

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION ON**

**SUBSTANCE ABUSE SERVICES
FOR OFFENDERS IN VIRGINIA**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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**COMMONWEALTH OF VIRGINIA
RICHMOND
1998**

**MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION
1997**

From the Senate of Virginia:

Janet D. Howell, Vice Chair
Mark L. Earley
Kenneth W. Stolle

From the House of Delegates:

Clifton A. Woodrum, Chairman
James F. Almand
Jean W. Cunningham
John W. Davies, III
R. Creigh Deeds
Raymond R. Guest, Jr.

Appointments by the Governor:

Robert C. Bobb
Sheriff Terry W. Hawkins
Robert J. Humphreys

Attorney General:

Richard C. Cullen



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

Rich Savage
Director

December 16, 1997

MEMBERS:

FROM THE SENATE OF VIRGINIA:
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Robert C. Bobb
Terry W. Hawkins
Robert J. Humphreys

ATTORNEY GENERAL'S OFFICE

Richard Cullen

To: The Honorable James S. Gilmore III, and
Members of the Virginia General Assembly:

House Joint Resolution 443, agreed to by the 1997 General Assembly, directed the Virginia State Crime Commission to conduct a study on methods for providing substance abuse treatment services to the criminal justice population, and to submit its findings and recommendations to the Governor and 1998 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1997. I have the honor of submitting herewith the study report.

Respectively submitted,

Clifton A. Woodrum
Chairman

CAW:jrp

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HJR 443: Study of Substance Abuse Treatment Services for Offenders

I. Authority for Study

The 1997 General Assembly approved House Joint Resolution 443 (HJR 443/Almand) directing the Virginia State Crime Commission to conduct a study on methods for providing substance abuse treatment services to offenders in the criminal justice system. The study is to include a review of services provided by various state agencies, current and new funding mechanisms for programs, other states' models for funding substance abuse treatment for offenders, and to recommend cost-effective methods for providing community-based treatment to individuals in the criminal justice system. The Departments of Corrections, Criminal Justice Services, and Mental Health, Mental Retardation & Substance Abuse Services, the Commission on the Virginia Alcohol Safety Action Program, the House Appropriations Committee, the Senate Finance Committee, and the Sentencing Commission provided technical assistance to the Commission.

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate recommendations to the Governor and the General Assembly." Section 9-134 authorizes the Commission to "conduct private and public hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of funding mechanisms for substance abuse treatment services for offenders.

II. Members Appointed to Serve

At the April 15, 1997 meeting of the Crime Commission, Chairman Clifton A. Woodrum selected Senator Janet D. Howell to serve as Chairman of the Law Enforcement Subcommittee and Delegate Raymond Guest to chair the Corrections Subcommittee. The following members of the Crime Commission were selected to serve on the respective subcommittees:

Law Enforcement Subcommittee

Senator Janet D. Howell
Delegate James F. Almand
Mr. Robert C. Bobb
Delegate R. Creigh Deeds
Senator Mark L. Early
Mr. James S. Gilmore, III
Mr. Robert J. Humphreys

Corrections Subcommittee

Delegate Raymond R. Guest
Delegate James F. Almand
Delegate Jean W. Cunningham
Delegate John J. Davies, III
Sheriff Terry W. Hawkins
Senator Kenneth W. Stolle
Delegate Clifton A. Woodrum

III. Executive Summary

The study of substance abuse services for offenders evolved from a previous Crime Commission study which examined the first-offender statute. In the course of the study it was found that there were significant gaps in substance abuse services for the criminal justice population. Further, the study showed a disparate method of funding sources for these services. Treatment services within the correctional institutions were funded through a combination of grant funds and Department of Corrections expenditures. Community-based services were purchased from local community services boards or private vendors. In some areas of the state community services boards are providing services to the offender population from their own resources as well as through a purchase of service agreement with the probation and parole offices.

One consistent theme emerged: the need for substance abuse services for offenders far outstrips the available resources. Another problem was identified during the conduct of the study as well. While there is anecdotal data on the percentage of offenders who have some degree of a substance abuse problem, there is no quantifiable data available to determine the extent of the problem.

The HJR 443 study on substance abuse services for offenders examined means of identifying offenders who have a serious substance abuse problem and methods for addressing the problem within the context of the criminal justice system. The recommendations are designed to create a system of identification initially with the subsequent treatment services to be developed in response to the identified need. The Crime Commission adopted a legislative proposal which would require a substance abuse screening and assessment for all felony convictions except capital convictions, Class I misdemeanor drug and alcohol convictions, and juvenile delinquent adjudications during the presentence phase. The system would be developed by a multi-agency implementation committee composed of directors of the Departments of Corrections, Criminal Justice Services, Mental Health, Mental Retardation & Substance Abuse Services, Juvenile Justice, the VASAP Commission, and headed by the Sentencing Commission. Implementation will be effected in 1999 in order to design the system and to collect offender fees to fund the system.

As a part of the proposal the Crime Commission recommended that a probation and parole officer in the each of the district offices and a juvenile intake offices in each of the court services units be promoted to senior status and be required to have certain substance abuse credentials. This will allow the Departments of Corrections and Juvenile Justice to build the staff necessary for the implementation of the legislation in 1999.

As a part of the study, staff worked with the three Virginia drug courts: Charlottesville, Richmond and Roanoke. The Crime Commission recommended that a grant fund be

established in the Department of Criminal Justice Services to allow other judicial circuits to initiate a drug court project. Staff also recommended an administrative position for the three existing drug court programs to serve as coordinator among the participants of the program, including Department of Corrections, Department of Correctional Education, the Commonwealth Attorney's Office, Department of Mental Health, Mental Retardation, & Substance Abuse Services and the public defender's office. This position would be placed under the jurisdiction of the court.

Finally, the Crime Commission recommended funding for planning positions with the local community criminal justice boards. These positions are vital to providing staffing to the boards and developing biennial plans as well as conducting research and developing programs under the boards.

IV. Study Methodology

The study resolution (HJR 443) directed the Crime Commission to collaborate with several state agencies which provide services and/or funding for substance abuse treatment services for offenders. An interagency planning group was formed with representatives from the Crime Commission, the Department of Corrections, the Department of Criminal Justice Services, the Department of Mental Health, Mental Retardation & Substance Abuse Services, House Appropriations Committee, Senate Finance Committee, and the Virginia Alcohol Safety Action Program. Each state agency gave an overview of its role in the provision of substance abuse services to offenders. The group also worked with the Sentencing Commission to identify pertinent presentencing data which could be used to determine the extent of the problem of substance abuse for convicted felons in Virginia.

In the course of the development of a workplan, the interagency planning group focused on several models for funding substance abuse treatment services. One such model in Colorado provides a substance abuse assessment to all convicted felons and

misdemeanants during the presentencing phase. The program is funded through a surcharge levied against drug offenders. The group suggested seeking technical assistance from the National Institute of Corrections (NIC) to fund the consultant services of the Colorado drug program administrator. The Crime Commission was successful in seeking NIC approval and Mr. Vernon Fogg, Director of Probation Services in Colorado, conferred with the interagency planning group and provided an overview of the Colorado program to the Crime Commission in June. A contingency of the workgroup and the patron of the study made a site visit to Denver, Colorado in September and met with agency officials and judges involved in the Colorado model.

The interagency planning group surveyed local probation & parole district offices, the community services boards, the community criminal justice boards, court service units, pretrial programs, local jails, state prisons and local VASAP programs to determine the number of offenders served in the community and the method of reimbursement for services rendered. The survey was designed to identify the amount of funding currently being expended on substance abuse treatment services for offenders. Unfortunately, the information received from the community services boards and the other criminal justice agencies was not compatible. The results demonstrated the need for more consistent data gathering among these agencies.

V. Background

In a 1962 landmark decision, *Robinson v. California*, the Supreme Court stipulated that chemical addiction is an illness rather than a crime.¹ The Court ruled that States may force an addict into treatment and impose criminal sanctions for the failure to comply with the treatment program. This was consistent with the prevailing attitude that penal coercion was not an effective rehabilitation incentive. It was also during this time that

¹Bureau of Justice Assistance, Treatment Accountability for Safer Communities, November 1995, pg. 5.

community-based treatment was slowly gaining credibility. Virginia passed a statute in 1972, §18.2-254, which authorized the commitment of convicted persons to treatment for drug or alcohol treatment. Under §18.2-254 the offender is placed into treatment as a sentencing option, once he is found guilty. The first offender statute, §18.2-251, allows a judge to defer judgment on a first offense of possession of a controlled substance or marijuana. If the defendant successfully completes the terms and conditions set forth by the court, his charges can be dismissed. The 1997 General Assembly passed an amendment to the first-offender statute which would require a substance abuse assessment and treatment, if indicated, for any defendant taking advantage of the first offender statute. The major difference in §18.2-251 and §18.2-254 is that they are pre- and post-adjudication strategies, respectively. Under §18.2-254 the offender is placed into treatment as a sentencing option, once he is found guilty. One other option is open to judicial discretion, §19.2-303, which allows for suspension or modification of sentence under the terms or conditions the court determines. This is applicable to all offenses, not solely drug offenses.

One major obstacle to local jurisdictions in utilizing these options is the inadequate funding provided for substance abuse treatment for offenders. Substance abusers whose addiction is not addressed present a continuing public safety risk. Statistics clearly demonstrate that incarceration or other sanctions which do not affect the underlying addiction driving the criminal behavior do little to reduce the offender's propensity to reoffend. The state agency charged with the responsibility for the provision of substance abuse services, the Department of Mental Health, Mental Retardation, & Substance Abuse Services, through the 40 local community services boards (§37.1-204), provides services to approximately 19,000 individuals involved in the state's criminal justice system. It is unclear what proportion of the federal block grant funds or state general funds appropriated to the Department for substance abuse services are actually directed toward offenders. Currently local probation & parole districts, community corrections programs, and VASAP programs often purchase substance abuse treatment services from the local community services board or from a

private provider. Probation & parole has only \$1.5 million available for treatment services for approximately 35,000 community supervisees. This includes both sex offender treatment and substance abuse treatment services for all probationers & parolees. The available funding is clearly inadequate to meet the need. The local community corrections programs have similar funding shortfalls. VASAP programs are self-funded.

Money was provided in the current biennial budget to the Department of Mental Health, Mental Retardation & Substance Abuse Services to provide substance abuse services in the jails throughout the Commonwealth through the 40 community services boards. The Department of Criminal Justice Services has a grant program for therapeutic communities for substance abuse treatment in the jails. The Department of Criminal Justice Services has also funded two therapeutic communities in the state penal system. The Department of Corrections has established one single purpose facility for substance abuse treatment at the Indian Creek Correctional Center. The Department of Corrections also operates several diversion and detention centers which have a substance abuse treatment component. The Virginia Alcohol Safety Action Program is a model used in the Commonwealth for chronic offenders with DUI (driving under the influence) convictions. The program is funded through fees levied against participants. Funding for substance abuse treatment services is fragmented and quite inadequate to meet the demand in the criminal justice system in Virginia.

