

**DBHDS**

Virginia Department of  
Behavioral Health and  
Developmental Services

# Census Growth

## Sexually Violent Predator Program and the Virginia Center for Behavioral Rehabilitation

Senate Finance Committee

June 17, 2010

**James W. Stewart, III**  
DBHDS Commissioner

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# Sexually Violent Predators (SVP) Civil Commitment Mandate

**1998** – GA created a system of screening, evaluating and treating persons found to be SVP:

- Convicted of a SVP predicate crime or found Unrestorably Incompetent to Stand Trial for same.
- Found to score at or above the qualifying threshold on the Static-99.
- Evaluated by DBHDS, processed by the Commitment Review Committee, taken to trial for commitment by OAG, and found by the court to meet the SVP criteria.
- Committed to DBHDS Commissioner for treatment. The goal of psycho-social treatment program is to reduce the re-offense risk of residents.

# SVP Secure Care

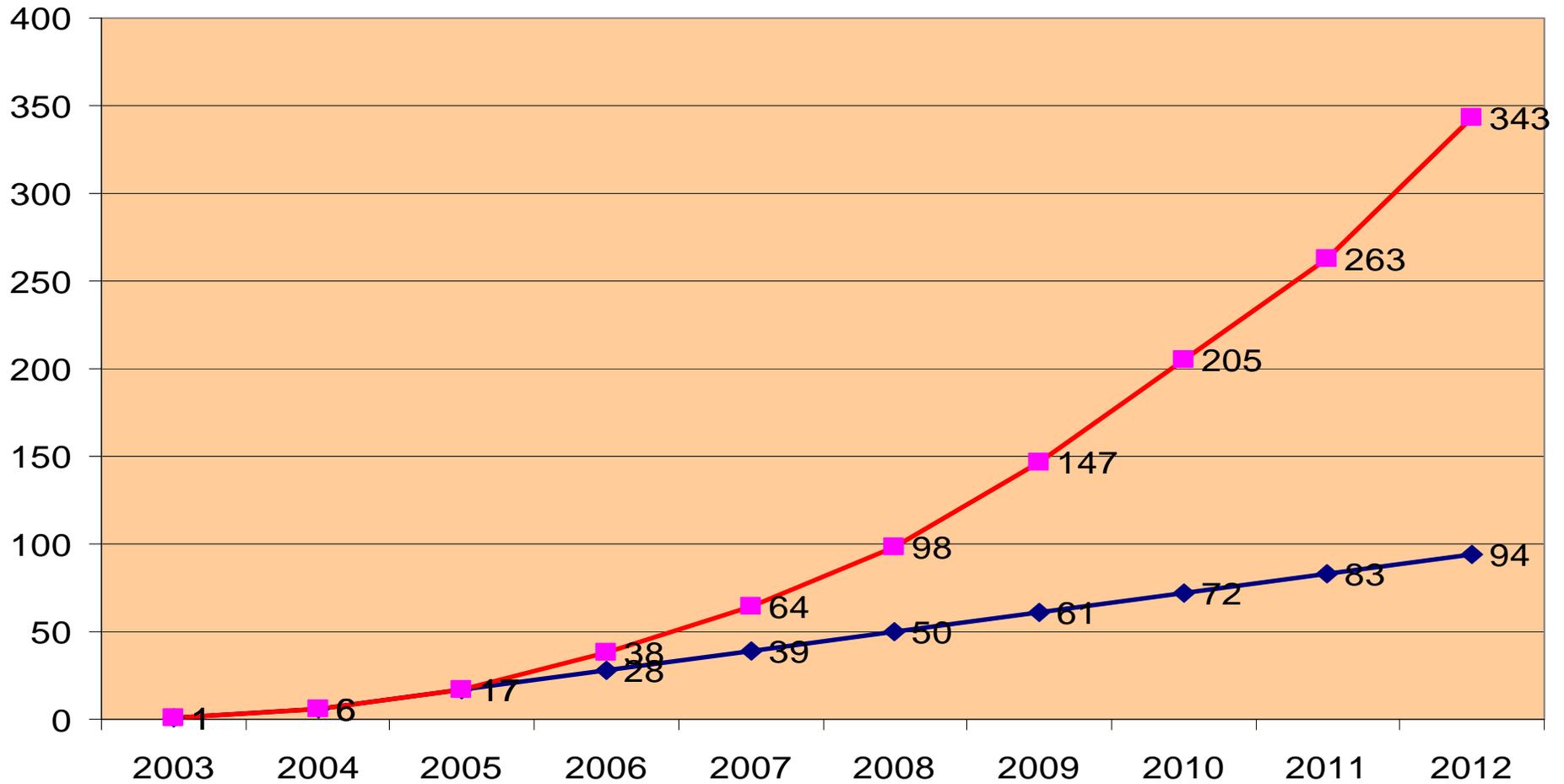
- **2003** – GA directed DBHDS to construct and operate a secure facility for the control, care, and treatment of persons found SVP. DBHDS converted existing facilities at SVTC to temporarily house the Virginia Center for Behavioral Rehabilitation (VCBR).
- **2006** – GA expanded the list of SVP qualifying crimes, increasing the number of persons becoming eligible for SVP civil commitment by about 350%.
- **2008** – DBHDS opened the new 300 bed VCBR, \$62M SVP facility in Nottoway County.
- So far, only 7 individuals have been conditionally released from the facility.

