using data supplied by the CDI population analysis and the JLARC report, Virginia's Correctional System: Population Forecasting and Capacity.
7. Document Review. A variety of written documents on sentencing alternatives and community-based corrections programs were reviewed to identify historical and current efforts to implement these types of programs. In addition, documents from local CDI agencies were obtained and reviewed for descriptive and statistical information on the program.
8. Survey of Other States. A sample of ten States were selected to identify alternatives to incarceration which currently exist in other States and compare them to Virginia's efforts in community-based corrections.
9. State Felon Case File Review. A systematically selected random sample of open State felon files was reviewed during the course of the study. A maximum of five files were selected from each local agency to: (1) become familiar with the types of State felons in the CDI program and the services they receive, (2) gather data to generally describe the types of State felons and the types of services they receive, and (3) review the contents of State felon case files and the documentation of intensive supervision to assess compliance with DOC documentation standards.

APPENDIX B

DIVERTEE DEMOGRAPHIC CHARACTERISTICS - FY 84

Type of Divertee	SEX			RACE							AGE					IQ									
	M	F	Mis	Asian	Bl	Hisp	Nat				16-19	20-29	30-39	40+	Mis	Sev Ret	Mod Ret	Dul Nor	Br						
							Am	Wh	Oth	Mis									Nor	Brd	Nor	Nor	Sup	Oth	Mis
State Felon	190	44	6	1	68	3	0	160	0	8	38	134	40	18	10	0	3	29	19	87	6	3	12	8	
Local Felon	63	23	4	0	22	1	0	63	0	4	14	48	13	11	4	0	0	5	1	24	0	0	1	5	
Misdemeanant	1001	236	10	8	362	6	0	858	1	12	245	605	227	130	40	2	2	23	23	355	14	0	1	82	
Missing	93	29	4	0	59	1	1	61	0	4					126	0	3	6	3	32	1	0	0	8	

	MARITAL STATUS							DEPENDENTS							
	Div	Mar	Sep	Sing	Wid	Oth	Mis	0	1	2	3	4	5	6+	Mis
State Felon	24	51	18	135	4	0	8	137	32	27	18	8	3	2	13
Local Felon	6	29	7	43	1	0	4	44	22	12	4	2	0	0	6
Misdemeanant	128	237	81	647	20	0	134	623	192	136	66	23	12	14	181
Missing	4	22	7	51	1	0	41	43	14	9	6	2	1	2	49

	EDUCATION																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Mis
State Felon	1	0	2	0	0	10	21	26	24	31	22	33	20	1	0	0	0	3	35	1	10
Local Felon	0	0	0	2	0	1	3	13	10	11	11	15	10	2	0	0	1	1	5	1	4
Misdemeanant	0	2	8	7	20	25	64	104	131	177	147	254	84	26	3	4	1	4	27	4	155
Missing	1	1	1	1	0	2	5	12	11	9	5	19	8	0	0	0	0	0	2	0	49

Notes:

Figures in chart are number of cases shown in Management Information System.

N = 1703

Missing or Mis refers to the number of cases for which this variable was missing in the CDI management information system. An additional 778 cases are missing completely from the system, and are not reflected in the figures above.

The following explanations apply to the codes used for Education:

- 1 - 12 Years of elementary and secondary education
- 13 Some college
- 14 College graduate
- 15 In graduate school or some graduate school without degree
- 16 Graduate degree
- 17 School without specific grades
- 18 Last formal schooling in special education
- 19 GED obtained
- 20 Other

Source: DDC CDI Management Information System and Management Information System Users Manual.

APPENDIX C

OFFENSE-RELATED CHARACTERISTICS OF DIVERTEES - FY 84

Type of Divertee	Median Sentence Length (Months)	Most Frequent Offenses		
		Most Common	2nd Common	3rd Common
State Felon	48	Larceny	Burglary	Drug
Local Felon	12	Larceny	Burglary	Drug
Misdemeanant	2	Obstruction of Justice	Larceny	Traffic Offense
Missing	2	_*	_*	_*

Type of Divertee	Previous Jail Commitments										Previous Prison Commitments					Previous Learning Center Commitments							
	0	1	2	3	4	5	6	7+	Missing		0	1	2	3	Missing		0	1	2	3	4	5	Missing
State Felon	19	50	22	10	8	1	4	3	123		40	19	5	0	176		34	22	6	1	0	1	176
Local Felon	10	9	3	3	0	0	0	0	65		16	2	0	0	72		15	3	0	0	0	0	72
Misdemeanant	82	70	35	10	13	5	2	7	1023		100	18	4	1	1124		98	14	4	1	0	3	1129
Missing	5	8	1	2	1	0	0	0	109		5	2	0	0	19		5	1	0	0	0	0	120

Notes:

*Not calculated for this group.

N = 1703

Source: DOC CDI Management Information System

APPENDIX D:

STATISTICAL COMPARISON OF OFFENDER GROUPS TO ASSESS APPROPRIATENESS OF THE CDI POPULATION

One method used by JLARC to evaluate the appropriateness of CDI's population was to statistically compare CDI State felon diverttees with probationers and those sentenced to incarceration. If CDI is implemented as an alternative to incarceration in a consistent manner, it should be possible to find differences among the three groups on the basis of key variables. In addition, greater differences should occur between diverttees and those on probation than between diverttees and those incarcerated.

The findings of the analyses indicate that approximately 46 percent of the State felon cases diverted in FY 84 closely resemble the incarcerated population and would most likely have been incarcerated. The program's use as an incarceration alternative appears to be strongest when the offender is a prior felon presently convicted of a property felony. However, the findings also suggest that about 20 percent of the offenders, if not sentenced to CDI, would have had a greater likelihood of being put on probation rather than sentenced to incarceration. Another 34 percent did not resemble one sentence group (i.e., probation or incarceration) more than the other, and thus could not be classified as either group. Overall, of the population that could be classified (66 percent of the total), approximately 70 percent resembled the incarcerated population. Thirty percent resembled the probation population.

This appendix provides a description of the method used for the statistical comparison, a description of the three sentence groups, and the results of the statistical analyses.

Method

To study differences among the three sentence groups, a multivariate analysis called logit modeling was used. Specifically, the technique produces a logit model comprised of the variables that offer the best prediction regarding the type of sentence an offender is likely to receive. Through the analysis, it was possible to determine if the profile of the CDI group was sufficiently different from the profiles of the other two groups, particularly offenders sentenced to probation, to conclude that different types of offenders are receiving different sentences. Once the results were obtained, the analysis was conducted again with a second group of CDI diverttees to determine if the results could be replicated and thus, be considered reliable.

To determine if CDI divertees would otherwise be incarcerated, the two samples of CDI divertees were combined and compared against the results of a comparison involving just probationers and those incarcerated. Our hypothesis here was that if CDI is serving as an alternative to incarceration, CDI offenders should resemble incarcerated felons rather than probationers.

Sample Selection. Four random samples of offenders were selected for the target population analyses. Briefly, these samples are:

- two random samples of CDI State felon offenders from the 13 local CDI programs established prior to FY 84. The first sample was used in the initial analysis and the second was employed in a reliability analysis.
- a random sample of probationers from CDI localities.
- a random sample of felon offenders sentenced to DOC incarceration in CDI localities.

The sample selection parameters and the rationale for restricting the sample to these parameters are briefly described below:

1. *Major offense -- nonviolent state felony.* Since CDI is primarily a sentencing alternative for nonviolent State felons, it was necessary to restrict the selection of all samples to this type of offender to ensure proper comparisons.
2. *Sex -- male.* Sample selection was restricted to males due to the small percentage of females in CDI and in incarceration, and to the possibility that sentencing decisions for females may involve different factors than those used for sentencing males.
3. *Sentence start -- 1983-1984.* The CDI sample was selected from the population of divertees sentenced in FY 84 while the samples of probationers and those incarcerated were selected from the population of offenders received by DOC in FY 84.
4. *Sentencing locality -- localities participating through one of the original local agencies.* Only offenders sentenced in an original CDI agency's locality were considered. This restriction excluded 50 localities where CDI had been recently established.

Measures and Data Sources. JLARC identified several variables that could be potential determinants of judges' sentencing decisions. The variables fall into three basic categories: (1) information about the conviction offense, (2) information concerning

the offender's prior record, and (3) information concerning the offender's personal background. The variables and the specific measures used to represent them are displayed in Table 1, as are the data sources from which they were developed.

The data came from three major sources: the OBSCIS data base maintained by DOC, the CDI MIS maintained by the CDI program, and State Police records (CCRE). Since much of the CDI data were incomplete and had questionable validity, all information on CDI divertees was validated and, if necessary, supplemented through contacts with the each of the 13 local CDI program coordinators. In addition, since both the OBSCIS and CDI data bases lacked information on the offenders' prior records, it was necessary to obtain this information from the State Police.

It should also be noted that information on several other potential determinants of sentence disposition (for example, type of legal representation, whether the offender pleaded guilty) was not available. Therefore, to the degree that these variables influence the type of sentence an offender may receive, the analysis' ability to distinguish among the groups is lessened.

Description of the Sentence Groups

Table 2 presents a profile of each of the groups according to selected sentence and pre-sentence variables. The major results of the table are discussed in the following sections.

Description of the present conviction. Crimes against property were the most common major offense committed by offenders from all three sentence groups. A greater percentage of CDI divertees (80%) were property felons than either probationers (74%) or those incarcerated (67%). The most common types of property crimes committed were burglary and larceny, while other property crimes included forgery, stolen vehicle and stolen property offenses, embezzlement, and fraud. Among the types of non-property felonies committed were drug offenses, traffic offenses, habitual offender offenses, crimes against morality and decency, and obstructing justice.

The three groups were given different lengths of sentences to serve. On the average, divertees were sentenced to 4.5 years, while those incarcerated were sentenced to 5.5 years. Probationers, in contrast, were given an average sentence of 3.24 years. This finding suggests that CDI divertees receive somewhat lesser sentences than those incarcerated, but longer sentences than probationers.

