

DBHDS

Virginia Department of
**Behavioral Health and
Developmental Services**

Sexually Violent Predator Census Growth at the Virginia Center for Behavioral Rehabilitation

Virginia State Crime Commission
September 16, 2009

James Reinhard, M.D.
Commissioner, DBHDS

Virginia's civil commitment program of persons found Sexually Violent Predators represents a close collaboration between:

- Department of Corrections
- Office of the Attorney General
- Department of Behavioral Health and Developmental Services, and
- Respective Secretariats

Current Status of SVP Commitment

Total persons found SVP	214
Total persons at VCBR	156
Total persons conditionally released from VCBR	4
Total person on SVP conditional release	28
Total persons awaiting final disposition	24
Total person found SVP, committed to VCBR and awaiting transport	5

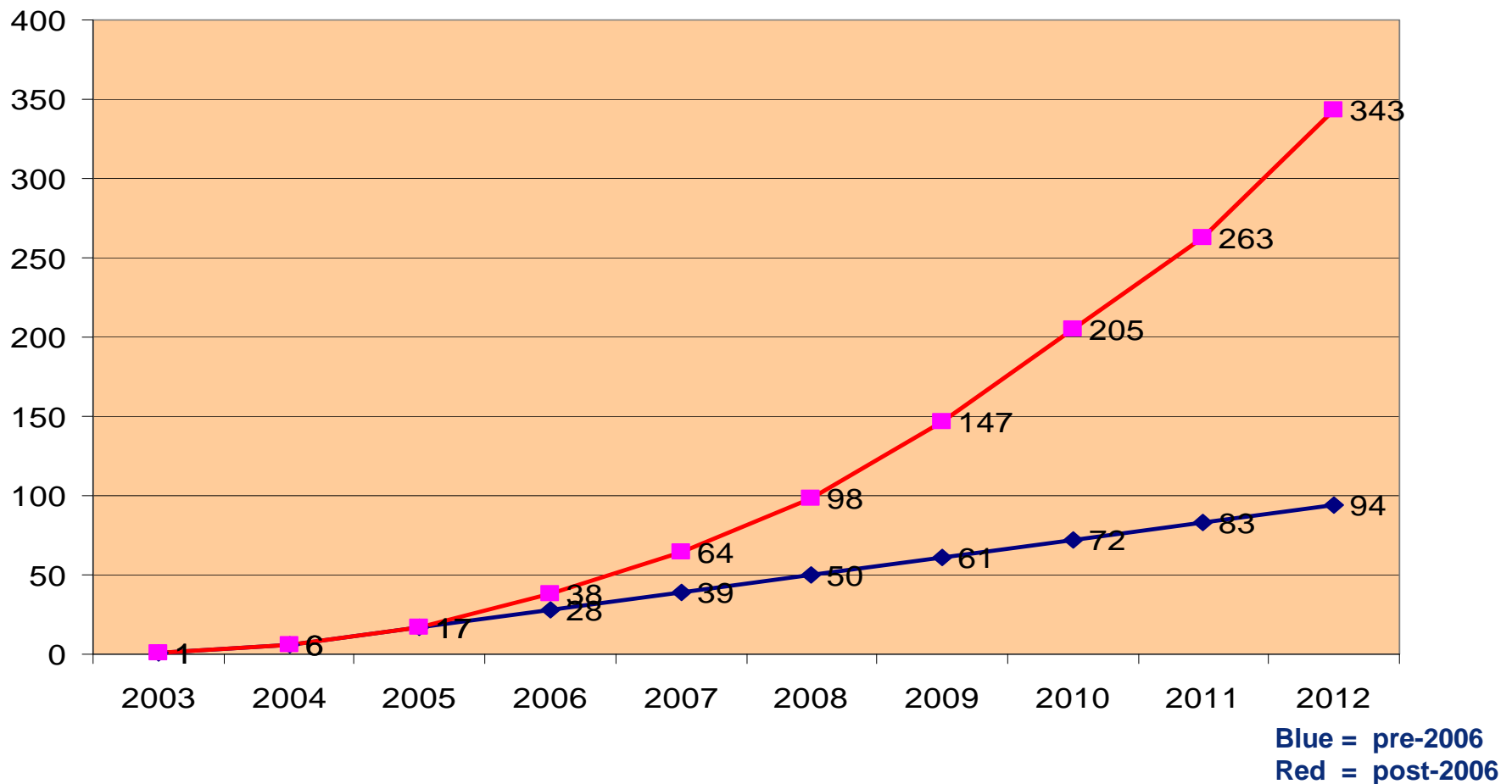
Problem: Virginia's Secure SVP Facility Will Be Full in 2012

In 2006, SVP qualifying crimes expanded from 4 to 28, increasing SVP-eligible inmates by about 350%. VCBR's design was based on the original 4 SVP qualifying crimes.