VI. Colorado Model

The interagency planning group met with the top official of the Colorado drug program for offenders. The Colorado program has the following main components:

1. A requirement for a substance abuse evaluation for all persons convicted of a felony or misdemeanor during the presentencing phase. The court then requires them to comply with the recommendations of this evaluation.

2. Use of a standized evaluation method to include an initial screening test at presentencing which includes assessment for substance abuse problems and risk of criminal reoffense. The results are used to make recommendations for treatment.
3. Development of a continuum of intervention programs to educate and treat offenders who are either incarcerated, on probation, or in community corrections. The intervention is individualized to the offender's needs.
4. Systematic drug testing, as appropriate.
5. Interagency development of a comprehensive plan to implement the legislation.
6. A systemwide database to assist in tracking individual offender assessment, drug testing, treatment, intervention/sanction records across all sectors of the criminal justice system.
7. A surcharge to be created based upon the level of felony classification, ranging from \$100 to \$5,000 to fund the implementation of the legislation.

The Colorado legislature passed enabling legislation to create this program in 1991. Subsequently a multi-agency committee was appointed to implement the legislation. The committee was composed of the various agencies which provide or fund substance abuse services for offenders. The initial focus of the committee was to develop a standardized substance abuse assessment instrument. The assessment process collectively identifies offender population needs and existing gaps in services across all corrections sectors: misdemeanor/felony; juvenile/adult; probation-community; and diversion-parole.

The second goal of the committee was to provide for the accountability of offenders supervised and treated in community-based programs. There was also to be accountability established for programs within the criminal justice system that are involved with offender substance abuse control and treatment. Guidelines were developed which were oriented towards efficacy and improvement of systemic outcomes. As a part of this effort, process evaluations and effective information controls were to be established. Drug testing standards and procedures, use of assessment procedures to match offenders with appropriate monitoring and treatment activities use of sanctions with substance-abusing offenders, and program monitoring and evaluation to measure effectiveness and efficiency were also established goals of the program. Programming, linkages, and human resources are the other goals set by the committee.²

VII. Funding Substance Abuse Services for Offenders in Virginia

As stated earlier, funding for substance abuse services for offenders in Virginia is fragmented among several state agencies. There is no clear statutory authority for the provision of such services to offenders vested with any one particular agency. Despite this arrangement, services to offenders have increased over the past several years due to enhanced emphasis on treatment at both the state and federal level. There is increased awareness of the importance of addressing addictive behaviors as a whole part of the criminal justice intervention process. During the 1997 General Assembly legislation was passed which would require any offender participating in the deferred judgment provisions of the first-time drug offender statute, §18.2-251, to undergo an assessment and participate in treatment, if indicated. Legislation was also passed which required juvenile offenders to undergo substance abuse assessments. Funding was not provided, however, for treatment services for juveniles.

²Colorado Application for Federal Assistance Grant: Center for Substance Abuse Treatment.

The primary focus of the HJR 443 study was to examine the feasibility of establishing an offender-funded assessment and treatment program for the criminal justice population. Requiring financial participation of the offender provides a sense of ownership of the program to the offender, making him more vested in the treatment process. Certain professionals felt, however, that most offenders would be unable to pay for their treatment. The interagency planning group focused on the issue of the efficacy of an offender funded system. The VASAP model was used to demonstrate the effectiveness of such a model. It was this focus that led the group to study the feasibility of developing a similar model of substance abuse assessment and treatment to that of Colorado.

VIII. The Efficacy of Substance Abuse Treatment for Offenders

There are programs in place to provide treatment to drug-involved offenders, both in an outpatient and residential setting. A limited number of beds are available in the institutional-based therapeutic communities for substance abuse treatment. Success is measured by an offender's consistent participation in treatment, with observable progress toward decreasing and eliminating illicit drug use, and failure to commit new crimes.³

Much of the evaluative data on treatment effectiveness focuses on the curbing of drug abuse and preventing relapse. Less evaluative data is available on treatment impact on criminal recidivism. There is an assumption that once a drug offender is successfully treated for his or her chemical dependency, the criminal behavior associated with the addiction will be abated. The issue is somewhat more complicated.

For most drug users, treatment needs include a variety of both social and medical services to aid recovery. It should be remembered that once a person is addicted, the condition is chronic and the substance abuser is prone to relapse. These two aspects of drug abuse often make the effectiveness of drug abuse treatment difficult for many

to understand. Viewed from a health perspective, treatment should be followed by a "cure", with no further drug abuse. However, viewed from the perspective of the lay public, the outcome of treatment should be reduced recidivism. The field of corrections embraces both the health and criminal justice goals but often does not implement coherent policies to effect that end.⁴

The effectiveness of drug treatment will depend largely on a thorough assessment and integration of the needs of every individual entering treatment.⁵ Matching client needs to the treatments and services available is essential to a successful treatment diversion. This individualized case management may be time consuming and costly, but the long-term cost benefits are worth the effort and investment. Drug offenders with good social skills and a means of financial support have a much better chance of long term success in terms of relapse in drug use and reoffense. Poor job skills and low self esteem inhibit the long-term effectiveness of drug treatment for many offenders. Therefore, it is important that treatment diversion be holistic and address the vocational, educational, housing as well as the specific treatment needs of the offender.

Evaluation of any drug treatment efficacy should include the following indicators:

- * Reduced crime;
- * Reduced drug use;
- * Reduced domestic violence;
- * Reduced behavior at risk for HIV infection;

³Virginia State Crime Commission, Court Services for Drug Offenders, Senate Document, 1995, pg. 5.

⁴Lipton, Douglas S., The Effectiveness of Treatment for Drug Abusers Under Criminal Justice Supervision, National Institute of Justice, NCJ 157642, , pg. 17. No.30, 1995

⁵ Office of National Drug Control Policy, Treatment Protocol Effectiveness Study, , March, 1996, pp. 2-5.

- * Increased days of employment; and
- * Positive changes in social values and networks.⁶

The Drug Abuse Treatment Outcome Study being conducted by the Office on National Drug Control Policy on patients admitted between 1991 and 1993 is a longitudinal study of 12,000 adult clients in more than 50 programs with a follow-up on 4,500 patients. The final results are unavailable at this time but preliminary data is providing important information on the needs of patients entering, who is and is not entering treatment, and some of the obstacles to successful treatment. There is a decline in the amount of services provided, based on early data.⁷ The lack of a full array of services (medical, psychological, family, legal, educational, vocational, and financial services) during treatment will certainly impact the success of the treatment program.

The 1992 California Drug and Alcohol Treatment Assessment (CALDATA) studied the effectiveness, benefits, and costs of alcohol and drug treatment in California. The key findings of CALDATA demonstrate that treatment is a sound taxpayer investment and saves money in terms of real costs associated with drug-related crime, illness, and lost productivity. The cost of treating 150,000 participants was \$209 million while the benefits received during treatment and the next year was approximately \$1.5 billion, due mostly to a reduction in crime. The level of criminal activity declined by two-thirds from pre-treatment to post-treatment. The study also found a direct correlation in the time spent in treatment to the reduction in criminal activity. It found that the longer an individual stayed in treatment the more positive the impact was on his or her employment.⁸

⁶Ibid., pg. 3.

⁷Ibid., pg.6.

⁸Ibid., pg. 7.

What treatment program works? The answer is elusive. There is no standardized research with comparable outcome measures to make a definitive answer. There are four major modalities: therapeutic communities, pharmacological treatment, outpatient drug-free treatment, and inpatient treatment.

Therapeutic communities (TC'S) are a residential, long-term, highly structured treatment model for hardcore drug users. Virginia has two therapeutic communities in correctional institutions: Botetourt and Indian Creek. There are also several private residential treatment programs which use a therapeutic community model. The environment of a TC is both supportive and confrontational and concentrates on making the offender aware of the role that his problems play in contributing to drug use. This treatment approach uses encounter groups, rule-setting and rule enforcement, rewards, and work to allow the offender to learn interpersonal, educational, and vocational skills and develop psychological, moral, and social strengths which are fundamental to living drug-free.⁹ Therapeutic communities demonstrate a long-term, successful outcome one to two years after treatment. Offenders who are in the program at least twelve months show the greatest gain.

In Virginia, judicial assignment to a correctional institution therapeutic community has not been the norm. Assignments are made primarily through the inmate classification process at the Department of Corrections. The institutional therapeutic community is not an appropriate option for courts when the goal is to divert offenders from the correctional institutions. Having observed both of Virginia's correctional therapeutic communities first-hand, staff would recommend the core elements of a therapeutic community be considered in making treatment placement decisions for offenders, especially for hard-core drug abusers, even if the treatment is an intensive outpatient program.

⁹Ibid., pp. 7-8.

Pharmacological treatment programs, such as methadone maintenance programs, are effective but should not be considered in isolation of other needed services. The outpatient drug-free treatment program is probably the most widely used modality for treatment, particularly in conjunction with §18.2-251 (first-time drug offender statute). While the goal of these programs is to attain abstinence, a more realistic objective is reduced drug use. Relapse is common but, understanding addictive behavior, relapse does not necessarily mean treatment failure. Reducing criminal activity and improving employment status are more common benefits than abstinence. There is also success in less frequent use and use of less addictive drugs (i.e. use of marijuana instead of heroin).

Inpatient or residential treatment probably offers more lasting effect, but is also much more costly. A typical inpatient treatment program is 28 days. Those residential therapeutic community programs which last three or more months appear to have a greater deterrent effect on recidivism in both drug use and criminal activity. A major problem beyond the cost of inpatient treatment is the lack of facilities with a security component which would be necessary for the criminal justice population. Recent research indicates that intensive outpatient programs are as effective as the traditional outpatient programs. Research has also revealed that involuntary participation in treatment works approximately as well as voluntary participation. Obviously treatment outcomes are dependent upon the integrity of the treatment program itself. Public treatment dollars should not be funneled into programs which have poor or marginal outcomes. However, if treatment is done well, all the evidence indicates it is effective and can be a viable part of the State's response to the problem of drugs and crime. An integrated approach involving assessment, treatment-offender matching, intervention (treatment), surveillance (drug testing), and enforcement sanctions is an appropriate strategy for dealing with drug involved offenders.¹⁰

¹⁰Perspectives, "APPA Position Statement: Substance Abuse Treatment", American Probation and Parole Association, Winter 1996, pp. 33.