Description of prior record. Although the nature of the prior records of offenders from all three groups were similar, a few differences were noted. Fewer incarcerated felons were first time offenders (31%) than either those sent to CDI (43%) or those sent to probation (44%). In addition, a greater proportion of the

Table 1

VARIABLES SELECTED FOR DISCRIMINATION AMONG SENTENCE GROUPS

<u>Variable</u>	<u>Measure</u>	<u>Source</u>
Present conviction	Type of major offense	CDI MIS ¹ (divertees) OBSCIS ² (probation & incarcerated)
Length of present sentence	Total number of days sentenced	CDI MIS OBSCIS
Prior record	Total number of convictions within the last 10 years of: Violent felonies Nonviolent felonies Violent misdemeanors Nonviolent misdemeanors	CCRE ³ (all groups)
	The most recent prior conviction	CCRE
	The number of days from the most recent prior conviction to the start of the sentence (probationers and those incarcerated) or to the CCRB recommendation date (CDI)	OBSCIS CDI MIS
Age	Age at the start of the sentence or at the time of the CCRB recommendation	OBSCIS CDI MIS
Education	The number of years of formal education	OBSCIS CDI MIS
Marital Status	Marital status at the time of sentence	OBSCIS CDI MIS
Race	Racial group	OBSCIS CDI MIS

¹Community Diversion Program Management Information System, independently verified by JLARC staff.

²DOC Offender Based State Correctional Information System.

³State Police Central Criminal Record Exchange.

Table 2

DESCRIPTION OF THE THREE SENTENCE GROUPS

<u>Information about the Present Conviction</u>	<u>CDI (n = 112)</u>	<u>Probation (n = 60)</u>	<u>Incarceration (n = 61)</u>
% convicted of property crimes	80%	74%	67%
Average Sentence Length (in years)	4.53	3.24	5.53
<u>Information about the Prior Record</u>			
Average number of total offenses	2.29	1.85	2.72
% with no prior offenses	43%	44%	31%
% with 1 or more nonviolent misdemeanors	37%	40%	41%
% with 1 or more violent misdemeanors	10%	21%	16%
% with 1 or more nonviolent felonies	36%	31%	54%
% with 1 or more violent felonies	2%	4%	3%
<u>Demographics</u>			
Average age	25.23	26.88	27.11
% white	66%	70%	58%
% married	23%	24%	22%
% less than high school degree	64%	54%	87%
% with high school degree or GED	28%	33%	8%
% with more than a high school degree	7%	13%	5%

incarcerated offenders had been convicted of one or more nonviolent felonies in the past ten years than offenders sentenced to probation or to CDI. These differences suggest that those sentenced to incarceration may be screened from the other two groups, in part, because of the severity of their prior record.

Approximately 40 percent of each sentence group had committed at least one prior nonviolent misdemeanor. However, a slightly larger proportion of probationers (21%) had committed at least one prior violent misdemeanor than those incarcerated (16%) and those sentenced to CDI (10%). However, less than five percent of the offenders from any of the groups had previously committed a violent felony. Overall, although there are some differences among the groups, it appears that most of the nonviolent offenders sampled have minimal prior records, particularly with respect to violent crimes.

Demographics. The only significant demographic difference among the three groups concerned education level. Probationers tend to be the most educated of the offenders, while CDI divertees were the second most educated group. Both groups had a significantly higher proportion of high school graduates than the incarcerated group, while the probation group had the greatest number of offenders with post-high school education. Since education level is often correlated with both occupation and income, it is possible that judges are selecting offenders to return to the community who either are gainfully employed or who have better opportunities for employment.

The groups were similar with respect to racial composition, age, and marital status. The findings indicate that, by and large, nonviolent felons are white, under 30, and unmarried. Although the incarcerated group had a slightly higher proportion of non-white offenders (42%) than CDI (34%) and probation (30%), the difference was not statistically significant. With respect to age, approximately 20 percent of each group were under 20 years while over half of all offenders were in their twenties. Few offenders were 35 years or over. In addition, contrary to initial expectations, there was little difference among the groups with respect to marital status. Given CDI's community emphasis, it was expected that the program would disproportionally target married offenders who ostensibly have more responsibilities and community ties. This expectation, however, was not supported.

Results of the Target Analyses

The results of the analyses indicate that CDI is serving as an alternative to incarceration, particularly when the offender is a prior felon presently convicted of a property felony. Overall, it appears that at least half of the CDI population would have been incarcerated in the absence of the program. However, the results also indicate that CDI may be diverting some offenders from probation as well as from incarceration when the property felon is a prior

misdemeanant or a first time offender. Although the findings suggest that less than 20 percent of the CDI divertees would have been sentenced to probation, for another 34 percent the sentence disposition in lieu of CDI could not be determined.

The results of the initial logit analysis are discussed in this section, followed by the results of the reliability analysis and the findings from the classification exercise.

Initial Logit Analysis. A logit model predicting sentence disposition was developed to determine if CDI offenders differed from probationers and those sentenced to incarceration. The model indicated that offenders from the different sentence groups could be differentiated to some degree on the basis of the major conviction offense and the nature of the prior record.

Due to data deficiencies and the necessity of supplementing the data available through OBSCIS and the CDI MIS with the State Police data, only a limited sample of offenders in each group could be used to develop the logit model. The relatively small number of offenders in the model allowed for only a few variables to be tested at any one time. Therefore, a variety of conceptual models employing two to three variables at a time were tested.

The model that provided the best prediction of sentence disposition included a two-level measure of the major conviction offense (property felonies vs. all other nonviolent felonies) and a three-level measure of the offender's prior record (whether he was a first offender, a prior misdemeanor, or a prior felon). Use of these measures for the model resulted in the development of six subgroups:

1. first time offenders convicted of property crimes,
2. prior misdemeanants convicted of property crimes,
3. prior felons convicted of property crimes,
4. first time offenders convicted of nonviolent crimes other than property crimes,
5. prior misdemeanants convicted of nonviolent crimes other than property crimes, and
6. prior felons convicted of nonviolent crimes other than property crimes.

Table 3 presents the results of this model. A model is said to provide a "good fit" to the data when the predicted proportions (columns 8-10) mirror or closely resemble the observed proportions (columns 5-7). When a model fits the data, this means that the independent variables within the model (in this case, major offense and prior record) explain a significant amount of the variability in the dependent variable (for example, the type of sentence received).

TABLE 3

RESULTS OF THE LOGIT ANALYSIS

Independent Variables		Observed Frequencies				Observed Proportions			Predicted Proportions			Likelihood (Probability) of Receiving Sentence Over Another (.5 is equal probability)		
Major Offense	Prior Record	TUT (1)	CDI (2)	PROB (3)	INC (4)	CDI (5)	PROB (6)	INC (7)	CDI (8)	PROB (9)	INC (10)	INC VS CDI	PROB VS CDI	PROB VS INC
Nonviolent Property Crime	First Dffender	50	22	14	14	.44	.28	.28	.43	.29	.28	.40	.40	.5
	Prior Misdemeant	23	10	7	6	.43	.30	.26	.40	.39	.20	.34	.49	.67
	Prior Felon	54	18	15	21	.33	.28	.39	.36	.23	.41	.53	.4	.35
Other Nonviolent Crime	First Offender	15	2	6	7	.13	.40	.47	.18	.37	.45	.72	.68	.45
	Prior Misdemeanant	4	0	4	0	.00	1.00	.00	.17	.50	.33	.68	.75	.6
	Prior Felon	20	4	3	13	.20	.15	.65	.13	.27	.59	.80	.68	.3

Columns 11 through 13 present the likelihood of being given one sentence versus another on the basis of one's prior record and the type of present conviction offense. It appears that both variables have a bearing on the type of sentence a nonviolent felon receives. Specifically, when a first offender or prior misdemeanant has committed a property crime (rather than some other type of nonviolent offense), he is most likely to be sentenced to CDI and least likely to be sentenced to incarceration. When the property felon has committed at least one prior felony, however, he is considerably more likely to be sentenced to incarceration than to CDI and somewhat more likely to be sentenced to CDI than to probation. Offenders who have committed non-property felonies are least likely to be sentenced to CDI than to the other alternatives regardless of the nature of the prior record.

Overall, CDI is used primarily as a property crime sentence. Focusing on the influence of the major offense and controlling for the effect of the prior record, the results indicate that committing a property crime rather than some other nonviolent felony multiplies the odds of being in CDI versus incarceration by 1.97, and multiplies the odds of being in CDI versus probation by 1.77. Both findings are statistically significant beyond the .05 level of probability (i.e., the chances of this finding being incorrect are less than 5 in 100).

Surprisingly, when the effects of major offense are controlled, being a first-time offender does not appear to affect the odds of receiving one type of sentence over another. It was expected that first offenders would have the greatest likelihood of being on probation and the smallest likelihood of being incarcerated. However, it is prior misdemeanants who have the greatest chance of being put on probation. This finding, though counterintuitive, suggests that there may be other pieces of information associated with being a misdemeanant and with being a first offender that influence judges' decisions. More in line with original expectations is the greater likelihood of being sentenced to incarceration than to probation. CDI appears to be the second most likely alternative for both prior misdemeanants and prior felons, controlling for the type of offense committed.

Although there are differences among all three sentence groups, the differences are not substantial. Looking at the predicted proportions in Table 3, it can be seen that rarely do the proportions deviate more than 20 percentage points from one another. In addition, few proportions greatly exceed 33 percent (i.e., the expected proportion if there were equal probability of receiving each sentence).

Thus, despite the ability of the logit model to provide distinction between the three groups, the differences are not large. The meaningfulness of the differences can be enhanced, however, if they can be demonstrated to be reliable (i.e., consistently derived)

and if they allow us to determine the degree to which CDI serves as an incarceration alternative.

The Reliability of the Logit Model. A second analysis was conducted to determine the reliability of the logit model. In this analysis, the model was tested again, this time involving a second random sample of CDI divertees.

The results of this analysis demonstrated that the logit model provides reliable predictions of sentence disposition. A comparison of the predicted proportions the two analyses revealed little difference between the results produced.

The Degree to which CDI is used as an Alternative to Incarceration. To determine the proportion of offenders in CDI who are actually divertees from incarceration, it was necessary to reconstruct the logit model with only probationers and those incarcerated. The resulting predicted proportions represented the likelihood of being sentenced to one group versus the other on the basis of the conviction crime and prior record. By fitting the combined sample of CDI to these predicted probabilities, it was possible to determine the proportion of CDI that would be sentenced to incarceration rather than to probation.

