

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

Task Force Recommendations
Presentation to the Joint Subcommittee on
Public Safety

October 19, 2009

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)

Task Force Members

John W. Marshall, Secretary of Public Safety, Chair

Marilyn P. Harris, Deputy Secretary of Public Safety

The Honorable Jerrauld Jones, Norfolk Circuit Court

The Honorable Catherine Hammond, Henrico County Circuit Court

The Honorable Don Caldwell, Roanoke Commonwealth's Attorney

The Honorable Neil Vener, Campbell County Commonwealth's Attorney

The Honorable Michael Herring, Richmond Commonwealth's Attorney

The Honorable Thomas Jones, Charlotte County Sheriff

The Honorable Robert McCabe, Norfolk Sheriff

Chief Richard Clark, Galax Police Department

Chief Michael Scott, Arlington County Police Department

Marla Decker, Office of the Attorney General

Lance Forsythe, Southside Regional Jail Superintendent

Task Force Members

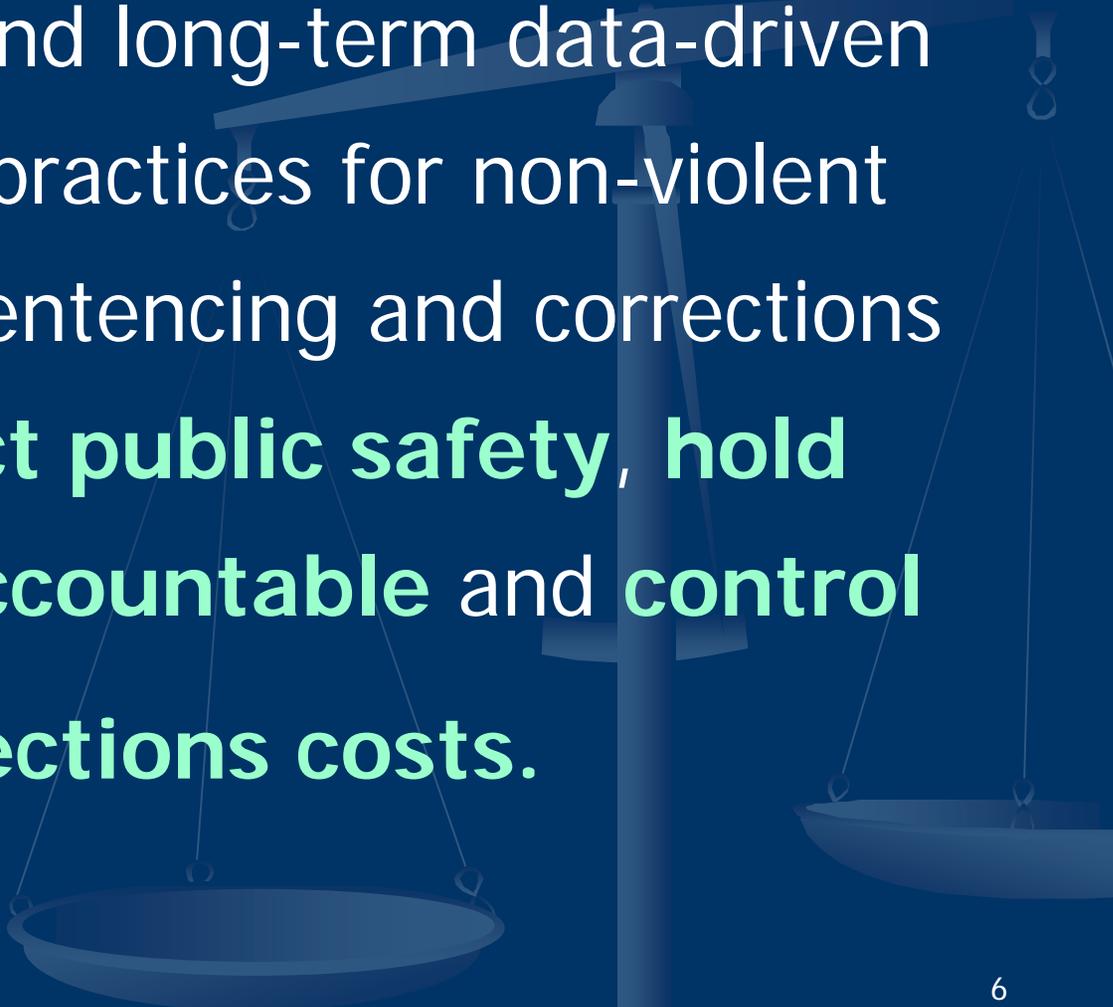
Jeffrey Frazier, Northern Neck Regional Jail Superintendent
Peter Meletis, Prince William/Manassas Regional Jail Superintendent
Gene Johnson, Virginia Department of Corrections Director
Michael Maul, Virginia Department of Planning and Budget
Helen Fahey, Virginia Parole Board Chair
Robyn deSocio, Virginia Compensation Board
Dr. Richard Kern, Virginia Criminal Sentencing Commission Director
Conaway Haskins III, Office of U.S. Senator Jim Webb
George Keiser, National Institute of Corrections
Pat Nolan, Prison Fellowship
Dick Hall-Sizemore, Virginia Department of Planning and Budget
Dick Hickman, Senate Finance Committee
Paul Van Lenten Jr., House Appropriations Committee
Chris Webb, Board of Criminal Justice Services/retired Regional Jail Superintendent