IX. Types of Treatment Models for Correctional Settings

Substance abuse treatment services are typically found in the following settings:

- * No specialized services (the most typical).
- * Drug education and/or drug abuse counseling.
- * Residential units dedicated to drug abuse treatment.
- * Client-initiated and/or maintained services such as Alcoholics Anonymous, Narcotics Anonymous.
- * Specialized services for drug abusers that are not directly targeted at the drug problems.

There are three main treatment models which serve as alternatives to incarceration:

- * Probation, with a mix of counseling, support, and surveillance (the most typical).
- * Surveillance, components of which include house arrest, electronic monitoring, and urinalysis.
- * Diversion to a drug treatment program, such as those offered through detention centers, diversion centers and day reporting centers.¹¹

Day reporting centers and diversion centers are effective alternatives to incarceration but these options are available to only a few circuits. There is a definite need to provide judges in the Commonwealth with numerous sentencing options to address the individualized needs of offenders with substance abuse problems.

¹¹Ibid, The Effective of Treatment for Drug Abusers Under Criminal Justice Supervision, pg. 19.

X. Drug Courts

One of the more recent developments in the court's response to the problem of substance abuse in the criminal justice population has been the evolution of drug courts. This judicial approach is based upon an addiction model which attempts to address the underlying addiction of the offender while applying a combination of treatment and graduated sanctions to the drug offense. It is primarily directed toward nonviolent drug offenders and offenders who voluntarily enter the program. Participating offenders who successfully complete the prescribed sanctions and treatment will have their sentence mitigated, charges dismissed, or other lessening penalties. The drug court model appears to be an effective judicial tool to address the burgeoning drug caseloads on Virginia's court dockets.

Court systems across the United States experienced an increased inundation of felony drug cases in the 1980's. Between 1980 and 1989, drug arrests in the United States increased 134 percent, while the number of total arrests increased only 37 percent.¹² The National Institute of Justice research also indicates that drug abuse is prevalent among arrestees of non-drug related offenses as well. The response to this "drug crisis" was an increase in sentences for drug offenders. The results of the new "get tough on drugs" policies has led to serious overcrowding of the nation's jails and prisons.

Courts responded to the drug case surge by focusing on processing cases quickly in order to clear calendars and reduce pending felony caseloads. With the trend in mandatory sentences for repeat offenders and increased penalties for drug offenses, the pressure was on the courts to exercise no leniency on the drug offenders.

¹² Bureau of Justice Assistance, Special Drug Courts-Program Brief, NCJ 144531, November 1993, pg. 1.

These drug caseload pressures led courts to initiate different strategies to improve the problem. One of the strategies was the introduction of special drug courts. The selective processing of felony drug cases allowed courts to relieve crowded felony dockets, reduce case processing time, and establish mechanisms for more creative and effective dispositions.¹³ Many of the drug courts link defendants to community-based drug treatment programs. The increased use of alternatives to incarceration will, hopefully, result in a substantial reduction in the system's high costs for incarceration.

Segregation of drug cases is seen as an effective case management tool. First, judges, prosecutors, and public defenders assigned to drug courtrooms become specialists and are able to process cases more rapidly and efficiently.¹⁴ This, in effect, reduces pending caseloads and relieves crowded drug dockets. Segregation of cases can also speed the processing of both drug and nondrug cases.

The nature of street-level anti-drug law enforcement which characterizes many police responses to drug-related crime has resulted in large numbers of fairly standardized cases with strong evidence and witnesses.¹⁵ This reduces the likelihood of a trial, streamlines case preparation by prosecutors, and establishes mutually understood and accepted "rates" or sentences for drug cases.

Two types of drug courts have emerged in the process. Some courts use court-monitored drug treatment under a diversion, deferred prosecution, or deferred sentencing arrangement which is designed to change the defendants' drug-using behavior. Another model uses differentiated case management or other special case processing procedures to expedite the disposition of drug cases.

¹³ Ibid., pg. 2.

¹⁴ Ibid., pg. 2.

¹⁵ Ibid., pg. 3.

New York City, in the early '70's, was the first jurisdiction to use special drug courts.¹⁶ These were established in conjunction to the passage of harsher drug laws. The courts gradually begin to process nondrug felonies as well. In 1987, new drug courts were set up in four of the five New York boroughs.¹⁷

The special drug court in Dade County (Miami) was the first to incorporate drug treatment into the processing of drug felonies in June, 1989. The Miami project became a model which was adopted by a number of other jurisdictions. By 1993 there were at least 20 drug courts operating around the United States.¹⁸ The drug courts took on several variations:

- * Drug courts designed to reduce disposition time;
- * Treatment diversion or deferred prosecution courts where cases are dismissed if the defendant successfully completes treatment; and
- * A combination of both of these.

The expedited case processing model has several goals which include: concentration of drug case expertise in one courtroom, reduce the time of disposition, reduce the pending drug felony caseload, and relieve pressures on nondrug caseloads through case diversion. The dedicated drug treatment and case management model for the drug court shares some of the same goals, such as, concentration of drug case expertise, relief of nondrug caseloads and improve trial capacity. This model emphasizes linkage of the defendant to treatment services, reduction of drug use and recidivism and addressing the defendant's needs through case management as well.

¹⁶ Ibid., pg. 4.

¹⁷ Ibid., pg. 4.

¹⁸ Ibid., pg. 4.

The 1993 Virginia General Assembly, through House Joint Resolution 262, directed the Virginia State Crime Commission to study alternatives to incarceration for drug offenders and the feasibility of drug courts. The result of this study was the recommendation to establish a pilot drug court in Roanoke, Virginia. The drug court has been operational about two and a half years. No evaluative data is available as yet but anecdotal data appears very positive.

One key element to the successful implementation of this pilot was the participation of all involved entities in the initial planning phase. The Supreme Court, the Public Defender Commission, the Commonwealth Attorneys Training Council, the Department of Mental Health, Mental Retardation & Substance Abuse Services, the Department of Corrections, and the Virginia State Bar were active in developing the pilot model. Funding was provided by the General Assembly for additional treatment services and an additional probation & parole officer in Roanoke. Many of the services associated with drug treatment case management, such as drug screens and outpatient treatment, were provided through the Roanoke Day Reporting Center.

The total commitment of the Circuit Court judge directing the Roanoke pilot project appears to have a direct impact on the success of the project. It is important to note this subjective element when determining the feasibility of expanding the drug court model to other judicial circuits. The participating judge may be supporter as well as clearly understand the dynamics of addiction in order for such a program to work.

Virginia has instituted three drug court programs: Roanoke, Richmond, and Charlottesville. These programs provide a specialized case docket for certain non-violent drug and drug-related offenses. Participants are remanded into treatment with an array of other services, including vocational counseling, housing, etc. Offenders are returned to court on a regular basis for follow-up with the judge and usually stay in the program from six months to a year. Early anecdotal data indicates that the program is effective in both reducing drug use and criminal recidivism.

As a part of the study effort, Crime Commission staff requested that the Supreme Court survey judges in the circuit, general district, and juvenile and domestic relations courts to determine the level of interest in initiating a drug court program in their respective judicial circuits. The results of the survey indicates interest in the following jurisdictions:

Circuit Courts	General District Courts	Juvenile & Domestic
Danville	Radford	Arlington
Lunenburg	Lexington-Rockbridge	Roanoke/Salem
Pittsylvania	Allegheny	Newport News
Portsmouth	Harrisonburg	
York		

With the increasing interest in developing this type of judicial response to substance-abusing offenders, both in the adult and the juvenile system, the Crime Commission staff recommends that the 1998 General Assembly fund a grant program within the Department of Criminal Justice Services for drug courts. Such a grant program could provide both planning and start-up funds for the implementation of a drug court. Localities interested in implementing a drug court should also aggressively seek available federal grants for this program.

One issue surfaced at the conclusion of the study: the need for a drug court administrator. The participating drug court judges expressed an interest in having an administrator to serve as coordinator between the participating agencies in the drug court program. The position would be placed under the auspices of the drug court judge.

XI. Criminal Justice Planning Needs

The Comprehensive Community Corrections Act (CCCA) and the Pretrial Services Act (PSA) were major pieces of legislation enacted in the sweeping reform of the criminal

justice system undertaken by the General Assembly in 1994. The major goal of this legislation was to decentralize decision making to the localities for local-responsible offenders (offenders with a sentence of a year or less). The Act created community criminal justice boards to administer the new program. This essentially replaced the former community diversion programs. There are currently thirty-eight local boards.

The community criminal justice boards are made up primarily of criminal justice professionals in the locality. The membership includes judges, prosecutors, sheriffs, police chiefs and others who have full-time jobs and limited time to devote to the voluntary boards. The legislation, however, directs the boards to do detailed research, biennial plans, planning and development of programs and program evaluation. There was no provision in the passage of the legislation for staff to carry out these responsibilities. Through the use of grant funds from the Department of Criminal Justice Services, five boards have established a criminal justice planner position. Three more have been funded but not yet in place. The grant funds for these positions will expire in four years and are not renewable.

Planning will cost extra money to the programs but will save in the long run. More importantly, the programs will operate more effectively with appropriate staff. The Crime Commission recommended that planning positions be incrementally funded over the next several years. This will enable boards to establish a position as they can. The funds proposed contemplate a local in-kind match and will fund six positions a year.

XII. Findings and Recommendations

Finding A:

There is an estimated eighty percent (80%) of the criminal justice population with some degree of drug or alcohol abuse problem. We hear, anecdotally, that drugs are driving the criminal justice system. It is difficult to document the extent of substance abuse

problems among the criminal justice population as comprehensive substance abuse data is not routinely collected on offenders. It is well documented, however, that when an addiction is driving the criminal behavior, punitive sanctions alone will not stem the behavior unless the underlying addiction is treated as well. Virginia needs a comprehensive strategy whereby drug-involved offenders are identified during the sentencing phase and substance abuse treatment is integrated with criminal punishment. The goal of such an approach would be to reduce criminal recidivism among drug-involved offenders.

Recommendation 1. Initiate An Offender-Funded Standardized Substance Abuse Assessment on all Felony and Class I Misdemeanor Drug and Alcohol Convictions

Introduce legislation which will require a substance abuse screening and assessment on all felony convictions and Class I misdemeanor convictions that are alcohol and drug related during the presentence phase. Capital and first degree murder convictions will be exempted as the life sentence precludes the need for treatment. Screenings and assessments will be conducted on all delinquent adjudications in the juvenile system. The purpose of initiating such a system will be to reduce recidivism through the identification of drug and alcohol addictions and include treatment interventions as a part of the sentencing structure to address the drug or alcohol addiction which may be contributing to the criminal behavior.