The results of this exercise indicate that 46 percent (plus or minus 9%) of State felon offenders served by CDI in FY 84 would have been sentenced to incarceration. Only 20 percent (plus or minus 7%) would have been sentenced to probation, while an additional 34 percent (plus or minus 9%) could not be classified. Translated into actual numbers, it appears that of the 345 offenders categorized as state felons for FY 84 in the CDI MIS, between 128 and 190 offenders were diverted from incarceration while between 45 and 93 offenders would have otherwise been put on probation. For approximately one third of the FY 84 CDI population -- between 86 and 148 offenders -- the type of sentence they would have received if CDI were not available cannot be determined on the basis of the logit results.

When the focus is just on those offenders that can be classified, 70 percent fall into the incarcerated category and only 30 percent are classified as probationers. This finding provides additional evidence that CDI is diverting the appropriate target population.

Together, the findings of the three analyses lead to the conclusion that CDI provides an alternative to incarceration, at least in 37-55 percent of the cases. In addition, it appears that a higher percentage of those who commit property crimes, particularly prior felons, are diverted from incarceration when sentenced to CDI than any other group studied. To some degree, CDI also diverts some offenders from probation, particularly when the offenders are first time offenders or prior misdemeanants. However, the findings clearly indicate that CDI is not "creaming" its population by selecting the least serious offenders nor is it pulling the majority of its clients from probation.

APPENDIX E
CDI AGENCY STATISTICS

Cumulative totals as of June 30, 1984

<u>Agency</u>	<u>Jurisdictions Served</u>	<u>FY 85 Budget</u>	<u>FY 85 Targeted Diversions</u>	<u>Referrals</u>	<u>Diversions</u>	<u>Terminations</u>	
						<u>Successful</u>	<u>Unsuccessful</u>
Alexandria	Alexandria	\$ 90,000	20 S.F.*	3 S.F. 4 MIS**	1 S.F.	0	0
Arlington OAR	Arlington	\$ 117,000	26 S.F.	7 S.F.	1 S.F.	0	0
Blue Ridge	Harrisonburg Winchester Frederick Co. Clark Co. Warren Co. Shenandoah Co. Page Co. Rockingham Co.	\$ 216,000	40 S.F. 250 MIS	127 S.F. 463 MIS	80 S.F. 462 MIS	31 S.F. 323 MIS	28 S.F. 112 MIS
Chesapeake	Chesapeake	\$ 67,500	15 S.F.	29 S.F. 24 L.F.*** 36 MIS	12 S.F. 11 L.F. 12 MIS	1 S.F. 6 L.F. 6 MIS	1 S.F. 2 L.F. 4 MIS
Chesterfield	Chesterfield Co. Colonial Heights Hopewell Prince George Co.	\$ 97,200	20 S.F. 50 MIS	62 S.F. 29 MIS	31 S.F. 29 MIS	15 S.F. 6 MIS	6 S.F. 2 MIS
Court/Community Corrections (Salem)	Roanoke City Roanoke Co. Salem	\$ 149,000	21 S.F. 384 MIS	24 S.F. 80 MIS	15 S.F. 80 MIS	0 S.F. 57 MIS	1 S.F. 9 MIS
Fairfax	Fairfax City Fairfax Co. Falls Church	\$ 90,000	20 S.F.	96 S.F.	58 S.F.	11 S.F.	11 S.F.
Hampton	Hampton	\$ 71,100	15 S.F. 25 MIS	8 S.F. 17 MIS	3 S.F. 8 MIS	0 S.F. 0 MIS	1 S.F. 1 MIS
Henrico	Henrico Co.	\$ 122,292	25 S.F. 68 MIS	50 S.F. 27 L.F. 47 MIS	34 S.F. 22 L.F. 44 MIS	4 S.F. 11 L.F. 28 MIS	5 S.F. 1 L.F. 6 MIS

*S.F. = State Felons

**MIS = Misdemeanants

***L.F. = Local Felons

Cumulative totals as of June 30, 1984

<u>Agency</u>	<u>Jurisdictions Served</u>	<u>FY 85 Budget</u>	<u>FY 85 Targeted Diversions</u>	<u>Referrals</u>	<u>Diversions</u>	<u>Terminations</u>	
						<u>Successful</u>	<u>Unsuccessful</u>
Jefferson Area	Charlottesville Albemarle Co. Fluvanna Co. Goochland Co. Greene Co. Louisa Co. Nelson Co.	\$ 134,100	25 S.F. 150 MIS	104 S.F. 9 L.F. 84 MIS	49 S.F. 9 L.F. 84 MIS	18 S.F. 5 L.F. 28 MIS	7 S.F. 0 L.F. 10 MIS
Loudoun	Loudoun Co.	\$ 98,352	20 S.F. 58 MIS	70 S.F. 4 L.F. 3 MIS	70 S.F. 4 L.F. 3 MIS	19 S.F. 1 MIS	28 S.F. 0 MIS
Lynchburg	Lynchburg Amherst Co. ¹ Bedford Co. ¹ Campbell Co. ¹	\$ 119,700	25 S.F. 50 MIS	56 S.F. 21 MIS	32 S.F. 21 MIS	13 S.F. 9 MIS	7 S.F. 1 MIS
Piedmont	Amelia Co. Appomattox Co. Buckingham Co. Charlotte Co. Cumberland Co. Halifax Co. Lunenburg Co. Nottoway Co. Powhatan Co. Prince Edward Co.	\$ 86,400	16 S.F. 5 L.F. 95 MIS	8 S.F. 35 MIS	2 S.F. 35 MIS	0	0
Pittsylvania	Pittsylvania Co.	\$ 78,300	15 S.F. 75 MIS	28 S.F. 14 MIS	12 S.F. 26 MIS	17 MIS	0 MIS
Prince William	Manassas Manassas Park Prince William Co.	\$ 105,840	20 S.F. 110 MIS	110 S.F. 122 MIS	62 S.F. 122 MIS	19 S.F. 84 MIS	22 S.F. 27 MIS
Rappahannock Area	Fredericksburg Caroline Co. King George Co. Spotsylvania Co. Stafford Co.	\$ 86,760	18 S.F. 40 MIS	3 S.F. 7 MIS	0 S.F. 0 MIS	0	0
Rappahannock/ Rapidan	Culpeper Co. Fauquier Co. Madison Co. Orange Co. Rappahannock Co.	\$ 89,856	15 S.F. 156 MIS	4 S.F. 2 L.F. 78 MIS	1 S.F. 0 L.F. 72 MIS	0 S.F. 0 L.F. 45 MIS	0 S.F. 0 L.F. 9 MIS

¹The Lynchburg CDI agency primarily serves offenders who are Lynchburg residents; however, offenders who reside in Amherst, Bedford and Campbell Counties are eligible for diversion if they commit offenses in the City of Lynchburg.

Cumulative totals as of June 30, 1984

Agency	Jurisdictions Served	FY 85 Budget	FY 85 Targeted Diversions	Referrals	Diversions	Terminations Successful	Unsuccessful
Richmond	Richmond City	\$ 312,120	50 S.F. 605 MIS	113 S.F. 585 MIS	82 S.F. 585 MIS	17 S.F. 353 MIS	15 S.F. 117 MIS
Southwest VA ASAP-Community Corrections	Buchanan Co. Dickenson Co. Lee Co. Norton Co. Russell Co. Scott Co. Wise Co.	\$ 305,100	63 S.F. 150 MIS	95 S.F. 107 L.F. 804 MIS	82 S.F. 96 L.F. 795 MIS	57 S.F. 89 L.F. 704 MIS	7 S.F. 5 L.F. 17 MIS
Town of Urbanna	Matthews Co. Middlesex Co. Essex Co. King William Co. King and Queen Co. Gloucester Co. Northumberland Co. Richmond Co. Westmoreland Co. Lancaster Co.	\$ 103,320	18 S.F. 155 MIS	18 S.F. 9 MIS	11 S.F. 9 MIS	0	0
Virginia Beach	Virginia Beach	\$ 90,072	18 S.F. 63 MIS	63 S.F. 4 L.F. 22 MIS	43 S.F. 4 L.F. 22 MIS	13 S.F. 0 L.F. 12 MIS	16 S.F. 0 L.F. 7 MIS
Virginia Cares	Galax Bland Co. Carroll Co. Grayson Co. Tazewell Co. Wythe Co.	\$ 80,460	15 S.F. 90 MIS	17 S.F. 108 MIS	10 S.F. 104 MIS	0 S.F. 82 MIS	0 S.F. 6 MIS
Virginia Highlands	Bristol Smyth Co. Washington Co.	\$ 99,108	17 S.F. 157 MIS	32 S.F. 45 MIS	26 S.F. 45 MIS	3 S.F. 17 MIS	2 S.F. 0 MIS
		\$2,809,580	537 S.F. 2,736 L.F. & MIS	1,127 S.F. 177 L.F. 2,613 MIS	717 S.F. 146 L.F. 2,558 MIS	221 S.F. 111 L.F. 1,772 MIS	157 S.F. 8 L.F. 328 MIS

APPENDIX F

OTHER COMMUNITY-BASED CORRECTIONS AGENCIES OPERATING IN THE COMMONWEALTH

Offender Aid and Restoration of Arlington

Offender Aid and Restoration was founded in Virginia after a 1968 prison strike at the State penitentiary. It has since grown into a national program, OAR-USA, Inc., with approximately 20 affiliates in eight states. Each OAR agency is an independently administered and operated private, non-profit agency. Arlington OAR was established in 1974.

With a staff of 12, Arlington OAR provides a variety of services such as post release outreach, CDI, and inmate counseling to Northern Virginia offenders, ex-offenders, and their families. It is funded by Arlington County, the United Black Fund, the Northern Virginia Service League, two foundations, a trust, churches, civic groups, businesses, private citizens, and DOC. Arlington OAR had a total FY 84 budget of \$164,025. Of this amount, \$61,183 was provided by DOC for administration of the Arlington CDI Program.

Arlington OAR does not duplicate CDI because it is the only provider of CDI services in the Arlington area.

Offender Aid and Restoration of Charlottesville

This OAR program was initiated in 1971. Through a contractual agreement with the Jefferson Area CDI agency, Charlottesville OAR carries out the misdemeanor component and all felon case supervision for the Jefferson Area CDI Program. In addition, it provides numerous services to jail inmates, transitional services to prepare felons for reentry after incarceration, community service supervision, and suitability assessments for release on recognizance or reduced bond for everyone that is arrested.

Charlottesville OAR is funded by Charlottesville, Albemarle County, the United Way, and the State through the Jefferson CDI agency. It employs the equivalent of six FTEs. Charlottesville OAR does not duplicate CDI services because it contracts with CDI to serve as the primary provider of those services in the area.

