

**Feedback for the Governor's
Task Force on Alternatives for
Nonviolent Offenders**

Alternatives for Non Violent Offenders Task Force

- **The 2010 General Assembly directed the Secretary of Public Safety to continue the Task Force on Alternatives for Nonviolent Offenders**
- **For 2010, the Secretary's Office is focusing its work on four main areas:**

Detention and Diversion Center Programs

Day Reporting Centers

GPS/Electronic Monitoring

Offender Mental Health Issues

Detention and Diversion Center Programs

- **Detention and Diversion Center programs were created in 1994, during the Special Session in which the General Assembly adopted legislation to abolish parole and implement truth-in-sentencing in Virginia**
- **Both programs were designed for incarceration-bound, nonviolent felons who require more security or supervision than is available through community supervision alone**
- **Since 2000, the Parole Board has been able to make referrals to Detention and Diversion Centers for parole violators**
- **Since 2008, technical probation violators can also be sentenced to Detention and Diversion Center programs**

Eligibility Criteria

- **Felons who have not been convicted of a violent felony as defined in § 19.2-297.1 are eligible for Detention and Diversion Center programs**
 - **§ 19.2-297.1 defines violent offenses as: first and second degree murder, voluntary manslaughter, mob-related felonies, felony abduction, malicious felonious assault or malicious bodily wounding, robbery, carjacking, felony sexual assault, certain arson felonies, and attempts or conspiracies to commit any of these crimes**
- **In addition, participants must meet physical and mental health eligibility requirements**

Detention Center Program Overview

- **The Detention Center program is a 5-7 month residential program emphasizing military drill and discipline, strict hygiene, and limited privileges**
- **Offenders perform physical labor in organized public works projects/community service projects and at some prison complexes**
- **Offenders participate in random urinalysis, medical and psychological counseling, Breaking Barriers, transitional services, substance abuse treatment, Life Skills, GED/ABE classes, and are evaluated for therapeutic treatment groups**
- **Upon successful program completion, offenders have a mandatory period of intensive supervision followed by at least one year of regular supervision**

Diversion Center Program Overview

- **The Diversion Center program is a 5-7 month residential program emphasizing work on paid jobs**
- **Offenders may also perform physical labor in organized public works projects/community service projects and at some prison complexes**
- **Offenders participate in random urinalysis testing, medical and psychological counseling, Breaking Barriers, transitional services, and are evaluated for therapeutic treatment groups**
- **The program offers employment counseling, substance abuse education, NA/AA groups, basic education/GED preparation, parenting and domestic violence skills, independent living skills, and transitional services**
- **Offenders have a mandatory period of intensive supervision followed by at least one year of regular supervision upon successful program completion**

Source: *Virginia Department of Corrections Overview of Detention & Diversion Centers*, Virginia Department of Corrections report submitted to the Secretary of Public Safety (August 2010)

Program Referrals

- **Circuit court judges and the Parole Board refer offenders to Detention and Diversion Center programs**
 - **Courts account for the vast majority of referrals**
- **§§ 19.2-316.2 and 19.2-316.3 specify that a sentence to a Detention or Diversion Center program shall not be imposed in addition to an active sentence to a state correctional facility**

Offenders Referred to Detention and Diversion Center Programs FY2006 – FY2010

- **Offenders with current convictions for drug, larceny, and fraud offenses accounted for 76% of court referrals**
- **Many offenders were sentenced to participate in both Detention and Diversion Center programs**
 - **Approximately half of court referrals specified both programs**
 - **Offenders participate in a Detention Center program followed by a Diversion Center program**
- **Though considered an alternative to incarceration, nearly 35% of offenders referred to Detention/Diversion by the court were also sentenced to an active term of incarceration (the majority of these offenders received an active jail term)**

Source: *Virginia Department of Corrections Overview of Detention & Diversion Centers*, Virginia Department of Corrections report submitted to the Secretary of Public Safety (August 2010)

Offenders Referred to Detention and Diversion Center Programs FY2006 – FY2010

- **Approximately 57% of the offenders referred by the court had been recommended by the sentencing guidelines for a jail term of less than 12 months**
- **Approximately 35% of referred offenders had been recommended by the guidelines for a sentence of 12 months or more (midpoint recommendation)**
- **The remainder of court referrals had been recommended for probation**
- **Just over half (55%) of offenders referred by the court had been recommended for an alternative sanction based on the Commission's risk assessment instrument for nonviolent offenders**

Utilization of Detention and Diversion Center Programs FY2006 – FY2010

	FY06	FY07	FY08	FY09	FY10
Diversion Centers					
Caseload on June 30	461	465	481	339	345
Capacity	572	572	572	442	420
Utilization Rate	81%	81%	84%	77%	82%
Detention Centers					
Caseload on June 30	290	290	303	216	238
Capacity	400	400	400	254	254
Utilization Rate	73%	73%	76%	85%	94%

Source: *Virginia Department of Corrections Overview of Detention & Diversion Centers*, Virginia Department of Corrections report submitted to the Secretary of Public Safety (August 2010)

**Recidivism Rates for
Detention and Diversion Center Graduates
CY2000, CY2003, and CY2006**

	CY00	CY03	CY06
Diversion Centers	32.5%	33.0%	34.2%
Detention Centers	35.9%	34.5%	40.9%
Detention & Diversion Centers (participation in both programs)	38.3%	37.2%	34.6%
Overall	35.2%	34.7%	35.3%

Recidivism is defined as re-incarceration to serve a state-responsible prison sentence within three years of release from a Detention or Diversion Center program

Source: *Virginia Department of Corrections Overview of Detention & Diversion Centers*, Virginia Department of Corrections report submitted to the Secretary of Public Safety (August 2010)

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

- **This year, the Task Force on Alternatives for Nonviolent Offenders will be discussing ways to utilize Detention and Diversion Centers most effectively, including possible modifications of the target population, eligibility criteria, program design, and program services**
- **Considerations will be made in conjunction with the Governor's prisoner re-entry initiative**
- **The Task Force has asked for the Sentencing Commission's input as to the best uses of Detention and Diversion Centers**