The uniform screening and assessment system will be funded through a fee which will be charged to felony and misdemeanor drug offenders (§14.1-112 (#15 & 16)). Felony drug convictions will be assessed a fee of \$150, a \$50 increase; misdemeanor drug convictions will be assessed at \$75, a \$25 increase in the current fees. The fee structure will go into effect on all drug convictions after July 1, 1998. The screening and assessments will go into effect on convictions after July 1, 1999. This will allow the funds to build sufficiently to fund the resources needed to implement the screenings

and assessments. The delayed implementation date will also give the system an opportunity to develop the assessment instrument and to appropriately train staff to conduct the screenings and assessments as well.

The felony screenings and assessments will be conducted by the Department of Corrections as a part of the presentence report. These are under the jurisdiction of the Circuit Court. Resources for the Department to assume this new responsibility will be funded through the fees imposed on felony drug offenders.

The misdemeanor screenings and assessments will be conducted by the local VASAP programs. VASAP is a statewide program currently operating in all jurisdictions which provides screenings and assessments on DUI and habitual offenders. VASAP will be responsible for the collection of the proposed assessment fee and will operate the program in a manner which is consistent with the current program for DUI offenders. The VASAP fee will fund the program without any general fund dollars. Many VASAP programs currently serve misdemeanor drug offenders and some §18.2-251 offenders. VASAP also has a statewide management and information system in place to track these offenders. Misdemeanants are under the jurisdiction of the General District Courts.

Juvenile screenings and assessments will be conducted by the Court Services Units under the Juvenile and Domestic Relations Courts as a part of the development of the social history.

A multi-agency implementation committee composed of the Directors or their designees from: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, VASAP, Sentencing Commission, the Department of Mental Health, and Mental Retardation & Substance Services will be established to assist in the implementation of the program. The Sentencing Commission will serve as lead agency. The implementation committee will appoint an advisory committee which will include: 1)

a local CSB representative, 2) a local probation & parole officer, 3) a local court services director, 4) a local ASAP director, 5) a representative from a community corrections program, and 6) a private substance abuse treatment provider. In the first year the implementation committee will:

Develop a standardized screening and assessment instrument for alcohol and substance abuse which can be integrated with the PSI and juvenile social history. Develop a proposal for the resources needed to implement the screening and assessment program. The implementation committee shall report to the Crime Commission, House and Senate Courts of Justice, House Appropriations, and Senate Finance on the instrument and resource needs by January 1, 1999.

- a) Develop a resource guide on the alcohol and drug education and treatment services (including treatment oriented sanctions) which are available for offenders in Virginia, capacity of such services, waiting lists, and identify the gaps in such services and the resources needed to address the gaps. The implementation committee shall report to the Crime Commission, House and Senate Courts of Justice, House Appropriation and Senate Finance on existing services and identified needs by January 1, 1999.

- b) Develop a resource guide on the intermediate sanctions available in technical parole and probation violations for offenders who test positive on alcohol or drug use, capacity of such sanctions, waiting lists, and make recommendations to the Parole Board and to the Supreme Court on a continuum of graduated sanctions for such violations. The implementation committee shall report to the Crime Commission, House and Senate Courts of Justice, House Appropriations, and Senate Finance on the resource guide and the recommended continuum of graduated sanctions by January 1, 1999.

- c) Develop performance outcome measures for treatment programs based upon legislative purpose of program: reduced recidivism. Such measures should be an integral component of all offender treatment programs funded by public dollars. The implementation committee shall report to the Crime Commission, House and Senate Courts of Justice, House Appropriations, and Senate Finance on performance outcome measures by January 1, 1999.

Finding B:

Currently the probation & parole district offices under the Department of Corrections and the local court services units in the juvenile system are insufficiently staffed to meet the additional requirements proposed in the comprehensive screening and assessment recommendation. The proposal would require that presentence reports be completed on all convictions. Currently the Department of Corrections completes a presentence investigation report on approximately half of the convictions in circuit courts. Frequently, the presentence report is waived in a plea agreement. Court service personnel do complete a higher number of social histories but these are still discretionary. The proposal would require that a substance abuse screening and assessment process be integrated into these reports. Specialized training will be necessary for staff in probation & parole and court services units to conduct the screenings and assessments. Providing additional staff will also assist in reducing the heavy caseloads of both probation & parole officers and juvenile intake officers.

Recommendation 1. Agency Capacity Issues

In order for the criminal justice agencies to respond to this new initiative it will be necessary to address the staffing needs incrementally. The study is recommending that a position in each of the probation & parole district offices and court services units be upgraded to a senior officer with the certified substance abuse specialist

credentialing in the first year (1998). This will provide the trained staff to administer the proposed screening and assessment. Positions to replace these officers will be proposed for the second year (1999).

Department of Corrections: FY99 \$339,685 FY00 \$342,574

Department of Juvenile Justice FY99 \$112,096 FY00 \$112,096

Finding C:

The Crime Commission has been instrumental in securing resources for the implementation of three drug courts in Virginia: Roanoke, Richmond, and Charlottesville. Several other jurisdictions have received federal planning grants for the development of a drug court. There is significant interest in the judiciary in the drug court model. Seeking funding for individual drug courts creates a piecemeal system. Creating a drug court grant program would enable courts demonstrating interest in this conceptual model to seek funds without the burden of going through the time-consuming process of the legislative budget process individually. The grant program would also ensure consistency in the planning and development of service components among drug court programs as well as provide for a central repository for evaluative data on the drug court programs.

Recommendation 1. Drug Court Grant Program

Recommend the establishment of a grant program in the Department of Criminal Justice Services for initiating drug courts, in juvenile, general district, and circuit courts. The Department will also provide technical assistance to local courts who are interested in establishing a drug court model. The technical assistance will include assistance in identifying federal grants for drug courts.

Drug Court Grant Program: \$1.5 million

Finding D:

The Comprehensive Community Corrections Act and the Pretrial Services Act, enacted in 1994 have brought significant changes to local community corrections programs. The community criminal justice boards are comprised of criminal justice professionals who have full time careers. There is a need for a full time planning function related to the board responsibilities. Biennial plans, detailed research, planning and development of programs, modification of programs and program evaluation are functions required for successful operation of the local boards. Currently there are five criminal justice planners with three more approved. These are funded through federal Byrne grant funds. The positions are funded for four years and are not renewable. The planner position is needed in most of the community corrections programs. A state-funded grant program would allow for the incremental addition of these positions around the State.

Recommendation 1. Criminal Justice Planning Grant Program

Recommend that the Department of Criminal Justice Services administer a grant program for purposes of establishing ongoing criminal justice planning functions within localities. Such activity is currently funded in a few localities through a federal grant.

Criminal Justice Planning Grant: \$320,000

XIII. Acknowledgments

Workgroup Members

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Supreme Court of Virginia

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Substance Abuse Program

Appendix A

HJR 443 Study Resolution

... ..

GENERAL ASSEMBLY OF VIRGINIA -- 1997 SESSION

HOUSE JOINT RESOLUTION NO. 443

Directing the Virginia State Crime Commission to study methods for providing substance abuse treatment services to offenders in the criminal justice system.

Agreed to by the House of Delegates, January 30, 1997

Agreed to by the Senate, February 19, 1997

WHEREAS, arrests related to alcohol and other drug use increased by 126 percent during the last decade; and

WHEREAS, more than half the inmates in local jails report being under the influence of drugs and alcohol at the time of their offense; and

WHEREAS, over one-third of the prison beds in Virginia are occupied by drug offenders; and

WHEREAS, treatment of offenders with substance abuse problems has been shown to be effective in reducing criminal activity; and

WHEREAS, several state agencies expend funds to provide substance abuse treatment to offenders; and

WHEREAS, the current funding for substance abuse treatment and education for offenders is inadequate to meet the demand; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study methods for providing substance abuse treatment services to offenders in the criminal justice system. The Commission shall study the various agencies and programs that provide treatment services to drug offenders, review current and new funding mechanisms for such programs including those in other states, and recommend cost-effective methods for providing community-based treatment to individuals involved in the criminal justice system.

The Crime Commission shall seek assistance from the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Department of Criminal Justice Services; the Department of Corrections; the Commission on the Virginia Alcohol Safety Action Program; the Senate Committee on Finance; and the House Appropriations Committee.

The Virginia State Crime Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Appendix B

Substance Abuse Screening and Assessment Draft Legislation

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 14.1-112, 16.1-273, 18.2-251, 18.2-252 and 19.2-299 of the
2 Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-
3 251.01 and 18.2-271.3 relating to drug assessment of certain offenders.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 14.1-112, 16.1-273, 18.2-251, 18.2-252 and 19.2-299 of the Code of Virginia are**
6 **amended and reenacted, and that the Code of Virginia is amended by adding sections**
7 **numbered 18.2-251.01 and 18.2-271.3 as follows:**

8 § 14.1-112. (Effective January 1, 1998) Clerks of circuit courts; generally.

9 A clerk of a circuit court shall, for services performed by virtue of his office, charge the
0 following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or
1 Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating
2 to it, except the recording in the proper book; for receiving proof of acknowledgments, entering
3 orders, endorsing clerk's certificate, and when required, embracing it in a list for the
4 commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith,
5 or for recording and indexing anything not otherwise provided for, thirteen dollars, including
6 the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each
7 page over four pages, and for recording plats too large to be recorded in the deed books, and
8 for each sheet thereof, thirteen dollars. This fee shall be in addition to the fee for recording a
9 deed or other instrument recorded in conjunction with such plat sheet or sheets including the
0 fee of one dollar set forth in subdivision (1). Only a single fee as authorized by this subdivision
1 shall be charged for recording a certificate of satisfaction that releases the original deed of
2 trust and any corrected or revised deeds of trust. In addition, a fee of one dollar shall be
3

1 charged for indexing any document for each name indexed exceeding a total of ten in number.
2 One dollar of the fee collected for recording and indexing shall be designated for use in
3 preserving the permanent records of the circuit courts. The sum collected for this purpose shall
4 be administered by The Library of Virginia in cooperation with the circuit court clerks.

5 (3) [Repealed.]

6 (4) For appointing and qualifying any personal representative, committee, trustee,
7 guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty
8 dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding
9 \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for
0 estates of \$5,000 or less.

1 (5) For entering and granting and for issuing any license, other than a marriage license
2 or a hunting and fishing license, and administering an oath when necessary, ten dollars.

3 (6) For issuing a marriage license, attaching certificate, administering or receiving all
4 necessary oaths or affidavits, indexing and recording, ten dollars.

5 (7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this
6 section, administering all necessary oaths and writing proper affidavits, three dollars.

7 (8) For issuing any execution, and recording the return thereof, \$1.50 and for all
8 services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee
9 shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

0 (9) [Repealed.]

1 (10) For making out a copy of any paper or record to go out of the office, which is not
2 otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be
3 no charge to the recipient of a final order or decree to send an attested copy to such party.