Technical Support

- Pew Center on the States
- Vera Institute of Justice
- National Institute of Corrections
- Department of Criminal Justice Services
- Department of Corrections
- Department of Planning and Budget

Task Force Goal

Develop short and long-term data-driven policies and practices for non-violent offenders in sentencing and corrections that **protect public safety, hold offenders accountable and control corrections costs.**



Task Force Process

- Meeting One: May 28, Overview of Virginia's Criminal Justice System
- Meeting Two: June 17, Exploring Alternatives for Non-Violent Offenders
- Meeting Three: July 23, Discussion in Facilitated Work Groups
- Meeting Four: August 20, Developing Recommendations

Recommendations

- Addressing technical violators
- Enhancing community supervision
- Expanding community services
- Extending and expanding the Task Force

Recommendation 1: Probation Violation Sentencing Guidelines

Enact legislation codifying the probation violation sentencing guidelines and direct the Virginia Criminal Sentencing Commission to revalidate the risk assessment instrument used for offenders recommended for a prison or jail sentence.

- Increase use of guidelines statewide (measured at only 53.7 percent in FY2008)
- Reduce disparity in sentencing technical violators
- Risk assessment identifies those who can safely remain and be punished in the community
- Approximately 48% of technical violators who would otherwise be recommended for prison or jail may be recommended for alternative sanctions

Recommendation 2: Short Jail Stays

Enact legislation giving DOC's Community Corrections Division the authority to use short jail stays as an intermediate sanction for probation technical violators, ensuring that due process concerns are addressed and that the impact on local jail space is taken into consideration.

- Allow for swift and certain responses to rule-breaking
- Establish uniform statewide policy
- Nine other states have implemented similar sanctions
- Due process concerns addressed by legislating administrative authority and limiting confinement period

Recommendation 3: Alternative Sanction Center

Develop ways to expand the use of detention and diversion facilities by adding nursing staff to ensure that a greater number of offenders are eligible for the facilities, using the centers as intermediate sanction facilities for technical violators and streamlining the screening process for offenders.

- Provide range of medical and mental health services to respond to offender's needs
- Notify judge of offender's eligibility for placement at facilities at time of sentencing
- Use for technical violators in lieu of prison

Recommendation 4: Streamline the Violation/Revocation Process

Work with the judiciary to establish administrative rules of the court, creating procedures for court violation dockets.

- Relieve pressure on jail beds
- Provide for a more immediate and effective response to violations
- Standardize procedures across the state

Recommendation 5: Maximum Supervised Probation Term

Enact legislation that sets a maximum term of supervised probation for certain offenders, with the purpose of shortening the average length of supervision for most probationers.