Offender Aid and Restoration of Fairfax

OAR Fairfax was established in 1971. This agency has eleven FTE positions and a FY 84 budget of \$218,000. The Fairfax CDI

program contracts with OAR for some felon case supervision. The majority of its efforts, however, go toward its own misdemeanor programs.

Fairfax OAR serves misdemeanants through two programs. The Community Service Program is for first time shoplifters. The Prescriptive Sentencing Program is for nonviolent misdemeanants who are referred at the judge's discretion. OAR Fairfax also provides services to jail inmates, released felons, and families of offenders.

Fairfax OAR does not duplicate CDI services because it (1) contracts with CDI to provide official CDI services, and (2) primarily serves misdemeanants with its other programs. CDI does not serve misdemeanants in Fairfax.

Offender Aid and Restoration of Richmond

This agency was created in 1975. It receives funding from the City of Richmond, the State Department of Criminal Justice Services, and the Federal Bureau of Prisons. Its budget for FY 84 was \$450,000. OAR Richmond provides pre- and post-release services to jail inmates, operates a residential facility which occasionally houses females from the CDI program, and offers services to the General District and traffic courts in the Richmond area. Under the court services component, OAR accepts cases under advisement for individuals charged with misdemeanors for the first time. If these individuals successfully perform community service work and make financial restitution, all charges are dropped and they maintain a clean record.

Richmond OAR does not duplicate CDI services because it is serving a different population than that served by CDI.

New River Community Sentencing, Inc.

The New River program was established in 1980, and employs five staff. It receives the bulk of its \$120,000 plus budget from the State through DOC. New River serves the 27th Judicial General District and Circuit Courts, including Pulaski, Montgomery, Floyd, and Giles Counties and Radford.

The New River program is primarily a community service and social service agency. It supervises community service orders as an alternative to jail, fines and costs, and as a condition of probation. It also provides social services to offenders, and numerous other services. New River was prepared to apply for CDI grant money in the past, but decided not to as it wished to retain a broader focus than CDI would have allowed.

New River does not duplicate CDI services because it serves an area of the State not served by CDI.

Virginia Community Action Re-Entry System, Inc.

Virginia Cares was established in 1975, and is headquartered in Roanoke. It provides pre- and post-release services to incarcerated offenders, and administers the CDI program for the counties of Bland, Tazewell, Wythe, Carroll, and Grayson, and the City of Galax. It does not duplicate or overlap with the CDI program because it is the only provider of CDI services in these areas.

APPENDIX G
AGENCY RESPONSES

As part of an extensive data validation process, each State agency involved in JLARC's review and evaluation effort is given the opportunity to comment on an exposure draft of the report.

Appropriate technical corrections resulting from the written comments have been made in the final report. Page references in the agency responses relate to the exposure draft and may not correspond to page numbers in the final report. JLARC notes have been boxed and inserted into responses where necessary.

Included in this appendix are the following responses:

Secretary of Transportation and Public Safety
Virginia Department of Corrections
County of Fairfax Community Diversion Program (3 responses)
Middle Peninsula Northern Neck Community Diversion Incentive
City of Norfolk
Pittsylvania Area Community Diversion Incentive
County of Prince William Community Corrections Program (2 responses)
Rappahannock Area Community Services Board
City of Virginia Beach Community Diversion Project
New River Community Sentencing, Inc.



MAR 28 1985

COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

Franklin E. White
Secretary of Transportation
and Public Safety

March 25, 1985

Mr. Ray D. Pethtel, Director
Joint Legislative Audit and Review Commission
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

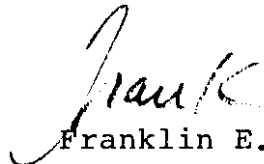
Dear Mr. ^{Ray}~~Pethtel~~:

I appreciate the opportunity to review the exposure draft of JLARC's report on the Community Diversion Incentive Program.

I am encouraged by the generally positive findings in the study and the constructive nature of the recommendations in the draft.

I have reviewed the Department of Corrections response to the draft and concur with their comments. As you know, the Department is presently undergoing a reorganization which, in my view, will permit it to more effectively manage CDI and other programs and address, as appropriate, the recommendations in your report.

Sincerely,


Franklin E. White

FEW/dch



MAR 22 1985

COMMONWEALTH of VIRGINIA

Department of Corrections

ALLYN R. SIELAFF
DIRECTOR

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 257-1900

March 20, 1985

Mr. Ray D. Pethtel, Director
Joint Legislative Audit & Review
Commission
Suite 1100
910 Capital Street
Richmond, VA 23219

Dear Mr. Pethtel:

Thank you for the opportunity to respond to the Exposure Draft document of the Community Diversion Incentive Program of the Virginia Department of Corrections.

In general, I found the study to be a positive one. Your comments to the Governor subsequent to the publication of the briefing report are reflected in the document; that is, CDI is a worthwhile and effective program in Corrections. I agree that this alternative is not only "meeting or working toward its statutory objectives," but would like to state that, in many ways, it has exceeded all expectations. The General Assembly, Judicial, and Executive Branches can be proud of its accomplishments in the first three years of development.

The Department does not accept the assertion that the typical successful CDI diversion would serve 9.6 months in confinement if not diverted. The use of the DOC release component of the population forecasting model to determine the average serving time for a diverted CDI client is not an appropriate application of the release component. A previous DOC study concluded that the successful CDI diversion would be confined for a longer period of time if not diverted. [See JLARC note "A," page 141.]

The Department maintains that the sample sizes for the CDI Diversion, Probationer and Incarcerated populations are not adequate and conclusions based upon them are questionable. The Department's staff know of no acceptable or reliable sampling procedure allowing for such small sample sizes. [See JLARC note "B," page 141.]

Mr. Ray D. Pethtel
March 20, 1985
Page Two

While the statistical procedure (logit modeling) used by your staff is a widely used and accepted procedure, it is highly sensitive to sample size. A characteristic of the procedure is that any initial sample is further reduced by the classification procedure. Any statistical tests associated with "thinly spread data" are not reliable. The JLARC staff acknowledged this problem (page D-10, paragraph 2) in the technical appendix: "the relatively small number of offenders in the (samples) allowed for only a few variables to be tested at any one time." Your staff created a variety of separate conceptual models employing two or three variables at a time for testing. A valid application of the logit modeling procedure requires all variables to be tested simultaneously. Variables which appear important when analyzed in isolation frequently become insignificant in multivariate contexts. The Department would have liked to have seen a stepwise fitting procedure utilized to reduce the numbers of predictor variables and allowing for a single model to be tested. Conclusions derived from the development of several different models should be interpreted with great care. [See JLARC note "C," page 141.]

Since this is a growing program, its recent spurt in coverage statewide comes from its outstanding reputation. While the Department does, in fact, attempt to concentrate on high impact areas, the most convincing marketing technique that stimulates program growth is through the sharing of program accomplishments with neighboring localities. The concept of citizen boards (or CCRB's) has truly impacted the continuation and expansion of CDI, because we are now experiencing a citizen constituency of support for Corrections. We have also learned from experience, and approach each new locality in the most effective way possible. We see expansion of this program as positive and in accordance with legislative intent.

As you know, there are impacts from this program that cannot be measured by evaluation. Localities are contributing free services, rent, support and financial management, for example. Citizens on the Boards are unpaid volunteers. The impact of keeping a family off of the welfare rolls because the offender is working and paying support may not be measured in pure dollars and cents. And the free community service being performed by clients goes beyond minimum wage savings in sanction, as well as rehabilitative value.

The "shortfalls" that you address in CDI management are really recommendations for improvements. Many of these recommendations were recognized by my staff prior to the study and are now completed (or near completion). Many were offered by Department

JLARC Note A: JLARC maintains that 9.6 months is an accurate estimate of the time a CDI offender would have served in prison. The release component of DOC's forecasting model was developed specifically to determine expected length of incarceration as an alternative to the methodology referenced by DOC. Thus, its use as an estimator for the average length of time CDI State felon divertees would have served is an appropriate extension of this application.

JLARC Note B: JLARC maintains that the sample sizes used for the logit modeling procedure are adequate. Procedures have existed for a number of years on the use of small samples in statistical research. For example, W.S. Gossett introduced the Student's t-distribution for means from small samples in 1908. It is referenced frequently in modern texts. The variability of this distribution is related to the size of the sample such that smaller samples have more variable distributions and thus wider confidence limits.

In addition, a recent issue of The American Statistician (February, 1985, pp. 47-52) discusses the value and use of small samples. In the article, Thomas Bolland illustrates the concept of optimal sample size as that size which produces the most useful information at the lowest cost. In many instances, the marginal return in value of the information diminishes as the size of the sample increases.

JLARC Note C: The reliability of an analysis is not determined solely by the size of the sample used but also must include the distribution of the individual variables tested in the analysis. In developing measures to be tested, care was taken by JLARC staff to ensure that the assumptions of the analysis were being met, that is, that each measure was not exceedingly skewed and that each expected frequency would not be less than five. Cells with observed frequencies of zero did result because of the very low incidence of certain types of nonviolent offenders. Even with very large samples, it is not clear that the observed frequencies of these cells would have increased.

In addition, because of the observed cell frequencies, the maximum-likelihood method was employed to produce the logit model coefficients because it is the most reliable computational technique in these situations. A reliability test was also conducted by analyzing another sample with the same technique, and the model was successfully reproduced.

JLARC NOTES TO DOC RESPONSE
(Continued)

JLARC staff did test several similar conceptual models that used different measures of each variable. Guided by the findings of previous research in sentencing disparity, each model employed measures of the two predominant variables in the literature -- prior record and present offense.

Contrary to the DOC response, logit modeling does not require all variables to be tested simultaneously (nor does a stepwise fitting procedure). JLARC staff contend that a stepwise fitting procedure as advocated by DOC would in fact be developing multiple models of different combinations of variables. A major problem with this procedure is that the selection of variables is based solely on the extent to which each of the variables is a unique contributor to the model. When the variables are correlated (which is often the case with measures of individual and social constructs), equally important explanatory variables may be excluded because they do not make a sufficient unique contribution. Rather than use an exploratory procedure to guide the development of the logit models, JLARC deemed it most appropriate to be directed by the body of criminal justice literature and research on sentencing.

Furthermore, DOC's present inmate population forecast methodology incorporates the CDI logit modeling results as the basis of the CDI forecast adjustment. The estimate cannot be accepted in one instance because its results are favorable to the Department, but rejected in another because the Department does not agree with the results.