4 (11) For annexing the seal of the court to any paper, writing the certificate of the clerk
5 accompanying it, the clerk shall charge two dollars and for attaching the certificate of the
6 judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

7 (12) through (14) [Repealed.]

1 (15) Upon conviction in felony cases or when a felony defendant's suspension of
2 sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure
3 to pay prior court costs, the clerk shall charge the defendant thirty-six dollars in each case,
4 one dollar of which shall be forwarded to the State Treasurer for deposit in the Regional
5 Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for financial
6 support of the regional criminal justice training academies.

7 In addition, in each case in which a person is convicted of a violation of any provision of
8 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100
9 \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be
10 taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund
11 and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in
12 prosecution of such violation. ~~Such fees which~~ shall be taxed as costs to the defendant and
13 shall be paid into the general fund of the state treasury. The court may waive a part or all of
14 the fee to be paid into the Drug Offender Assessment Fund if the court first finds by clear and
15 convincing evidence that the person is financially unable to pay all of the fee.
16

17 In addition, in all felony cases, including the revocation of suspension of sentence and
18 probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court
19 costs, the clerk shall collect and tax as costs (i) the expense of reporting or recording the trial
20 or hearing in an amount equal to the per diem charges of the reporter or reasonable charge
21 attributable to the cost of operating the mechanical or electronic devices in accordance with §
22 19.2-165, (ii) a fee of two dollars and fifty cents per charge, (iii) the fees of the attorney for the
23 Commonwealth as provided for in § 14.1-121, (iv) the compensation of court-appointed
24 counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided for in §
25 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited
26 into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which
27 electronic devices are used for the purpose of recording testimony, a sum not to exceed

1 twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special
2 fund to be used for the purpose of repairing, replacing or supplementing such electronic
3 devices, or if a sufficient amount is available, to pay the purchase price of such devices in
4 whole or in part. For the purpose of this subdivision, repairing shall include maintenance or
5 service contracts.

6 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant
7 twenty-six dollars in each case. Sums shall be collected for and paid to the benefit of the
8 Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 and one dollar of the
9 amount collected hereunder shall be forwarded to the State Treasurer for deposit in the
10 Regional Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for
11 financial support of the regional criminal justice training academies, irrespective of whether the
12 defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant
13 to a local ordinance.

14 In addition, in each case in which a person is convicted of a violation of any provision of
15 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~fifty~~
16 ~~dollars- \$75~~ for each misdemeanor conviction which shall be taxed as costs to the defendant
17 and shall be paid into the Drug Offender Assessment Fund and (ii) a fee of \$100 per case for
18 any forensic laboratory analysis performed for use in prosecution of such violation. ~~Such fees~~
19 which shall be taxed as costs to the defendant and shall be paid into the general fund of the
20 state treasury. The court may waive a part or all of the fee to be paid into the Drug Offender
21 Assessment Fund if the court first finds by clear and convincing evidence that the person is
22 financially unable to pay all of the fee.

23
24 In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the
25 fees of the attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the
26 compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public
27 defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-

368.18 to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(17a) In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering judgment, one dollar and twenty-five cents, and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision (22) of this section.

(18) [Repealed.]

1 (19) For qualifying notaries public, including the making out of the bond and any copies
2 thereof, administering the necessary oaths, and entering the order, ten dollars.

3 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all
4 services required thereunder. This subdivision shall not be applicable to such suits filed in the
5 Supreme Court of Virginia.

6 (21) [Repealed.]

7 (22) For docketing and indexing a judgment from any other court of this
8 Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor
9 pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and
10 filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing
11 an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing,
12 docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

13 (23) For all services rendered by the clerk in any court proceeding for which no specific
14 fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said
15 papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause
16 prior to and including the entry of a decree of divorce from the bond of matrimony.

17 (24) For receiving and processing an application for a tax deed, ten dollars.

18 (25) For all services rendered by the clerk in any condemnation proceeding instituted by
19 the Commonwealth, twenty-five dollars.

20 (26), (27) [Repealed.]

21 (28) For making the endorsements on a forthcoming bond and recording the matters
22 relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

23 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-
24 15, ten dollars.

25 (30) For preparation and issuance of a subpoena duces tecum or a summons for
26 interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

(32) For providing court records or documents on microfilm, per frame, ten cents.

(33) In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

(34) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a service charge of four percent of the amount paid.

(35) For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

(36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

(37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

(38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

1 (39) For making up, certifying and transmitting original record pursuant to the Rules of
2 the Supreme Court, including all papers necessary to be copied and other services rendered,
3 a fee of twenty dollars.

4 (40) For issuance of hunting and trapping permits in accordance with § 10.1-1154,
5 twenty-five cents.

6 (41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et
7 seq.), the fees shall be as prescribed in that Act.

8 (42) [Repealed.]

9 (43) For filing the appointment of a resident agent for a nonresident property owner in
0 accordance with § 55-218.1, a fee of one dollar.

1 (44) For filing power of attorney for service of process, or resignation or revocation
2 thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

3 (45) For recordation of certificate and registration of names of nonresident owners in
4 accordance with § 59.1-74, a fee of ten dollars.

5 (46) For maintaining the information required under the Overhead High Voltage Line
6 Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

7 (47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of
8 two dollars.

9 (48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as
10 prescribed under that section.

11 (49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as
12 prescribed under that section.

13 (50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall
14 be as prescribed under that section.

15 (51) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be
16 ten dollars.

1 In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15),
 2 (16), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for
 3 courthouse construction, renovation or maintenance.

4 In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17),
 5 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for services
 6 provided for the poor, without charge, by a nonprofit legal aid program.

7 In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and
 8 (16) to be designated for the Intensified Drug Enforcement Jurisdiction Fund.

9 In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17),
 10 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law
 11 libraries.

12 The provisions of this section shall control the fees charged by clerks of circuit courts
 13 for the services above described.

14 § 14.1-112. (Delayed effective date - See notes) Clerks of circuit courts; generally.

15 A clerk of a circuit court shall, for services performed by virtue of his office, charge the
 16 following fees:

17 (1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or
 18 Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating
 19 to it, except the recording in the proper book; for receiving proof of acknowledgments, entering
 20 orders, endorsing clerk's certificate, and when required, embracing it in a list for the
 21 commissioner of the revenue, one dollar.

22 (2) For recording and indexing in the proper book any writing and all matters therewith,
 23 or for recording and indexing anything not otherwise provided for, thirteen dollars, including
 24 the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each
 25 page over four pages, and for recording plats too large to be recorded in the deed books, and
 26 for each sheet thereof, thirteen dollars. This fee shall be in addition to the fee for recording a
 27 deed or other instrument recorded in conjunction with such plat sheet or sheets including the

1 fee of one dollar set forth in subdivision (1). Only a single fee as authorized by this subdivision
2 shall be charged for recording a certificate of satisfaction that releases the original deed of
3 trust and any corrected or revised deeds of trust. In addition, a fee of one dollar shall be
4 charged for indexing any document for each name indexed exceeding a total of ten in number.
5 One dollar of the fee collected for recording and indexing shall be designated for use in
6 preserving the permanent records of the circuit courts. The sum collected for this purpose shall
7 be administered by The Library of Virginia in cooperation with the circuit court clerks.

8 (3) [Repealed.]

9 (4) For appointing and qualifying any personal representative, committee, trustee,
10 guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty
11 dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding
12 \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for
13 estates of \$5,000 or less.

14 (5) For entering and granting and for issuing any license, other than a marriage license
15 or a hunting and fishing license, and administering an oath when necessary, ten dollars.

16 (6) For issuing a marriage license, attaching certificate, administering or receiving all
17 necessary oaths or affidavits, indexing and recording, ten dollars.

18 (7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this
19 section, administering all necessary oaths and writing proper affidavits, three dollars.

20 (8) For issuing any execution, and recording the return thereof, \$1.50 and for all
21 services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee
22 shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

23 (9) [Repealed.]

24 (10) For making out a copy of any paper or record to go out of the office, which is not
25 otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be
26 no charge to the recipient of a final order or decree to send an attested copy to such party.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases or when a felony defendant's suspension of sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for financial support of the regional criminal justice training academies.

In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~\$400~~ \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund, and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. ~~Such fees~~ which shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury. The court may waive a part or all of the fee to be paid into the Drug Offender Assessment Fund if the court first finds by clear and convincing evidence that the person is financially unable to pay all of the fee.

In addition, in all felony cases, including the revocation of suspension of sentence and probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge, (iii) the fees of the attorney for the Commonwealth as provided for in § 14.1-121, (iv) the compensation of court-appointed

1 counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided for in §
2 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited
3 into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which
4 electronic devices are used for the purpose of recording testimony, a sum not to exceed
5 twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special
6 fund to be used for the purpose of repairing, replacing or supplementing such electronic
7 devices, or if a sufficient amount is available, to pay the purchase price of such devices in
8 whole or in part. For the purpose of this subdivision, repairing shall include maintenance or
9 service contracts.

10 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant
11 twenty-six dollars in each case. Sums shall be collected for the benefit of and paid to the
12 Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 and one dollar of the
13 amount collected hereunder shall be forwarded to the State Treasurer for deposit in the
14 Regional Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for
15 financial support of the regional criminal justice training academies, irrespective of whether the
16 defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant
17 to a local ordinance.

18 In addition, in each case in which a person is convicted of a violation of any provision of
19 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty
20 ~~dollars~~ \$75 for each misdemeanor conviction which shall be taxed as costs to the defendant
21 and shall be paid into the Drug Offender Assessment Fund and (ii) a fee of \$100 per case for
22 any forensic laboratory analysis performed for use in prosecution of such violation. ~~Such~~
23 ~~fees~~ which shall be taxed as costs to the defendant and shall be paid into the general fund of
24 the state treasury. The court may waive a part or all of the fee to be paid into the Drug
25 Offender Assessment Fund if the court first finds by clear and convincing evidence that the
26 person is financially unable to pay all of the fee.

27

1 In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the
2 fees of the attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the
3 compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public
4 defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-
5 368.18 to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in
6 which electronic devices are used for the purpose of recording testimony, a sum not to exceed
7 five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to
8 be used for the purpose of repairing, replacing or supplementing such electronic devices, or if
9 a sufficient amount is available, to pay the purchase price of such devices in whole or in part.
10 For the purpose of this subdivision, repairing shall include maintenance or service contracts.

11 (16a) Upon the defendant's being required to successfully complete traffic school or a
12 driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees
13 and costs as if he had been convicted.

14 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in
15 cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases
16 exceeding \$100,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by
17 the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There
18 shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However,
19 the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. The
20 fees prescribed above shall be collected upon the filing of papers for the commencement of
21 civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of
22 Virginia.