Expanding qualifying crimes from 4 to 28 increased SVP-eligible inmates by about 350% and increased commitments to VCBR from 1 to 5 per month. 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
<b>18.2-61</b>	<b>Rape</b>
<b>18.2-67.1</b>	<b>Forcible Sodomy</b>
<b>18.2-67.2</b>	<b>Object Sexual Penetration</b>
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
<b>18.2-67.3</b>	<b>Aggravated Sexual Battery</b>
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

Original 4 SVP crimes in red

# SVP Commitment Rate



**Blue** = commitment rate @ 4 predicate crimes (pre-2006)

**Red** = commitment rate @ 15 predicate crimes (post-2006)

# VCBR Appropriations

<b>Fiscal Year</b>	<b>Appropriation</b>
2004	\$2,731,438
2005	\$4,157,793
2006	\$5,397,523
2007	\$6,327,545
2008	\$10,687,680
2009	\$14,951,965
2010	\$17,343,462

# New VCBR Facility Census and Daily Cost

	<b>FY09</b>	<b>FY10</b>
Average census	114	190
Average cost per bed	\$131,158	\$91,281

# VCBR Census Projection

VCBR is currently funded and staffed at 200 beds. The census reached 200 in June 2010 and will be 300 by October 2011.

<b>SVP Program Estimated Census</b>	<b>End of FY10</b>	<b>End of FY11</b>	<b>End of FY12</b>
Total persons found SVP	212 males	354 males	427 males
	2 female	2 females	3 females
Total persons at VCBR	201	284	356

# DBHDS Office of SVP Program

The SVP Office manages evaluations for admission, training of VCBR staff, and the conditional release program. Staffing must reflect increasing caseload.

	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>
Evaluations	165	185	187
Total conditional releases from VCBR	7	12	18
Total person on SVP conditional release	36	55	75

# VCBR Operating Cost Estimate

<b>Facility Budget - VCBR</b>	<b>FY2011</b>	<b>FY2012</b>	<b>Annualized</b>
<b>Census</b>	<b>From 212 to 284</b>	<b>From 284 to 356</b>	<b>For 356 beds</b>
Staffing Costs	\$ 19,536,721	\$ 26,148,335	\$ 28,703,000
Special Hospitalization	\$ 1,176,000	\$ 1,521,600	\$ 1,521,600
Food Costs	\$ 1,430,000	\$ 1,720,000	\$ 2,304,000
Drug Costs	\$ 525,000	\$ 680,000	\$ 782,239
Pharmacy Staff	\$ 220,000	\$ 290,000	\$ 290,000
Utilities	\$ 600,000	\$ 800,000	\$ 800,000
Others	\$ 1,000,000	\$ 1,000,000	\$ 1,200,000
Reopen @ SVTC		\$ 207,000	-
<b>Total</b>	<b>\$ 24,487,721</b>	<b>\$ 32,366,935</b>	<b>\$ 35,600,839</b>
Existing Budget	\$ 15,743,277	\$ 15,743,277	
<b>Add'l Funding Needs</b>	<b>\$ 8,744,444</b>	<b>\$ 16,623,658</b>	

# DBHDS Office of SVP Programs Cost Estimate

<b>Community Budget</b>	<b>FY2011</b>	<b>FY2012</b>
<b>Census</b>	<b>From 34 to 55</b>	<b>From 55 to 75</b>
Condition Release	\$ 437,500	\$ 553,000
Evaluation	\$ 602,700	\$ 602,700
Training, travel, & others	\$ 40,000	\$ 80,000
<b>Total</b>	<b>\$ 1,080,200</b>	<b>\$ 1,235,700</b>
Existing Budget	\$ 776,019	\$ 776,019
<b>Additional Funding Needs</b>	<b>\$ 304,181</b>	<b>\$ 459,681</b>

# VCBR Staffing Requirements

<b>Date</b>	<b>VCBR Census</b>	<b>Positions/FTEs</b>
July 2010	212	366
Jan. 2011	248	442
July 2011	284	500
Jan. 2012	320	610
<b>TOTAL</b> July 2012	356	640

- DBHDS is working with DPB to determine the appropriate method of addressing the projected shortfall to cover payroll and other obligations beginning January 2011.
- Additional Funding Needed for FY10-12 Biennium:
  - FY11: \$9.05M
  - FY12: \$17.1M
- Reopen 48-bed facility at SVTC in FY12.
- Total FY12 budget becomes
  - SVP: \$.8M
  - VCBR: \$32.4M (includes SVTC beds)

# Additional Requirements

- The annualized cost of serving 356 residents as we move into FY13 will be \$35.6M requiring an additional \$3.2M in the FY13 budget to maintain services.
- VCBR census is projected to grow from 356 in FY12 to 738 in FY17.
- DBHDS will need \$2.5M in Capital Planning funds to begin planning for another VCBR facility.
- Additional capital funding will be required in the near future to construct the new facility.
- DBHDS will work with DGS to identify potential mothballed sites to retrofit and open in lieu of building a new building when capacity is reached in 2012.