18-54	Rape, 1950 Code
18.1-44	Rape, 1950 Code
18.2-31	Capital Murder with sexual assault
18.2-61	Rape
18.2-67.1	Forcible Sodomy
18.2-67.2	Object Sexual Penetration
18.2-48 (ii)	Abduction with sexual intent
18.2-48 (iii)	Abduction with intent to extort money or for immoral purpose
18.2-63	Carnal Knowledge of child, 13 to 15 year old
18.2-64.1	Carnal Knowledge of minor in care by caregiver
18.2-67.3	Aggravated Sexual Battery
18.2-31	Capital Murder with intent to defile
18.2-32	1st or 2nd degree murder when present with intent to rape, forcible sodomy or inanimate or animate object sexual penetration
18.2-67.1	Forcible sexual offense committed prior to July 1,
18.2-67.2 or .3	With conspiracy or attempt to commit any of the above offense

Commitment Rate to VCBR

VCBR growth rates projected based on pre- and post-qualifying crimes change.



Populations Not Part of Current Forecast Model

Female SVP

- Only a small number of female SVP - no other SVP state has more than 3 females committed as SVP
- At VCBR, females are housed on a 25-bed living unit because they must be segregated from males for safety
- Currently two females at VCBR and one female SVP pending commitment

Un-Restorably Incompetent to Stand Trial (URIST)

- Before Jan. 2009, only 2 cases committed to VCBR; since then, 10 cases referred for commitment and 6 cases pending
- Most are intellectually disabled, requiring safe accommodations and appropriate treatment programming
- Currently housed and treated with general VCBR population

Strategy 1: Reopen VCBR-Petersburg

VCBR-Petersburg

- 48 beds in 2 buildings: Each building divided into two 12-bed units, allowing sections to be opened at a time

Advantages

- Restore use of 25 beds at VCBR-Nottoway for females, plus beds used for URIST residents
- Eliminate safety issues concerning mixing genders and intellectually vulnerable residents
- Facilitate treatment programming specifically for females and URIST residents
- Opportunity for establishing expanded services for female and URIST individuals that might be vended to other states

Cost

- \$1,155,430 in operating costs for half of the campus
- One time cost to re-commission and re-furnish

Strategy 2: Expand Use of SVP Conditional Release

Expansion would involve:

- Safely increase the use of conditional release which will require developing an algorithm for identifying and diverting individuals from secure commitment to conditional release
 - Arizona and Texas already successfully used such an approach
- Build regional transitional housing resources to overcome limited availability of appropriate housing
 - Relatively cheap, effective, and efficient approach to safely placing SVP individuals in the community
 - Private agencies in Virginia have experience and are willing to develop such housing
 - 2 SVP states have built regional transitional housing

Strategy 2: Expand Use of SVP Conditional Release

Transitional Housing

- **Model:** Supervised, group living provided by private agencies on contract to the Commonwealth providing:
 - 90-180 days of appropriate and supervised housing
 - Intensive sex offender treatment
 - Education in the skills of daily living and self-sufficiency
 - Supervision provided by DOC as presently used in Virginia
- **Cost:** About \$5,000 per bed per month for 3-6 months
 - \$21,000 per year for supervision services
 - \$26,000 to \$51,000 for first year; \$21,000 thereafter
 - Cost per year at VCBR = \$140,000
- **Utilization:** This option would not be used with individuals who have available family or other appropriate resources

Strategy 3: Construct a new 150-bed SVP transitional facility

A transitional facility would:

- Operate as a step-down treatment facility after VCBR, slowing census growth
- Be dual security level: medium internal apartments and lower on-grounds cottages
- Continue sex offender treatment
- Provide services to reconnect residents with community
- Provide intensive career vocations preparation
- Target length of stay is 18 months
- Not open until after 2012

Cost:

- \$85-100 million to construct
- Operation should be less than VCBR due to lower security

Recommendations

1. Create a work group including members of the General Assembly, Administration, DBHDS, DOC and OAG to:
 - Develop a SVP placement algorithm and a set of policies and procedures supportive of its implementation; and
 - Provide a final set of recommendations on SVP census growth mitigations strategies to the Governor and the General Assembly by July 1, 2010.
2. Reopen VCBR-Petersburg for females and URIST committed as SVP.
3. Continue design and development of new secure SVP facility as transition between VCBR and community.