23 (17a) In addition to the fees chargeable in actions at law, for the costs of proceedings
24 for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs
25 (i) the cost of registered or certified mail, (ii) the statutory writ tax, in the amount required by
26 law to be paid on a suit for the amount of the confessed judgment, (iii) for the sheriff for
27 serving each copy of the order entering judgment, one dollar and twenty-five cents, and (iv) for

1 docketing the judgment and issuing executions thereon, the same fees as prescribed in
2 subdivision (22) of this section.

3 (18) [Repealed.]

4 (19) For qualifying notaries public, including the making out of the bond and any copies
5 thereof, administering the necessary oaths, and entering the order, ten dollars.

6 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all
7 services required thereunder. This subdivision shall not be applicable to such suits filed in the
8 Supreme Court of Virginia.

9 (21) [Repealed.]

0 (22) For docketing and indexing a judgment from any other court of this
1 Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor
2 pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and
3 filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing
4 an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing,
5 docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

6 (23) For all services rendered by the clerk in any court proceeding for which no specific
7 fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said
8 papers at the time of filing.

9 (24) For receiving and processing an application for a tax deed, ten dollars.

10 (25) For all services rendered by the clerk in any condemnation proceeding instituted by
11 the Commonwealth, twenty-five dollars.

12 (26), (27) [Repealed.]

13 (28) For making the endorsements on a forthcoming bond and recording the matters
14 relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

15 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-
16 15, ten dollars.

1 (30) For preparation and issuance of a subpoena duces tecum or a summons for
2 interrogation by an execution creditor, five dollars.

3 (31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-
4 217 relating to change of name, twenty dollars; however, this subdivision shall not be
5 applicable in cases where the change of name is incident to a divorce.

6 (32) For providing court records or documents on microfilm, per frame, ten cents.

7 (33) In all chancery cases, the clerk's fee chargeable to the plaintiff shall be fifty dollars
8 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of
9 a duly certified copy of the final decree. However, no fee shall be charged for the filing of a
0 cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of
1 separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall
2 include the furnishing of a duly certified copy of both such decrees.

3 (34) For the acceptance of credit cards in lieu of money to collect and secure all fees,
4 fines, restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall
5 collect a service charge of four percent of the amount paid.

6 (35) For the return of any check unpaid by the financial institution on which it was drawn
7 or notice is received from the credit card issuer that payment will not be made for any reason,
8 the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the
9 amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

0 (36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in
1 addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

2 (37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334,
3 a fee in the same amount as the fee for the original license.

4 (38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a
5 fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy
thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the

1 clerk shall charge the same fee as for recording a deed as provided for in this section, to be
2 paid by the party upon whose request such certificate is recorded or order is entered.

3 (39) For making up, certifying and transmitting original record pursuant to the Rules of
4 the Supreme Court, including all papers necessary to be copied and other services rendered,
5 a fee of twenty dollars.

6 (40) For issuance of hunting and trapping permits in accordance with § 10.1-1154,
7 twenty-five cents.

8 (41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et
9 seq.), the fees shall be as prescribed in that Act.

10 (42) [Repealed.]

11 (43) For filing the appointment of a resident agent for a nonresident property owner in
12 accordance with § 55-218.1, a fee of one dollar.

13 (44) For filing power of attorney for service of process, or resignation or revocation
14 thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

15 (45) For recordation of certificate and registration of names of nonresident owners in
16 accordance with § 59.1-74, a fee of ten dollars.

17 (46) For maintaining the information required under the Overhead High Voltage Line
18 Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

19 (47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of
20 two dollars.

21 (48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as
22 prescribed under that section.

23 (49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as
24 prescribed under that section.

25 (50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall
26 be as prescribed under that section.

1 (51) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be
2 ten dollars.

3 In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15),
4 (16), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for
5 courthouse construction, renovation or maintenance.

6 In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17),
7 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for services
8 provided for the poor, without charge, by a nonprofit legal aid program.

9 In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and
10 (16) to be designated for the Intensified Drug Enforcement Jurisdiction Fund.

11 In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17),
12 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law
13 libraries.

14 The provisions of this section shall control the fees charged by clerks of circuit courts
15 for the services above described.

16 §16.1-273. (For effective date - See note) Court may require investigation of social
17 history and preparation of victim impact statement.

18 A. When a juvenile and domestic relations district court or circuit court has adjudicated
19 any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic
20 violation, a violation of the game and fish law or a violation of any city ordinance regulating
21 surfing or establishing curfew violations, the court before final disposition thereof ~~may~~shall
22 require an investigation, which (1) shall include a drug screening and assessment to be
23 conducted by the court services unit on any juvenile adjudicated delinquent for an offense
24 committed on or after July 1, 1999 and (2) may include the physical, mental and social
25 conditions and personality of the child and the facts and circumstances surrounding the
26 violation of law.

1 B. The court also shall, on motion of the attorney for the Commonwealth with the
2 consent of the victim, or may in its discretion, require the preparation of a victim impact
3 statement in accordance with the provisions of § 19.2-299.1 if the court determines that the
4 victim may have suffered significant physical, psychological or economic injury as a result of
5 the violation of law.

6 § 16.1-273. (Delayed effective date - See notes) Court may require investigation of
7 social history.

8 A. When a family court or circuit court has adjudicated any case involving a child
9 subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the
10 game and fish law or a violation of any city ordinance regulating surfing or establishing curfew
11 violations, the court before final disposition thereof ~~may~~shall require an investigation, which
12 (1) shall include a drug screening and assessment to be conducted by the court services unit
13 on any juvenile adjudicated delinquent for an offense committed on or after July 1, 1999 and
14 (2) may include the physical, mental and social conditions and personality of the child and the
15 facts and circumstances surrounding the violation of law.

16 B. The court also shall, on motion of the attorney for the Commonwealth with the
17 consent of the victim, or may in its discretion, require the preparation of a victim impact
18 statement in accordance with the provisions of § 19.2-299.1 if the court determines that the
19 victim may have suffered significant physical, psychological or economic injury as a result of
20 the violation of law.

21 § 18.2-251. Persons charged with first offense may be placed on probation; conditions;
22 screening, evaluation and education programs; drug tests; costs and fees; violations;
23 discharge.

24 Whenever any person who has not previously been convicted of any offense under this
25 article or under any statute of the United States or of any state relating to narcotic drugs,
26 marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a
27 proceeding against him for violation of such an offense dismissed as provided in this section,

1 pleads guilty to or enters a plea of not guilty to possession of a controlled substance under §
2 18.2-250 or to possession of marijuana under § 18.2-250.1, the court, upon such plea if the
3 facts found by the court would justify a finding of guilt, without entering a judgment of guilt and
4 with the consent of the accused, may defer further proceedings and place him on probation
5 upon terms and conditions.

6
7 As a term or condition, the court shall require the accused to be evaluated and enter a
8 treatment and/or education program, if available, such as, in the opinion of the court, may be
9 best suited to the needs of the accused. This program may be located in the judicial district in
10 which the charge is brought or in any other judicial district as the court may provide. The
11 services shall be provided by a ~~program certified or licensed by the Department of Mental~~
12 ~~Health, Mental Retardation and Substance Abuse Services~~ certified substance abuse
13 counselor as defined in § 54.1-3500.

14 The court shall require the person entering such program under the provisions of this
15 section to pay all or part of the costs of the program, including the costs of the screening,
16 evaluation, testing, and treatment, based upon the accused's ability to pay unless the person
17 is determined by the court to be indigent.

18 As a condition of probation, the court shall require the accused (1) successfully
19 complete the treatment and/or education program and (2) to remain drug free during the
20 period of probation and submit to such tests during that period as may be necessary and
21 appropriate to determine if the accused is drug free. Such testing may be conducted by
22 personnel of any program to which the person is referred or by the supervising agency.

23 The court shall, unless done at arrest, order the accused to report to the original
24 arresting law-enforcement agency to submit to fingerprinting.

25 Upon violation of a term or condition, the court may enter an adjudication of guilt and
26 proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall
27 discharge the person and dismiss the proceedings against him. Discharge and dismissal

1 under this section shall be without adjudication of guilt and is a conviction only for the
2 purposes of applying this section in subsequent proceedings.

3 Notwithstanding any other provision of this section, whenever a court places an
4 individual on probation upon terms and conditions pursuant to this section, such action shall
5 be treated as a conviction for purposes of §§ 18.2-259.1 and 46.2-390.1, and the driver's
6 license forfeiture provisions of those sections shall be imposed. The provisions of this
7 paragraph shall not be applicable to any offense for which a juvenile has had his license
8 suspended or denied pursuant to § 16.1-278.9 for the same offense.

9 § 18.2-251.01. Substance abuse screening and assessment for felony convictions.

10 A. When a person is convicted of a felony, not a capital offense, committed on or after
11 July 1, 1999, he shall be required, as a part of any presentence investigation conducted
12 pursuant to subsection D of § 19.2-299, to undergo a substance abuse screening and
13 assessment. If the person is determined to have a substance abuse problem, the court shall
14 require him to enter a treatment and/or education program, if available, which, in the opinion of
15 the court, is best suited to the needs of the person. This program may be located in the judicial
16 district in which the conviction was had or in any other judicial district as the court may provide.
17 The treatment and/or education program services shall be provided by a certified substance
18 abuse counselor as defined in § 54.1-3500. The court shall require the person entering such
19 program under the provisions of this section to pay all or part of the costs of the program,
20 including the costs of the screening, assessment and treatment, based upon the person's
21 ability to pay.

22 B. As a condition of any sentence to probation, community corrections or incarceration,
23 the person shall be required to undergo periodic testing and treatment for substance abuse
24 appropriate to his substance abuse assessment.

25 § 18.2-252. Suspended sentence conditioned upon submission to periodic medical
26 examinations and tests.

Notwithstanding any other provision of law to the contrary, ~~the~~ The trial judge or court trying the case of any person found guilty of violating any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances, may condition any suspended sentence by first requiring such person to agree to undergo periodic medical examinations and tests to ascertain any use or dependency on the substances listed above and like substances. The frequency and completeness of such examinations and tests shall be in the discretion of such judge or court, and the results of the examinations and tests given to the judge or court as ordered. The cost of such examinations and tests ordered by the court in addition to any screening and assessment ordered pursuant to § 18.2-251.01 shall be paid by the Commonwealth and taxed as a part of the costs of such criminal proceedings. The judge or court, in his or its discretion, may enter such additional orders as may be required to aid in the rehabilitation of such convicted person.

§ 18.2-271.3 Alcohol and substance abuse screening and assessment for designated Class 1 misdemeanor convictions.