Mr. Ray D. Pethtel
March 20, 1985
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staff in interviews with your analysts as areas where they would like to begin improvement next. I am certainly impressed that we came to an agreement on those plans through the recommendations issued in your report.

A developmental program has room for improvement by its very nature. I would like to commend your staff for the positive tone of this report and its inherent support that the Virginia Community Diversion Program is doing well and is a cost effective sentencing alternative with a proven safety to the community record.

Specifically, I will now address each recommendation as issued in the Exposure Draft:

RECOMMENDATION 1: The Director of DOC should take two steps to help ensure that offenders have a sentence of incarceration prior to referral to the program. First, Section A.19 of the CDI program standards should be modified to clearly indicate that local programs shall not accept a referred offender without a sentence to incarceration. The standard could be modified as follows:

- A.19. *No Community Corrections Program shall accept a client who has not received a sentence to incarceration. No Community Corrections Program funds shall be expended for any purpose, including consultation, case management, and evaluation, on a client who has not received a sentence to incarceration. (Italicized type represents new language.)*

Second, all program staff should take steps to ensure that judges are fully aware of this requirement.

RESPONSE: The Department's Community Diversion Standards already address this issue and state "Each offender shall have received a sentence to be incarcerated in a state or local adult correctional institution." (See Model Eligibility Criteria #4 in the Standards adopted in February 1984 by the Board of Corrections.) We found a need to clearly define this area, when we discovered an interpretation problem on a local level. Judges are aware of this requirement. As a result of your study, we will re-emphasize the point by including the wording you suggest in the annual contracts signed by the Department and CDI program.

Mr. Ray D. Pethtel
March 20, 1985
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Recommendation 2: To strengthen the cost savings nature of the program and ensure diversion of appropriate types of offenders, the Director of DOC should undertake an intensive assessment of the CDI population. This assessment should identify: (1) proportions of the diverttee population which appear to have been inappropriately diverted, (2) proportions of the diverttee population with prior and current convictions for violent offenses, (3) types of offenders that successfully and unsuccessfully terminate, and (4) reasons for these outcomes. The assessment should be specifically oriented toward determining types of offenders that should and should not be diverted.

DOC should then modify its model eligibility requirements to specifically eliminate types of offenders that appear to be unsuited for CDI participation. At a minimum, the eligibility requirements should be modified to prohibit the diversion of any offender with a current conviction for a violent offense. All findings should be communicated to local agencies to assist them with their diversion decisions and encourage better successful termination rates.

RESPONSE: As you know, the Department defines a nonviolent offender as one who has not "demonstrated a pattern of assaultive or violent behavior." Local program Community Corrections Resources Boards are by law responsible for:

§53.1-185(6): Upon referral to the Board of individual offenders by any court, determine whether an appropriate, rational behavioral contract can be developed with offenders for participation in a community diversion program..."

The Board approves offense categories that qualify (the Department signs off on these) and determines whether or not an offender can be safely recommended for release to the community. The Judge, of course, makes the final decision. Your discussion in this section seems to confuse the terms nonviolent or violent offenders with nonviolent or violent offenses. Some cases, for example of simple assault (offense), are not restricted from this program, as long as the offender has not demonstrated a pattern of violent behavior (is a nonviolent offender). Local programs scrutinize nonviolent offenders very carefully, especially if the instant offense can be classified to be of a violent nature. They are responsible to the community for the public safety factor, and feel the weight of this decision.

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Judges also carefully screen these cases at both the referral and diversion stages. There is no evidence that disqualifying offenders based solely on offense has any effect on cost-effectiveness or success. Our most prevalent failure "offense" appears to be in the area of check forgers and drug abuse related crimes.

Your recommendation for continued assessment is implemented on a local level and will begin statewide through implementation of the new MIS (as a routine report).

Recommendation 3: The Director of DOC should (1) require the CDI unit to assess repeat offenses annually, and (2) publish results in the Felons and Recidivists report. These results should be compared to recidivism rates for incarcerated and probation groups to assess CDI's success in reducing repeat offenses.

RESPONSE: Offenders that fail or are denied access to the CDI program are assessed annually. Recidivism rates after CDI program participation are not assessed by the CDI staff at this time. Felons who complete CDI are continued on probation. Misdemeanants are released. The followup data collection in each of these categories is limited and a control group design would be necessary to actually determine cause and effect. We will continue to assess the evaluability of recidivism data. We can, however, as has been done in annual evaluation reports, produce the requested data mentioned earlier in this response.

Recommendation 4: DOC should maintain the current CDI organizational structure for the present.

RESPONSE: Agreed. The current organizational structure is working well and will remain basically centralized with regional specialists.

Recommendation 5: The Director of DOC should require a section in all future grant proposals from local CDI agencies stating agreement to cooperate with and provide data for State oversight activities required by the Governor, General Assembly, or DOC.

RESPONSE: The Department requires by contract, standards, policy and action that each program must abide by the Code of Virginia including legislation concerning JLARC's authority.

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Recommendation 6: The Director of DOC should modify the CDI manager's job description to include broad coordinative and planning responsibilities in addition to the operational responsibilities which are currently specified. This would include responsibility for master planning, ensuring that program operations and growth are in accordance with the master plan, anticipating legislative and executive needs for information and ensuring that information is available to meet these needs in a timely and accurate manner, and coordinating with other correctional components.

RESPONSE: The new Chief of Operations position is redefined to include those areas mentioned in this recommendation.

Recommendation 7: The Director of DOC should require the CDI manager to assess regional specialist workloads to determine if inequities exist. If inequities are found, the manager should take steps to reduce them.

RESPONSE: New regions have been established and workload assessment is underway.

Recommendation 8: The General Assembly may wish to amend §53.1-185(4) of the Code as follows: *"Provide a mechanism whereby diverted offenders with needs for services will be linked to appropriate services."*

RESPONSE: This is a housekeeping change that can be made by the General Assembly for clarification purposes. I would support this change.

Recommendation 9: The Director of DOC should direct the CDI manager to begin developing a CDI Master Plan. The plan should contain the following at a minimum:

- A comprehensive program description which provides information on program structure, responsibilities, clients, services and other areas.
- Short and long term goals and objectives of the program. Goals and objectives should be stated in specific terms to enable assessment of goal achievement.
- Specific strategies for achieving goals and objectives.

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- Expectations regarding funding levels. Because the program has been expanding, expenditure figures from one year may not be applicable to the next. It would be useful to set out basic program funding needs and the different levels of operation that would be possible with additional funding increments.

RESPONSE: This effort is underway in the Department and, more specifically, is part of the Adult Community Corrections masterplan.

Recommendation 10: To enhance communications and understanding between local agencies, the Director of DOC should instruct all regional specialists to hold regular group meetings with their local coordinators. In addition, notes or reports on these meetings, as well as all Statewide CDI meetings and workshops, should be disseminated to local agencies.

RESPONSE: This has been required and is part of the FY84-85 performance objectives for each specialist. As you stated in your report, the new manager of CDI has done an outstanding job in improving state to local communication.

Recommendation 11: The Director of DOC should direct the CDI manager and Probation and Parole manager to jointly develop and document policies and guidelines regarding CDI and Probation and Parole interaction. Guidelines should specify when active probation supervision of CDI cases is to be waived, and circumstances under which it may be desirable. (In most instances, however, it should be waived.) The guidelines should also address the extent to which probation officers and CDI coordinators and case managers should communicate regarding CDI cases.

RESPONSE: The new Division of Adult Community Corrections will enhance this interaction. Guidelines will be reviewed and modified where appropriate.

Recommendation 12: The Director of DOC should instruct the CDI manager and Probation and Parole manager to (1) assess the current payment of the probation supervision fee by CDI divertees, and (2) develop a uniform policy for CDI divertees. Once a policy is developed, specific guidelines regarding payment should be developed and inserted into the probation manual and the CDI standards to ensure that all divertees are subject to the same basic requirement. The Director should also seek an amendment to §53.1-150 of the Code to specify if CDI divertees are required to pay or are exempted from paying the \$15/month fee while in CDI.

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RESPONSE: We will evaluate this issue and offer recommendations. We do not waive the supervision fee for CDI clients. That authority lies within the purview of the judiciary.

Recommendation 13: The Director of DOC should designate CDI management information system validation and supplementation as a high priority for central and regional office CDI staff. Data contained in the system should be accurate and complete by July 1, 1985.

RESPONSE: Prior to the General Assembly request for a JLARC study, the MIS problems were assessed by CDI staff. In conjunction with local input, a more streamlined and useful MIS was developed utilizing color coded forms and a monthly transaction approach. A new computer program was developed and revised several times to accommodate the "marriage" of the old system to the new and to issue more readable tables as output. Data is currently being edited and continues to be a priority for CDI staff. It should be noted that even with more mandatory fields in the new system, fewer errors were found in the edit run. As we complete the first edit, some new codes have been added for clarification and data refinement purposes. Specialists are also checking to insure data accuracy prior to submission for keypunching.

Recommendation 14: The Director of DOC should assess the current allocation of time by regional specialists to various activities. The specialist job description should then be updated to require a greater portion of time on local agency monitoring and evaluation. In addition, a regional specialists' handbook should be developed which sets out guidelines and requirements for monitoring and other activities to be undertaken by the specialists.

RESPONSE: The restructuring of the Division of Adult Community Corrections is providing an opportunity to re-evaluate staff workloads and activities. Specialists are currently evaluated on a set of specific performance objectives which may need review for FY85-86 under the new structure.

Recommendation 15: The Director of DOC should (a) develop a screening procedure that could be used by local agencies to assess whether a psychological evaluation should be performed on individual offenders referred for diversion, and (b) direct regional specialists to explore establishing group contracts to procure evaluations as is being done in the East Central region. Local agencies should also continue on their own to explore ways in which to provide psychological evaluations at a lower cost.

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RESPONSE: The screening procedure for local agencies is developed locally with the technical assistance of Department staff. Each procedure is dependent upon local resources. Group contracts have been and will continue to be explored as an option. It should be noted that special needs evaluations in the East Central region are purchased outside of the group contract. In no case, however, can a program evaluate at more than a 2 to 1 ratio relating to those diverted.

Recommendation 16: The Director of DOC should negotiate with the Department of Mental Health and Mental Retardation to make Community Service Board indigent beds available to eligible CDI clients. These beds should be available within the \$30/day limitation allowed by CDI.