- Frontload resources to the start of an offender's term of probation
- Provide consistency across the state regarding probation term lengths
- Allow for suspended sentence to be re-imposed if offender commits a new crime

Recommendation 6: Earned Compliance Credit

Enact legislation that creates a statewide system that awards credit to probationers upon the completion of goals or months in compliance.

- Focus resources on higher-risk probationers
- Provide powerful incentive to probationers
- Establish a clear, statewide standard for the early termination of probation terms

Recommendation 7: Non-Active Supervision Category

Re-examine and streamline the process by which probationers may be moved off supervised probation if the failure to make full payment of fines, fees and costs are the sole reason why the probationer is kept under supervised probation.

- Focus resources on higher-risk probationers
- Provide more time for probation officers to focus on higher-risk offenders

Recommendation 8: Pilot HOPE Program

Implement pilots in two jurisdictions that provide for swift and certain sanctions for probation violations, based on the HOPE program in Hawaii.

- Swift and certain sanctions have been effective in Hawaii's HOPE program (reducing revocations and new arrests by two-thirds)
- Establish pilots in sites where evidence-based practices are underway and local agencies already collaborate

Recommendation 9: Expand Drug Courts

Expand existing drug courts that focus on moderate to high-risk offenders (e.g., technical violators or those convicted of multiple offenses rather than first-time drug offenders)

- 98 percent of adults in drug courts in Virginia had no new arrests while in program in FY2008
- 89 percent maintained a consistent place of residence
- Nationally, drug courts achieve a 10.7 percent reduction in recidivism compared with non-drug court offenders

Recommendation 10: Expand Electronic Incarceration

*Negotiate a statewide contract for the purchase of electronic monitoring and GPS equipment.
Enact legislation that grants sentence credit for those offenders who are given a sentence of home incarceration.*

- Statewide contract would reduce costs for localities
- Sentence credit would free up bed space
- Standard guidelines would ensure that home incarceration was not only available to those who can afford the fees

Recommendation 11: Renew Funding for Day Reporting Centers

Renew funding for day reporting centers and ensure that they apply evidence-based practices.

- Provide non-residential treatment and services to offenders on probation and parole
- Funding eliminated in the budget
- Offer programs in response to offenders' needs in structured environment

Recommendation 12: Improve Treatment Options

Increase funding for treatment options throughout the criminal justice system with a particular focus on proven outpatient services.

- Funding for treatment services was significantly reduced in FY2009
- Substance abuse and drug offenses are primary driving factors of the prison population
- Invest in highly structured outpatient services

Recommendation 13: Expand Evidence-Based Practices

Implement evidence-based practices (EBP) statewide by training all parole and probation officers on EPB and developing operating procedures to sustain implementation.

- DOC has implemented EBP in eight parole/probation offices; six correctional centers; and three detention/diversion centers
- Technical violations and new crime commitments were down 3.2 percent and revocation rates dropped 4.3 percent in EBP pilot sites

Recommendation 14: Improve Mental Health Services

Increase funding for mental health services, including from federal sources, and improve mental health services in prisons and in the community.

- Offenders with mental illnesses do not receive adequate mental health treatment in jail or prison or in the community
- Better coordination is needed between the criminal justice system and the community service boards
- Law enforcement should serve on local CSBs to improve coordination

Recommendation 15: Extend and Expand the Task Force

Enact legislation extending and expanding the Alternatives for Non-Violent Offenders Task Force.

- Current Task Force brings together diverse group of stakeholders from across the criminal justice system
- Effective forum for collaboration and honest discussion
- Extend the mandate of the Task Force to include the monitoring of any recommendations that are implemented and further investigate related issues
- Encourage the expansion of the Task Force to include additional stakeholders, such as victims and treatment providers

Recommendation 16: Revocation Cap

If extended, direct the Task Force to study the feasibility of revocation maximums for technical violators.

- Over twelve percent of prison admissions in FY2008 were technical violators of probation or parole
- Cap on revocation sentences would significantly impact the prison population
- Prison beds would be reserved for those most deserving of incarceration

Next Steps

- Continue to analyze fiscal and prison population impact
- Finalize report
- Submit final report to General Assembly