A. When a person is convicted of any Class 1 misdemeanor offense involving drugs or alcohol, except for any conviction under § 18.2-266, the court shall order the person to undergo a substance abuse screening and assessment to be conducted by the drug education and intervention unit of the local alcohol safety action program. The court may order such screening and assessment on its own motion upon a conviction of a non-drug or alcohol-related Class 1 misdemeanor if the court has reason to believe the defendant has a substance abuse problem.

The alcohol safety action program may charge a fee or no more than \$150 for the screening and assessment. If a substance abuse problem is identified, the person shall be required to complete the drug education and intervention component of the alcohol safety action program for which the local alcohol safety action program may charge a fee of no more than \$300. The court shall require the person to pay all or part of the costs of the program.

1 including the costs of the screening, assessment, education and intervention, based upon the
2 person's ability to pay.

3 § 19.2-299. Investigations and reports by probation officers in certain cases.

4 A. When a person is tried in a circuit court upon a felony charge or upon a charge of
5 assault and battery in violation of §§ 18.2-57, 18.2-57.1 or § 18.2-57.2, stalking in violation of
6 § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of §
7 18.2-67.5, or maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266, and
8 is adjudged guilty of such charge, the court ~~may, or on the motion of the defendant shall,~~
9 before imposing sentence direct a probation officer of such court to thoroughly investigate and
10 report upon the history of the accused, including a report of the accused's criminal record as
11 an adult and available juvenile court records, and all other relevant facts, to fully advise the
12 court so the court may determine the appropriate sentence to be imposed. The probation
13 officer, after having furnished a copy of this report at least five days prior to sentencing to
14 counsel for the accused and the attorney for the Commonwealth for their permanent use, shall
15 submit his report in advance of the sentencing hearing to the judge in chambers, who shall
16 keep such report confidential. The probation officer shall be available to testify from this report
17 in open court in the presence of the accused, who shall have been advised of its contents and
18 be given the right to cross-examine the investigating officer as to any matter contained therein
19 and to present any additional facts bearing upon the matter. The report of the investigating
20 officer shall at all times be kept confidential by each recipient, and shall be filed as a part of
21 the record in the case. Any report so filed shall be sealed upon the entry of the sentencing
22 order by the court and made available only by court order, except that such reports or copies
23 thereof shall be available at any time to any criminal justice agency, as defined in § 9-169, of
24 this or any other state or of the United States; and to any agency where the accused is
25 referred for treatment by the court or by probation and parole services, and shall be made
26 available to counsel for any person who has been indicted jointly for the same felony as the
27 person subject to the report. Any report prepared pursuant to the provisions hereof shall

without court order be made available to counsel for the person who is the subject of the report if that person is charged with a felony subsequent to the time of the preparation of the report. The presentence report shall be in a form prescribed by the Department of Corrections. In all cases where such report is not ordered, a simplified report shall be prepared on a form prescribed by the Department of Corrections.

B. As a part of any presentence investigation conducted pursuant to subsection A when the offense for which the defendant was convicted was a felony, the court probation officer shall advise any victim of such offense in writing that he may submit to the Virginia Parole Board a written request (i) to be given the opportunity to submit to the Board a written statement in advance of any parole hearing describing the impact of the offense upon him and his opinion regarding the defendant's release and (ii) to receive copies of such other notifications pertaining to the defendant as the Board may provide pursuant to subsection B of § 53.1-155.

C. As part of any presentence investigation conducted pursuant to subsection A when the offense for which the defendant was convicted was a felony drug offense set forth in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the presentence report shall include any known association of the defendant with illicit drug operations or markets.

D. As a part of any presentence investigation conducted pursuant to subsection A, when the offense for which the defendant was convicted was a felony, not a capital offense, committed on or after July 1, 1999, the defendant shall be required to undergo a substance abuse screening and assessment for further referral, if any, in accordance with § 18.2-251.01.

NEW SECTION: There is hereby established in the State Treasury a Drug Offender Assessment Fund which shall consist of moneys received from fees imposed on certain drug offense convictions as defined in subsections 15 and 16 of § 14.1-112. All interest derived from the deposit and investment of moneys in the fund shall be shall be credited to the fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender

1 Assessment Fund and shall not be transferred or revert to the general fund of the state at the
2 end of any fiscal year. All moneys in the fund shall be subject to annual appropriation by the
3 General Assembly to the Department of Corrections and the Department of Juvenile Justice to
4 implement and operate the offender substance abuse screening and assessment program.

5 2. That the provisions of this act amending §§ 18.2-251, 18.2-271.1 and 19.2-299 shall
6 become effective July 1, 1999.

7 3. That the provisions of this act adding § 18.2-271.3 shall become effective October 1,
8 1998.

9 4. That an implementation workgroup is established to include the Directors of the
10 Department of Corrections, Department of Criminal Justice Services, Department of
11 Juvenile Justice, Department of Mental Health, Mental Retardation and Substance
12 Abuse Services, the Sentencing Commission and the Virginia Alcohol Safety Action
13 Program. The Sentencing commission will serve as the lead agency. An Advisory
14 Group will also be established to include representation from a local community
15 services board, a probation and parole district office, a local alcohol safety action
16 program, a local community corrections program and a private treatment provider to be
17 appointed by the Implementation workgroup. The Implementation Workgroup will
18 develop a plan which includes (i) a revised pre-sentence investigation report which
19 includes a substance abuse screening and assessment component, (ii) an analysis of
20 current and optimum substance abuse treatment continuum, (iii) recommendations for
21 a graduated sanctioning system for probation/parole violations related to substance
22 abuse, and (iv) substance abuse treatment outcome measures. The Implementation
23 Workgroup shall report its plan to the Virginia State Crime Commission, House Courts
24 of Justice, Senate Courts of Justice, House Appropriations Committee, and Senate
25 Finance Committee by January 1, 1998.

26 #

Appendix C

Virginia Criminal Sentencing Commission Substance Abuse Indices on Convicted Felons (FY 1995 & 1996)

Virginia Criminal Sentencing Commission

Substance Abuse Indices on Convicted Felons (FY 1995 & FY 1996)



Presented to:

HJR 443
Task Force

May 21, 1997
Speaker's Conference Room

PPS-38
Revised 6/94

VIRGINIA DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT
OFFENDER INFORMATION

District # One

Prepared by _____

Date of Sentencing: _____

Date Typed: _____

OFFENDER SUMMARY		OFFENDER'S NAME (Last, First, Middle)			
NICKNAME/STREETNAME		ALIAS (AKA)		MAIDEN NAME	
RACE	SEX	PLACE OF BIRTH (CITY OR COUNTY)	LOC/STATE	AGE	DATE OF BIRTH (MM/DD/YY)
SOCIAL SECURITY NUMBER		STATE ID NUMBER (CCRE)		FBI NUMBER	
PERMANENT ADDRESS:					
LOCAL ADDRESS (IF DIFFERENT):					
COURT INFORMATION		COURT		JUDGE Honorable	
PROSECUTING ATTORNEY		DEFENSE ATTORNEY		TYPE OF COUNSEL Ct Appointed [] Retained []	
DATE OF CONVICTION		METHOD OF ADJUDICATION Guilty Plea []1 Judge []2 Jury []3			
PRETRIAL STATUS		On Bond []1		Own Recognizance []2	
Confinement []3		Third Party Release []4		N/A []	
PRETRIAL JAIL STATUS		From	To	From	To
SOURCE OF BOND		Personal []1 Other []2		POST TRIAL	
Family []3 Bondsman []4 NA []				Confined [] Not Confined []	
OFFENSE INFORMATION		OFFENSE AT INDICTMENT		OFFENSE CODE	
DOCKET INFORMATION				VCC	
				PLEA PER OFFENSE	
1.					
2.					
3.					
OFFENSE AT CONVICTION		OFFENSE CODE		PLEA AGREEMENT	
		VCC			
1.					
2.					
3.					
CODEFENDANTS		NAMES (Last, First, Middle)		Disposition	
1.					
2.					

OFFENSE INFORMATION CONTINUATION SHEET

Ref: _____

<u>DOCKET INFORMATION</u>	<u>OFFENSE AT INDICTMENT</u>	<u>OFFENSE CODE VCC</u>	<u>PLEA PER OFFENSE</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

<u>OFFENSE AT CONVICTION</u>	<u>OFFENSE CODE VCC</u>	<u>PLEA AGREEMENT</u>	<u>VIRGINIA CODE SECTION</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
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16.			
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18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Revised 6/94

CURRENT OFFENSE INFORMATION

Ref: _____

MOST SERIOUS OFFENSE INFORMATION		MOST SERIOUS OFFENSE AT INDICTMENT			OFFENSE CODE (VCC)	
DATE OF OFFENSE	# OF CODEFENDANTS	RESISTING ARREST No[] Yes[]	TYPE OF OFFENSE Person[]1 Property[]2 Other[]3			
LEGAL STATUS AT THE TIME OF THE OFFENSE						
Mandatory Parole[]2		Discretionary Parole[]3		Probation[]4		Bond[]5
Release Summons[]6		Released Recognizance[]7		Other[]8		None[]9
WEAPON USE						
None[]1		Used to Injure[]2		Used to Threaten[]3		
WEAPON TYPE						
Firearm[]1		Knife[]2		Explosive[]3		
Simulated Weapon[]4		Other[]5		NA[]		
OFFENDER'S ROLE IN OFFENSE						CURRENT ARREST DATE
Alone[]1		Leader[]2		Accomplice[]3		Not Determined[]4
MOST SERIOUS VICTIM INFORMATION			INJURY TO VICTIM			
NA []			Death[]1		Serious Physical[]2	
			Physical[]3		Emotional[]4	
					Threatened[]5	
					NA[]6	
VICTIM RELATIONSHIP TO OFFENDER						
None[]1		Friend[]2		Family[]3		Police Officer[]4
PHYSICALLY HANDICAPPED VICTIM				VICTIM INFORMATION		
No[]1		Yes[]2		Unknown[]		Age[]
				Sex[]		Race[]
VICTIM IMPACT STATEMENT REQUESTED - If yes attach to PSI: Yes[] No[]						
ALCOHOL/DRUG USE AT TIME OF OFFENSE						
None[]1		Both[]2		Alcohol[]3		Drug[]4
						Unknown[]5
DRUG OFFENSE:						
Primary Drug:			Secondary Drug:			
Amount:			Amount:			

NARRATIVE OF CURRENT OFFENSE:

JUVENILE CRIMINAL HISTORY

Fig. 4

Ref:

JUVENILE RECORD	PRIOR JUVENILE RECORD No[]1 Yes[]2 Unknown[]	TYPE OF RECORD Delinquent[] Status[]	AGE AT FIRST ADJUDICATION:
NUMBER PRIOR JUVENILE DELINQUENT ADJUDICATIONS: Crimes Against Person[] Crimes Against Property[] Drug Crimes[] Other[]			
TYPES OF DISPOSITION(s) Probation []1 Revoked []2 State Ward []3 Other []4			
VERIFIED INFORMATION No[] Yes[]	SOURCE OF INFORMATION IF UNVERIFIED Family Member/Relative[]1 Defendant[]2 Other[]3		

