

Alternatives for **N**on Violent **Offenders** Task Force

2010 Task Force Recommendation Actions

Report to the Virginia Sentencing Commission
November 15, 2010

Task Force Mandate



- Secretary of Public Safety to:
 - “ . . . Form a task force to develop recommendations to expand the utilization of alternative methods of punishment for nonviolent, lower-risk offenders who have been sentenced by a court to a term of incarceration.” (Item 387:G.1)

2009 Recommendations

- 15 Recommendations to:
 - Address Technical Violators
 - Enhance Community Supervision
 - Expanding Community Services
 - Extending and Expanding the Task Force

Recommendation 1: Probation Violation Sentencing Guidelines

HB30: Item 41, G.1 (2010 GA Actions)

- Budget language requires sentencing revocation report worksheets in all probation revocation and sentence suspension revocation cases in which the defendant is under the direct supervision of the Dept. of Corrections probation office.
- In addition, the court shall review the discretionary probation violation guidelines established by the Virginia Criminal Sentencing Commission for probation violation hearings.
- This change will hopefully reduce the number of technical probation violators sentenced to incarceration.

Recommendation 6: Probation Sentence Credit

- **SB30: Item 41, F.1** – The Senate Budget included language to provide certain nonviolent offenders on probation to earn credits which will reduce the length of their term of probation, and limits the maximum time on probation. *(Failed)*
- **SB615 (Howell)** - The bill would have provided offenders on probation supervision the ability to earn credits toward supervision reduction and required DOC to develop a supervision plan for each individual offender. *(Failed)*

Recommendation 8: Immediate Sanction Program (HOPE)

- **HB30/SB30: Item 39, J.** – Language was included in the adopted budget to require Chief Justice to establish two pilot programs for dealing with probation violators based on Hawaii's HOPE program.
- **HB927 (Rob Bell)** – This bill establishes one immediate sanction probation program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court and would serve no more than 30 days in jail for a probation offense.

The language of HB927 was preferred and budget language was deleted to remove potential conflicts between budget and Code.

Recommendation 9: Drug Courts

HB30: Item 39, I.

- The introduced budget included language to prohibit using available funding for drug court programs that serve **only** first time substance abuse offenders or do not include probation violators.

Language was adopted on 3.14.2010.

Recommendation 10:

Expand Electronic Incarceration

- **HB30: Item 370, C** - The budget requires the Secretary of Public Safety to develop a statewide system for the use of GPS and other electronic methods of monitoring offenders as an alternative to incarceration. The guidelines and criteria for the use of these systems should be developed in coordination with the Departments of Corrections, Criminal Justice Services and General Services as well as the Sheriffs Association.
- **SB30: Item 49, B.** – The Senate Budget directed the Virginia Criminal Sentencing Commission to encourage the use of home electronic incarceration for low-risk nonviolent offenders who might otherwise be recommended for incarceration under the felony sentencing guidelines. **(Failed)**
- **SB30: Item 380, J.** – The Senate budget included language to authorize good-time credits for local or regional jail inmates assigned to home electronic incarceration programs. **(Failed)**

Recommendation 13: Expand Evidence-Based Practices

HB30/SB30: Item 376, B. –

- The Budget includes \$150,000 appropriation (source: the Drug Offender Assessment Fund) to support the implementation of evidence-based practices in the Department of Corrections probation and parole districts.
- The goal of the Task Force was to have all DOC's Probation and Parole offices utilizing evidence-based practices.

Recommendation 15: Extend and Expand the Task Force

HB30: Item 370, D. –

- The Secretary of Public Safety shall continue the Task Force on Alternatives for Nonviolent Offenders.
- The Task Force shall monitor the progress of its prior recommendations that were adopted and are being implemented.
- It shall also continue to investigate means of reducing the number of nonviolent offenders incarcerated in prisons and jails without endangering public safety, including additional steps which may be required to encourage the expanded use of electronic monitoring, and may expand its scope to include reentry issues.

2010 Task Force

- The Task Force Considered:
 1. Expansion the use of D&D Centers
 2. Renew funding for Day Reporting Centers
 3. Improve Mental Health Services
 4. Expand Electronic Monitoring and GPS

Recommendation 1:
Expansion the use of D&D Centers

- Implement measures intended to strengthen the utilization and effectiveness of the detention and diversion centers:
 - *Programming*
 - *Consolidation of D&Ds and Renaming*
 - *Direct Referral*
 - *Pilot Local Program*

Recommendation 2:
Expansion the use of Day Reporting Centers

- ***DOC explore reallocating resources to open DRCs***
- ***Establish one pilot DRC that incorporates evidence based offender supervision and treatment services to include employment assistance/job placement, housing and education (re-entry tools) as an alternative to incarceration.***

Recommendation 3: Improve Mental Health Services

■ Training

- *Develop and Expand Crisis Intervention Team (CIT)*
- *Modify Training Curriculum for jails/corrections*
- *Target training for Judges, PO and Magistrates*
- *Identification, de-escalation and intervention for CJ personnel*

Recommendation 3: Improve Mental Health Services

■ Training Contd.

- *The Commonwealth should explore ways to develop, fund and deliver additional Cross Systems Mapping Workshops which target the juvenile justice and behavioral health.*
- *The DBHDS, in collaboration with the DOC and the DCJS, and in consultation with the DOE should identify and develop appropriate curricula and training opportunities in all these areas (mental health/criminal justice)*

Recommendation 3:
Improve Mental Health Services (Contd.)

■ **Continuum of Care**

- *The DBHDS in collaboration with relevant stakeholders create an effective, accessible and cost neutral or cost saving formulary and distribution plan of available medications.*
- *A workgroup to identify & make recommendations for amending or drafting appropriate sections of the COV to reduce barriers to the exchange of information among jails, prisons, hospitals and community mental health providers*

Recommendation 3: Improve Mental Health Services (Contd.)

- **Continuum of Care (Contd.)**
 - *Critically examine the efficacy of selected existing local or regional jail diversion programs (clinical outcomes, criminal justice outcomes and economic impact)*

Recommendation 4: Expand Electronic Monitoring and GPS

- ***Model guidelines for local electronic monitoring programs prepared by DCJS and DOC for locality was recommended (will be available on website for localities to use)***
- ***Amend COV to provide good- time credit for misdemeanants offenders placed on electronic monitoring (employed or with medical conditions)***