RESPONSE: The CDI staff has been discussing the use of resources of Community Service Boards for CDI programs. The Department of Mental Health and Mental Retardation is continuing to pursue these issues and respond to the Department.

Recommendation 17: The Director of DOC should take steps to assess special characteristic groups within the diverted population. Using the client specific data in the CDI management information system, the Director of DOC should assess the CDI offender population and identify those divertees which characterize special population groups such as mentally retarded, dull normal intelligence, serious substance abusers, offenders with extensive juvenile records, and others. Once these groups are identified, DOC should assess: a) how successfully they participate in CDI, b) what factors contributed to successful participation or termination, c) if repeat offenses have been committed, d) if these groups are appropriate for CDI placement, and e) if special treatments or procedures should be designed to meet the particular needs of these groups. These findings should be communicated to local agencies to assist them with their diversion and treatment decisions.

RESPONSE: Some of this evaluation is conducted by the local Community Corrections Resources Board (§53.1-185 1-5, Code of Virginia). The Department is preparing an extensive Technical Assistance document with a team of local program coordinators to assist localities in this type of evaluation. Some data analysis from the MIS will be helpful, but local resource evaluation is critical in assessing factors affecting the success of special needs offenders. Again, the evaluability of all of the specifics mentioned may require a control group research design to reliably test for cause and effect measures.

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Recommendation 18: The Director of DOC should take three actions concerning funding of CDI residential facilities. First, a consistent method for funding CDI residential facilities should be developed and implemented. Second, DOC should develop a standard budget format for residential facilities that clearly details uses of CDI funds. In instances where a residential facility has multiple funding sources, DOC should require that the budget clearly articulates the amount of funding from each source and the number of beds financed by each source. All agencies operating residential facilities should be required to use this format. Third, DOC should assess the funding of CDI beds at the Blue Ridge Diversionary Program residential facility.

RESPONSE: This recommendation was gleaned from material provided by the Department. When we recognized the Blue Ridge situation, an internal audit was requested and conducted by the Department's Internal Auditing Unit and funding is currently being adjusted. There is and has been a standard line item budget format for residential facilities. The funding that is most cost effective to a locality utilizing less than 50% of their own beds is to contract those beds out to the locals using them. That also provides a more accurate accounting of client costs. Blue Ridge and Arlington have been advised to use this approach. The Lebanon and Richmond facilities are currently contracting bedspace to nearby CDI programs.

Recommendation 19: The Director of DOC should assess the cost effectiveness of the existing eight-bed residential facility currently in operation. The development of a six-bed residential center for females in the Richmond area should not be decided upon until DOC has completed this assessment. Until this assessment is complete, DOC should continue to work with local agencies to procure residential services for female clients needing them.

RESPONSE: The assessment of the Arlington facility is underway and some changes have already taken place. The Richmond women's program is contracting beds at a private agency. If it does become evident that it is more cost effective to use a regionally operated contracted bed system, that program will be modified.

Recommendation 20: The Director of DOC should strictly enforce the requirement for intensive supervision.

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RESPONSE: Subsequent to producing a policy memorandum defining intensive supervision in specific measurable terms, the Board of Corrections passed CDI Standards defining it as a requirement (in accordance with §53.1-182 COV) in February 1984. In April 1984, the Standards were issued to local programs. During the summer of 1984 a program by program assessment of all active files was conducted by Specialists. Problems were noted in documentation of intensive supervision. Specialists are required to sample files in every program on a monthly basis to determine whether or not the intensive supervision documentation (and other required file material) is present. The certification process to begin in 1985 will provide another opportunity to continue improving file documentation. Programs continuing to experience problems in this area are required to submit action plans to correct deficiencies.

Recommendation 21: The General Assembly may wish to establish, by resolution, a temporary commission to assess the current state of community-based corrections in Virginia. The Commission could also generate goals and objectives for community-based corrections efforts in which the State is involved and provide guidance for the development of a master plan for community-based corrections. DOC would then be responsible for completing this master plan which should be considered by the Governor and General Assembly when making policy and funding decisions in this area.

RESPONSE: Through the master plan process, this assessment is being generated by the Department.

Recommendation 22: Concurrent with correction of existing program deficiencies, planning should continue for program expansion through targeting of high commitment areas in the 86-88 Biennium.

RESPONSE: The Department continues to target high commitment areas as a priority for CDI program expansion.

Recommendation 23: The General Assembly may wish to consider appropriating a sufficient amount, estimated at \$70,000, to CDI to ensure adequate supervision of the 2,250 jail diversions projected for FY 85. A similar action may again be necessary in FY 86 to ensure adequate supervision of jail divertees in that year.

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RESPONSE: This money was not appropriated by the General Assembly for FY 1985. The Department has revised its funding formula for FY 1986 to include the suggested amount of \$175 per misdemeanor as recommended in this report.

Recommendation 24: The Director of DOC should give consideration to alternative organizational structures as a CDI master plan is developed. Efforts should be concentrated on a structure which maintains local involvement but minimizes fragmentation of community-based corrections efforts.

RESPONSE: All alternatives will be explored by the Department through the master plan effort. I appreciate your findings that the current organizational structure within the CDI program has worked and improved communication and monitoring of the programs. On page III - 7-8, you support the current structure by concluding:

"The current organizational structure has accomplished several objectives: (1) local involvement and flexibility in responding to crime has increased, (2) state and local cooperation has been encouraged and enhanced, (3) CDI has established a separate and distinct identity in the criminal justice system, and (4) a structure to enhance program consistency and monitoring has been established."

It is because of findings like these that I have restructured the Division of Adult Community Corrections to stress the importance of these accomplishments. On page III - 6 you state:

"...the structure promoted CDI's image as a local agency responsive to local norms and needs. CDI agencies are locally operated, and CDI staff are not perceived as entrenched or committed to any long-standing or particular philosophy of corrections. This factor has likely contributed to CDI's success in gaining judicial support."

We all realize that CDI's success is due to a unique partnership between state and local officials and the executive, legislative, and judicial branches of government. The level of cooperation and assistance on the part of Circuit and District Court Judges is quite impressive indeed.

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Page Thirteen

The Department remains committed to continually assessing the CDI program and making improvements where needed. I again appreciate some of the creative ideas outlined by your staff. We are extremely proud of the Community Diversion Program and look forward to its continued success.

Sincerely,

Allyn R. Sielaff

Allyn R. Sielaff

/jp



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
COMMUNITY DIVERSION PROGRAM
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March 21, 1985

Mr. Ray Pethtel, Director
Joint Legislative Audit and Review Commission
Suite 1100, 910 Capitol Street
Richmond, VA 23219

RE: CDIP-JLARC Exposure Draft

Dear Mr. Pethtel:

Thank you for the opportunity to comment on the review prepared by you and your staff. The report is remarkably thorough and well written. I want also to comment on the professionalism of the team which conducted the on-site interviews - it was a pleasure to work with them.

I believe the report is factually accurate with regard to the Fairfax program. My few comments are directed toward interpretation and recommendations, and represent my own views and not those of Fairfax County.

IV. Planning and Management. On page IV-12 the report states "Local agencies receive minimal guidance from DOC regarding how their CDI programs are to operate". I believe the Standards should be modified in the three ways suggested on page IV-13, and that all programs must be in compliance. However, these are intended to be locally operated programs, and each program should adapt to the complexion of the community. Rather than imposing additional State control of the local programs through more elaborate Standards, more pressure should be applied to bring all programs into compliance with existing Standards (as modified above).

V. CDI Client Services. Recommendation 15-V-32. Again, each program should have the latitude to determine what it needs to know about a felon and how it will gather that information, without State intervention. The CCRB must have confidence in its evaluators, and must be able to choose the best available, since the CCRB decision may seriously impact the community.

Considering the potential liability exposure of the DOC it would appear incumbent on the local CCRB to use every means available to determine the suitability of a client to be in the community.

VI. Conclusion and Future Options. On page VI-6 the report states "Although the CDI program is fully funded by the State, some stated that the local jurisdiction would be receptive to developing an agency only if it was fully funded by the State". In Fairfax, and in other metropolitan areas where costs are very high, the program is not fully funded by the State because of the unrealistic cap placed by the DOC on administrative funds. Salaries, rents, and costs of all kinds are higher in the Northern Virginia area, and in fact the DOC recognizes that fact by allowing a differential to all DOC programs operated in Northern Virginia. The CDI regional office is allowed the differential as well, but it is denied in all other areas of the CDI grant. As a result Fairfax County funds portions of the salaries, all of the rent, and portions of most other administrative costs which for FY 85 will total more than \$14,363.

VI. Conclusion and Future Options. Recommendation 24 espouses "transferring CDI to Probation and Parole", according to preferred Alternative Two (page VI-13), despite overwhelming rejection of that proposal by the majority of the Coordinators and CCRB Chairpersons as stated on page VI-14.

The JLARC report seems to understand the very positive results of keeping the two programs distinct. On page III-6 CDI is described as "...a new and innovative program in the State's criminal justice system. By its unique organizational structure, CDI was perceived as being different from existing sentencing alternatives". Further, the report states:

The creation of local CDI agencies under a new CDI unit served two basic purposes. First, creating CDI separate from the Probation and Parole system brought attention to its existence. The semi-autonomous nature of CDI helped to reinforce the idea that CDI services were different from what courts were already being offered through probation services. As a separate program carried out through distinct agencies, CDI's ability to have smaller caseloads, and provide more treatment services and intensive supervision to offenders than probation, was stressed.

Second, the structure promoted CDI's image as a local agency responsive to local norms and needs. CDI agencies are locally operated, and CDI staff is not perceived as entrenched or committed to any long-standing or particular philosophy of corrections. This factor has likely contributed to CDI's success in gaining judicial support.

These two programs - CDI and Probation/Parole - are complementary and distinct, and in some areas differ philosophically. Placing a CDI felon on probation ties that offender to his/her contract and the court, and is not intended to place the felon under probation supervision. Indeed felons suitable for probation are not appropriate for CDI, and vice versa.

The report further states on page III-13:

The current organizational structure, in which CDI is located with the Jail and Probation and Parole managers under the Assistant Director for Adult Community Corrections, should be maintained for the present. The current location provides continuity, a logical structure for coordination of community based corrections efforts, and it appears to be working.

Failure to keep this distinction between the programs will very likely result in the CDI program not being able to be as successful as it has been.

Sincerely,

A handwritten signature in cursive script that reads "Jody Douglas".

Jody Douglas,
Coordinator

MAR 25 1985

MEMORANDUM

TO: JLARC

FROM: Benjamin C. Winn, Past Chairman, Fairfax County CCRB

RE: Exposure Draft on CDIP

DATE: March 19, 1985

This memo specifically addresses Recommendations 2 and 17. For several reasons, I feel that the Report should call for quick implementation of Recommendation 17, and should qualify Recommendation 2 in two ways. It should specify that Recommendation 2 not be acted upon for several years, and that local boards be given the option of determining which offenders, from a statewide list, are inappropriate for diversion.

Recommendations 2 and 17 suggest a natural progression supported by the Report. Briefly, CDI programs are still disjointed, and a free flow of information and data has not developed. The Report notes that coordinators as yet do not have extensive contact with one another. Implementing Recommendation 17 will alleviate this.

Further, the Report does not note that Virginia CDI is a national phenomenon. It is unprecedented, to my knowledge, that citizens and professions have been brought together on such a scale to deal with the problems of corrections and

crime. In essence, statewide CDI is a laboratory for corrections. However, it is still early to assess results such as which crimes are appropriate for consideration by the various boards. Again, implementing Recommendation 17 will alleviate this.

As an example of the danger of rushing to implement Recommendation 2 before the effects of implementing Number 17 are known, take the crime of forging checks. Within the Fairfax board, there was initial resistance to taking bad check felons primarily because they were seen as "not treatable." However, the program has had some success in treating those felons. On the other hand, another board may not be accepting these felons for the same reasons, or may not have had success with them. Until information from Fairfax is available to these other programs, implementing Number 2 risks losing a treatable population to incarceration.

This is not to say that Recommendation 2 is unfounded, only that it may be premature. It is also the type of Recommendation which a legislature would quickly endorse because it is concerned with cost savings. Therefore, I would strongly urge that it be qualified in the two ways which I mentioned, or at least qualified to add that its implementation be delayed until Number 17 is fully implemented.

Finally, I would like to commend JLARC on its report. I was pleased to see that a section emphasizing the involvement of citizens was included. In the long run, I feel that citizen participation may prove to be one of the most stabilizing forces guiding Virginia Community Corrections.

March 21, 1985

Mr. Ray D. Pethtel, Director
Joint Legislative Audit and Review Commission
910 Capitol Street, Suite 1100
Richmond, VA 23219

Dear Mr. Pethtel:

I want to commend the members of the Joint Legislative Audit and Review Commission (JLARC) on the detailed and professional report done on the Community Diversion Incentive Programs (CDI) in Virginia.

My comments will be numbered according to the recommendations to which they refer in the report.

- #2 Information gained from an intensive assessment of the CDI population would be very valuable. Care should be taken to ensure that the study is done in a rigorous research manner.

If eligibility requirements are established, the requirements should not be too narrow, for clients vary according to the locality.

- #6 Modifying a job description does not necessarily mean the objective will be accomplished. Hiring a temporary employee for 9 to 12 months to ensure a Master Plan is developed may be advisable.
- #9 Master Plan goals and objectives should be flexible enough to allow local autonomy in meeting the needs of the clients. Strategies for achieving goals and objectives should be left open ended to allow for creativity by the different localities.
- #10 A review of the workshops would be an asset to the CDI programs not attending the workshops. It would also be valuable as a summary for those CDI programs that did attend the workshops.
- #11 Depending on the locality, Probation/Parole insists on supervising clients that are in CDI. This is a waste of time, money and effort. Guidelines would help to define the role of the Probation/Parole officer and the CDI caseworker; unless a sanction is built into the guidelines, when interference occurs the guidelines

will not be effective.

- #12 CDI clients should not pay the \$15.00 probation fee while in the CDI program. The JLARC report on page D-2 states "If CDI is serving as an alternative to incarceration, CDI offenders should be classified as incarcerated felons rather than probationers". Yet the same report on page IV-21 states "The supervision fee provision applies to State felon diverttees because they are technically on probation".

There is an inconsistency in the report. Either the CDI clients are viewed as incarcerated felons or they are viewed as probationers, but the view should not be changed to meet the need of the studier. If the CDI clients have all the characteristics of an incarcerated felon, they should be treated as such. They should not have to pay the \$15.00 probation fee.

JLARC Note: There is no inconsistency in the report. The statement referenced on page D-2 is from the methodological explanation of the logit analysis and has been misinterpreted and used out of context. Regardless of his or her characteristics, an offender placed on probation is subject to the monthly probation fee as specified in §53.1-150 *Code of Virginia*.

- #14 A Regional Specialist's handbook is an excellent idea! Who will have the responsibility of developing such a handbook? The report should state a certain date for completion of the handbook. Again, as with the Master Plan, a temporary employee should be hired to help draft the handbook. Most of the regional specialists are much too busy to be able to develop the handbook alone.
- #15 All clients should have psychological evaluations even though the evaluation is one of the most expensive services given to the client. The Coordinator would have to make the decision on whether or not to request a psychological evaluation. This may put the Coordinator at odds with the Community Board, for Board members rely heavily on the psychological evaluation.
- #18 When the method of funding a residential facility is developed by DOC, regional expense characteristics should be built into the formula. Residential facilities in Northern Virginia will be more costly than in some of the southern regions of Virginia.
- #21 Establishing a temporary commission to assess the current state of community-based corrections in Virginia appears to be redundant. The JLARC report states that CDI is not duplicating or overlapping services provided by other community corrections programs. The DOC should be able to provide a master plan for community-based corrections in Virginia.

Conclusion and Future Options

Physical expansion or major changes should be curtailed for those CDI programs that are not complying with the present standards or not diverting the appropriate number of felons or misdemeanants, but the programs that are meeting the requirements and are growing should not be stopped from expanding. It would be a blow to the CDI program to have to tell the Judges in our community that we cannot take any more clients into our program because a cap had been predetermined.

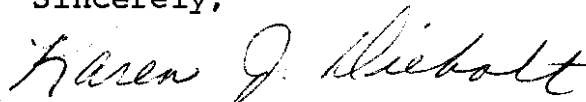
#24 I strongly disagree with this recommendation. CDI should not be placed under Probation/Parole. CDI is an alternative to incarceration and is more stringent than probation. I realize under this alternative there would be a mechanism to establish a CDI program in those localities where local government does not wish to actively participate. Yet local government and local citizens are what makes CDI work. The Board in Fairfax devotes many, many hours of its time to ensure the continued success of its program. Placing the CDI under Probation/Parole would take away the citizen input of the community. I have heard of one CDI program where the Probation/Parole representative runs the entire Board. If he does not want to take a client, he informs the Board of his decision and yells and browbeats anyone who tries to disagree. Is this the type of CDI program we want in Virginia?

CDI should be locally administered and the DOC CDI Unit should continue to provide State level supervision with the expert help of the regional specialists.

I have been on the Fairfax CDI Board for over two years. During this time the Fairfax CDI has developed and grown into an excellent program for diverting sentenced felons. I do not wish to see the enthusiasm and dedication on the part of our Board members diminished by burdensome guidelines and stringent restrictions.

Thank you for the opportunity to comment before the report is complete. I look forward to reading the completed JLARC report.

Sincerely,



Karen J. Diebolt

CDI

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COMMUNITY DIVERSION INCENTIVE

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SERVING COUNTIES OF:
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Mr. Kirk Jonas
JLARC
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

Dear Mr. Jonas,

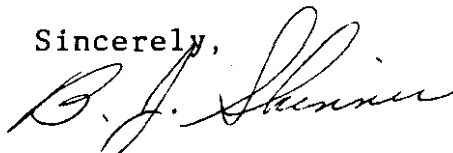
Please be advised that the Middle Peninsula/Northern Neck Community Corrections Resources Board has reviewed the exposure draft of The Community Diversion Incentive Program of the Virginia Department of Corrections, and have found only one area in which we are in disagreement.

As Chairman of the Middle Peninsula/Northern Neck Community Corrections Resources Board, I am requesting the section on page IV-20 regarding disagreements between CDI and the probation officer in Urbanna be deleted.

We feel that there were conflicting feelings between the previous Coordinator and probation and parole, but since her resignation all problems have been resolved.

Thank you for your time in reviewing this matter.

Sincerely,



B. J. Skinner
Chairman

BJS/rj



City of Norfolk

Office of the City Manager

MAR 25 1985

March 21, 1985

Mr. Ray D. Pethtel
Director
Joint Legislative Audit and
Review Commission
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

Dear Mr. Pethtel:

Thank you for the opportunity to review the JLARC exposure draft: The Community Diversion Incentive Program of the Virginia Department of Corrections. Although Norfolk's participation in the Community Diversion Program (CDI) was short-lived, much was learned during the program's operation. It is hoped that the following comments will be helpful in completing your study.

The issue of jail divertees is addressed several times in the report to include the statement that: "The Norfolk CDI Agency ceased operating on July 1, 1984 (factually it was August 1, 1984) because of its disagreement with DOC regarding the new spending limitation on felons diverted from jails". This is indeed correct and grew out of our experience in finding that local felons in Norfolk, who met the CDI diversion criteria, were in need of services more comparable to those needed by state felons as opposed to misdemeanants. We strongly agree with the study's finding that the issue of jail divertees, particularly those with felony convictions, needs to be reviewed by CDI. More data needs to be collected which will generate an accurate profile of the local felon.

We also agree with the study's call for a CDI Master Plan which could lead to "adequate funding based upon documentable and clearly communicated program requirements". Norfolk's decision to withdraw from CDI could most likely have been avoided had there been a Master Plan. Program guidelines for the treatment of local felons were altered mid-stream in response to funding shortages resulting from CDI's rapid growth. This presented Norfolk with a situation where funding became inadequate to continue the program in a manner which would meet local needs in Norfolk as originally defined and approved in the City's CDI grant application.

In conclusion, Norfolk's program enjoyed the benefits of a citizen board and judiciary well-versed as to the intent of CDI, and as a result enforced a strict adherence to its statutory objectives and administrative guidelines. Norfolk's experience warrants our support of the study's proposed alternative for restructuring CDI to establish the direct appropriation of funds to local programs with State level guidance coming from the statute.

Mr. Ray D. Pethtel
Page 2
March 21, 1985

Again, we appreciate the opportunity to review and comment on the JLARC draft. If there are any questions concerning our remarks, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'George C. Crawley', with a stylized flourish at the end.

George C. Crawley
Assistant City Manager
for Human Services

GCC/ke

PITTSYLVANIA AREA
COMMUNITY DIVERSION
INCENTIVE

16 N. Main Street, Suite 5 & 6
Post Office Box 1092
Chatham, Virginia 24531



MAR 22 1985

Arnold Barker, Coordinator
(804) 432-2041, Ext. 446, 447, 448
(804) 797-9550, Ext. 446, 447, 448
(804) 656-6211, Ext. 446, 447, 448

March 20, 1985

Joint Legislative Audit and Review Commission
Ray D. Pethtel, Director
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

Dear Mr. Pethtel,

Thank you for sending a copy of the JLARC exposure draft on the CDI programs. The Community Corrections Resource Board for this program met and made the following observations and recommendations:

1. and A.19- We agree with all aspects of recommendation 1 and A.19.
2. We agree with all aspects of recommendation 2, with the observation that specific criteria be implemented to determine appropriate types of offenders.
3. through 9.- We agree with all aspects of recommendations 3 - 9.
10. We agree with recommendation 10, with the observation that care should be taken to any item that can be handled by memorandum should be handled that way. Also, we feel it is important that Coordinators and Specialists have the opportunity to meet with Managers on a regularly-scheduled basis. However, care should be taken to avoid unnecessary expenditures, ie mileage and meals when that business could have been handled by letter.
11. The Board felt that Probation and Parole and the local CDI programs should be separate agencies with an active line of communication at all times. The Board also felt that probation should be waived while on the CDI program.
12. The Board felt it was inappropriate for CDI clients to pay the \$15.00 fee.
13. through 17.- We agree with recommendations 13 - 17 as written.
18. through 20- We support recommendations 18-20.
21. The Board felt that a commission is not necessary at this time in view of adoption of standards for program policy. Showing compliance of these standards should be safeguard

Pittsylvania CDI

Page 2

JLARC


Mr. Ray D. Pethtel, Director

enough. Therefore, the Board felt that a commission would be a repetitious agency.

22. through 24. The Board agrees with all aspects of recommendations 22- 24.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,


Arnold Barker
Coordinator

AB/d

cc: Teresa Biggs, Community Corrections Specialist
All CCRB Members
Mr. Dan Sleeper, Project Administrator



COMMONWEALTH of VIRGINIA
COUNTY OF PRINCE WILLIAM
Judicial Center
9311 Lee Avenue, Manassas, Virginia 22110 (703) 335-6065

COMMUNITY
CORRECTIONS PROGRAM

Ruth D. Johnson
Coordinator

March 7, 1985

MAR 11 1985

JLARC
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

RE: Community Diversion Incentive
Program (Exposure Draft)

Sirs:

I have reviewed with great interest the Exposure Draft of the Community Diversion Incentive Program. I commend you on an excellent report.

There are four factual corrections that I hope you will make.

1) Page V-7: the Prince William County program has provided very limited medical services and has also provided psychiatric treatment and had done so prior to June, 1984. Therefore the key should indicate "offered" for these two categories. All services thus are "offered" by our program.

2) Page V-10: line 1 of the inset should read "residential alcohol treatment for the(the words "and drug" to be deleted).

3) Page V-10: line 10 of the inset should read "the facilities would be up to \$200/bed/day" ("approximately" to be deleted and "up to" inserted).

4) Page V-10: lines 20 ~~and 21~~ should read "CDI agency cannot afford to provide this spectrum of residential" ("this spectrum of" to be added). As further explanation of this, I would note that our program does indeed provide residential alcohol treatment, but can do so at only one facility under the funding guidelines of \$30 per bed per day, instead of having the range of treatment modalities available to other residents of our County.

I would like to offer a further suggestion for your consideration. On page V-11 it is noted, correctly, that it is difficult to find proper substance abuse treatment for clients with dull normal or lower intelligence scores. I believe that several coordinators, myself included, mentioned the same problem for the

emotionally disturbed as well. If your review shows this to be the case, I would suggest that this category of client be included on page V-11, paragraph 2, and in Recommendation #17 on page V-32.

I would appreciate your assistance in making these corrections. If you need any further information, I am available to you at any time.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Ruth D. Johnson', with a long horizontal flourish extending to the right.

Ruth D. Johnson, Coordinator



COMMONWEALTH of VIRGINIA
COUNTY OF PRINCE WILLIAM
Judicial Center
9311 Lee Avenue, Manassas, Virginia 22110 (703) 335-6065

COMMUNITY
CORRECTIONS PROGRAM

Ruth D. Johnson
Coordinator

March 26, 1985

MAR 30 1985

Mr. Ray D. Pethtel
JLARC
Suite 1100, 910 Capitol Street
Richmond, Va. 23219

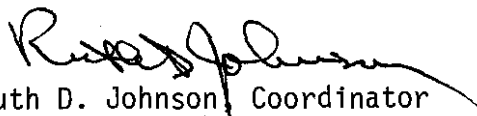
Dear Mr. Pethtel:

The Prince William County Community Corrections Resources Board asked that I transmit to you their concern about one item in the JLARC exposure draft entitled The Community Diversion Incentive Program of the Virginia Department of Corrections.

Recommendation 4 states that the current CDI organizational structure be maintained for the present. However, on pages VI-12 and 13, several alternatives for future consideration are suggested, with Alternative Two selected as the preferred alternative. The PWC CCRB believes that it would be useful to know why the other alternatives were rejected, particularly in view of the clearly stated objections to such a merger by the vast majority of respondents (page VI-14). In particular, CCRB members suggested that the identifying characteristic of the CDI Programs, i.e. the direct citizen involvement through CCRBs, would be better served by keeping the two agencies separate.

Our CCRB members were particularly gratified by the quality of your review. Please advise me if you need any enlargement on these comments.

Sincerely yours,


Ruth D. Johnson, Coordinator

racsb

**RAPPAHANNOCK AREA
COMMUNITY SERVICES BOARD**



**MENTAL HEALTH SERVICES
MENTAL RETARDATION SERVICES
SUBSTANCE ABUSE SERVICES**

Service Area: Caroline/Fredericksburg
King George/Spotsylvania/Stafford

601 Caroline Street / 6th Floor / Fredericksburg, VA 22401 / 703-371-7137

March 14, 1985

MAR 15 1985

Mr. Ray D. Pethtel
Director
Joint Legislative Audit & Review Commission
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

Dear Mr. Pethtel:

This correspondence is in response to the JLARC exposure draft entitled The Community Diversion Incentive Program of the Virginia Department of Corrections, and your request of February 22, 1985, for a review of factual information and a response to the recommendations contained in the draft.


In regard to factual information, table 22 reflects some inaccuracies in regard to our program. Inpatient Alcohol/Drug treatment, basic education and vocational training are available here. It should be noted that our program had just begun at the time of the study; perhaps this contributed to the inaccuracies.

In regard to the recommendations made by JLARC, we feel they are sound and well intended for the most part, the intention being obviously to assist DOC/CDI in improving and strengthening what is already a strong and viable program. We would be opposed, however, to the long-term suggestion that, as an organizational alternative, CDI be transferred to Probation & Parole. We see no useful purpose to be gained from this; in fact this move may dilute the CDI programs and remove some of the independent qualities that make CDI programs rather unique in corrections.

Thank you for your interest in CDI. Should I be of further assistnace, please do not hesitate to contact me.

Sincerely,

RAPPAHANNOCK AREA COMMUNITY
DIVERSION PROGRAM


Jeffrey R. Eastland
Coordinator

JRE/tts

MAR 26 1985



City of Virginia Beach

March 22, 1985

OFFICE OF THE CITY MANAGER
COMMUNITY DIVERSION PROJECT

MUNICIPAL CENTER
VIRGINIA BEACH, VIRGINIA 23456-9002
(804) 427-4689/4551

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CAROLINE BALDWIN
CDI COORDINATOR

Mr. Ray D. Pethtel
Director, Joint Legislative
Audit and Review Commission
Suite 1100, 910 Capitol Street
Richmond, VA 23219

Dear Mr. Pethtel:

On behalf of our Community Corrections Resources Board and in my personal view as well, I submit that the draft report prepared by your agency concerning community diversion was based on careful and thorough research and well presented.

Our observations are only that clarification is needed in reference to the definition of violent crimes and that we are opposed to any consideration of placing diversion under the division of Probation and Parole. Board Members felt that the success of the program has been largely due to the local flavor and community involvement. Absorbing diversion in the state system would be an obstruction to the continuing development of community allegiance for the program.

Sincerely,

Caroline Baldwin

CB:psh

cc: Mr. Michael Rucker, Chairman, CCRB
Ms. Larraine Caldwell, Vice-Chairman, CCRB
Mr. John L. Perry
Mr. Richard Taylor
Gene A. Woolard, Esquire
Mr. Mason Moton
Mr. Billy A. Franklin

NEW RIVER COMMUNITY SENTENCING, INC.

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MAR 28 1985

March 25, 1985

Ms. Barbara A. Newlin, Principal Legislative Analyst
Joint Legislative Audit and Review Commission
Suite 1100, 910 Capitol Street
Richmond, Virginia 23219

RE: JLARC CDI Report

Dear Ms. Newlin:

Thank you for our copy of the above. As you request comments by March 29, the following have been reviewed by our Board Chairman only. The next Board meeting is not until April 9, 1985.

1. It might be helpful to compare CDI's cost per client to the cost for the agencies listed in Appendix F, as well as to the Probation and Parole operated community service order programs in Harrisonburg and Portsmouth. Also, you might compare recidivism rate for CDI and probation supervision.
2. How would expansion of CDI into a statewide program duplicate existing non-CDI projects such as ours?
3. What composition do you foresee for a study commission, if one should be established.
4. Please note we provide the following services in addition to those listed:

Family Support

for: Families of Offenders

Parole Planning Assistance

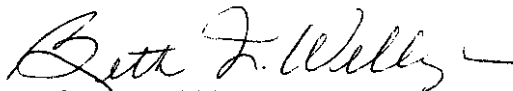
for: Felons in State Institutions

Court Orientation, Social Services,
Restitution Assistance, etc.

for: Victims and Witnesses in Felony Cases

Thank you for the opportunity to participate in this study. If you have any questions, feel free to call me at (703) 382-0802. I look forward to reading your completed report in May.

Sincerely,



Beth J. Wellington
Executive Director

cc: H. Gregory Campbell, Jr.

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