NARRATIVE OF JUVENILE CRIMINAL HISTORY:

ADULT CRIMINAL HISTORY SUMMARY

Ref: _____

ADULT RECORD	PRIOR ADULT RECORD Yes[]1 No[]2 Unknown[]	NO. OF PRIOR FELONY SENTENCING EVENTS									
NO. OF PRIOR FELONY CONVICTIONS											
Crimes Against Persons[] Property Crimes[] Drug Crimes[] Other[]											
NO. OF PRIOR FELONY CONVICTIONS FOR INSTANT OFFENSE AT CONVICTION		NO. OF PREVIOUS FELON COMMITMENTS									
		Virginia[] Out of State[]									
MOST RECENT AND SERIOUS PRIOR CRIMINAL ADULT CONVICTIONS											
Description		Offense Code (VCC)									
1.	_____	1. _____									
2.	_____	2. _____									
3.	_____	3. _____									
4.	_____	4. _____									
5.	_____	5. _____									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">NO. OF PRIOR PROBATIONS</td> <td style="width:33%;">NO. OF PRIOR PAROLES</td> <td style="width:34%;">NO. OF PRIOR INCARCERATIONS</td> </tr> <tr> <td>Completed []</td> <td>Completed []</td> <td>Under 1 Year []</td> </tr> <tr> <td>Revoked []</td> <td>Revoked []</td> <td>1 Year or More []</td> </tr> </table>			NO. OF PRIOR PROBATIONS	NO. OF PRIOR PAROLES	NO. OF PRIOR INCARCERATIONS	Completed []	Completed []	Under 1 Year []	Revoked []	Revoked []	1 Year or More []
NO. OF PRIOR PROBATIONS	NO. OF PRIOR PAROLES	NO. OF PRIOR INCARCERATIONS									
Completed []	Completed []	Under 1 Year []									
Revoked []	Revoked []	1 Year or More []									
LAST PREVIOUS ARREST DATE (OR RELEASE FROM CONFINEMENT)		PRIOR MISDEMEANANT CONVICTIONS									
		Criminal [] Criminal Traffic []									

NARRATIVE OF ADULT CRIMINAL HISTORY SUMMARY:

FAMILY/ENVIRONMENTAL INFORMATION

Ref: _____

MARITAL/ RESIDENTIAL STABILITY	NO. OF DEPENDENTS	MARITAL STATUS Single/Never Married[]1 Married[]2 Separated[]3 Divorced[]4 Widow/Widower[]5 Divorced/Remarried[]6 Widowed/Remarried[]7 Other[]8 Unknown[]		
LIVING STATUS		Alone[]1	Single Parent/Head of Household[]2	
		With Spouse[]3	With Parent/Other Relative[]4	Other[]5
LENGTH OF RESIDENCE AT CURRENT ADDRESS Years[] Months[]		LENGTH OF RESIDENCE IN LOCAL AREA Years[] Months[]		LENGTH OF RESIDENCE APART FROM PARENTS Years[] Months[]
HAS ANY MEMBER OF OFFENDER'S FAMILY EVER BEEN CONVICTED OF A FELONY? No []1 Yes []2 Unknown []				
SPOUSE NAME/ADDRESS				

NARRATIVE OF FAMILY/ENVIRONMENTAL INFORMATION:

PERSONAL HISTORY CONTINUED

Ref: _____

EMPLOYMENT HISTORY	EMPLOYMENT AT TIME OF OFFENSE					
	Full-Time []1	Part-Time []2	Full-Time Student []3	Housewife []4	Retired/Disabled []5	Unemployed []6
TYPE OF EMPLOYMENT			DESCRIPTION OF OCCUPATION			OCCUPATION CODE
Skilled []1	Semi-Skilled []2	Unskilled []3	Student []			
LENGTH OF LONGEST EMPLOYMENT		LONGEST EMPLOYMENT PERIOD WITHIN PAST TWO YEARS				
Years []	Months []	Years []	Months []			
EMPLOYMENT RECORD OVER PAST TWO YEARS						
Regular, Many Changes []2	Irregular []3	Regular, Few Changes []1	Odd Jobs Only []4	No Work Record []5		

EMPLOYMENT HISTORY NARRATIVE:

FINANCIAL STATUS	RESIDENCE		CHECKING ACCOUNT		SAVINGS ACCOUNT		GROSS MONTHLY INCOME CLAIMED \$
	Own []1	Rent []2	No []	Yes []	No []	Yes []	
	Other []3						
TOTAL INDEBTEDNESS CLAIMED: \$				TOTAL MONTHLY PAYMENTS CLAIMED: \$			
SOURCE OF SUBSISTENCE							
	Job []1	Assistance []2	Spouse []3	Family []4	Other []5	None []6	

FINANCIAL STATUS NARRATIVE:

PERSONAL HISTORY CONTINUED

Ref:

HEALTH INFORMATION	PHYSICAL HEALTH CONDITION Good[]1 Fair[]2 Poor[]3	PHYSICAL HANDICAPS No[] Yes[]	MENTAL HEALTH TREATMENTS No[] Yes[]	MENTAL HEALTH COMMITMENT No[] Yes[]
TYPE OF MENTAL HEALTH TREATMENT Inpatient []1 Outpatient []2 NA []				
TYPE OF MENTAL HEALTH COMMITMENT Involuntary[]1 Court Ordered Evaluation[]2 Voluntary[]3 NA []				
DRUG USE CLAIMED Not Used []no Heavy Use []y1 Moderate Use[]y2 Occasional Use []y3 Extent Unknown []y4				
DRUG ABUSE APPARENT: No[] Yes[]		DRUG TREATMENT: No[] Yes[]		
TYPE OF SUBSTANCE CLAIMED Not Used[]no Hallucinogens[]Y1 Heroin[]Y2 Opium[]Y3 Cocaine[]Y4 Synthetic Narcotics[]Y5 Marijuana[]Y6 Amphetamines[]Y7 Barbiturates[]Y8 Drug Type Unknown(E.G. Hypnotic, Sedative)[]Y9 Not Available[](na)				
ALCOHOL USE CLAIMED Not Used[]no Heavy Use[]Y1 Moderate Use[]Y2 Occasional Use[]Y3 Extent Unknown[]Y4				
ALCOHOL ABUSE APPARENT: No[] Yes[]		ALCOHOL TREATMENT: No[] Yes[]		
HEIGHT ft in	WEIGHT lbs	COLOR EYES Black[]BLK Blue[]BLU Brown[]BRO Grey[]GRY Green[]GRN Hazel[]HAZ Pink[]PNK Mismatched[]M		
COLOR HAIR Black[]BLK Brown[]BRO Blonde[]BLN Red[]RED White[]VHI Grey[]GRY Sandy[]SNY Bald[]BAL Auburn[]AUB				
SCARS, MARKS, TATTOOS:				

HEALTH INFORMATION NARRATIVE:

COMMUNITY SUPERVISION PLAN AND SUMMARY

Ref: _____

COMMUNITY SUPERVISION PLAN	RESIDENCE PLAN	Alone[]1	Parents[]2	Spouse[]3
		Spouse & Dependents[]4	Other Relatives[]5	Employer[]6
		Other[]7		

RESIDENCE

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: () _____

EMPLOYMENT

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: () _____

OFFENDER'S PLAN OF RESTITUTION:

OFFENDER'S COMMUNITY PLAN TO HELP SELF:

COMMUNITY RESOURCES PROPOSED FOR OFFENDER'S ASSISTANCE:

RECOMMENDATION

Probation[]1 Community Plan[]2 Incarceration[]3 Other[]4 No Recommendation[]5

RECOMMENDATION SUMMARY:

Respectfully submitted,

Probation and Parole Officer
District One

/rpc

CRIMINAL HISTORY ATTACHMENT

Ref: _____

PRIOR RECORD		OFFENDER'S NAME		
FBI NUMBER		STATE ID NUMBER		LOCAL P.D. NUMBER
RACE	SEX	DATE OF BIRTH		SOCIAL SECURITY NUMBER

CRIMINAL HISTORY NARRATIVE:

<u>DATE</u>	<u>JURISDICTION</u>	<u>CHARGED OFFENSE</u>	<u>CONVICTED OFFENSE</u>	<u>SENTENCING INFORMATION</u>
-------------	---------------------	----------------------------	------------------------------	-----------------------------------

DRUG USE CLAIMED				
NOT USED [](NO)	HEAVY USE [](Y1)	MODERATE USE [](Y2)	OCCASIONAL USE [](Y3)	EXTENT UNKNOWN [](Y4)
DRUG USE APPARENT		DRUG TREATMENT		
NO [] YES []		NO [] YES []		
TYPE OF SUBSTANCE CLAIMED: NOT USED [](NO) HALLUCINOGENS [](Y1)				
HEROIN [](Y2) OPIUM [](Y3) COCAINE [](Y4) SYNTHETIC NARCOTICS [](Y5)				
MARIJUANA [](Y6) AMPHETAMINES [](Y7) BARBITURATES [](Y8)				
DRUG TYPE UNKNOWN [](Y9) NOT AVAILABLE [](NA)				

G. Drug Use Claimed

The following sections on drug use and abuse pertain to the offender's general use within the recent past (1 year or less) and not to use at time of offense. If offender has not been using drugs in the past year or so, but a user prior to that, indicate such in the health narrative.

Mark the appropriate category for the offender's use of drugs. This is the offender's statement regarding his/her use.

H. Drug Abuse Apparent

Mark this block according to the officer's view of whether drugs have interfered with the client's everyday life and resulted in negative consequences.

I. Drug Treatment

Mark "no" or "yes" indicating if the offender has ever had drug treatment. Offender does not have to complete the treatment for this block to be marked yes.

J. Type of Substance Claimed

Mark the appropriate category(ies) indicating what substances offender says he/she has been using in the recent past (1 year or less). See Appendix C for a classification listing of drugs.

ALCOHOL USE CLAIMED				
NOT USED [](NO)	HEAVY USE [](Y1)	MODERATE USE [](Y2)	OCCASIONAL USE [](Y3)	EXTENT UNKNOWN [](Y4)
ALCOHOL ABUSE APPARENT			ALCOHOL TREATMENT	
NO [] YES []			NO [] YES []	
HEIGHT _____ FT _____ IN			WEIGHT _____	

K. Alcohol Use Claimed

The following sections on alcohol use and abuse pertain to the offender's general use within the recent past (1 year or less) and not to use at time of offense. If offender has not been using alcohol in the past year or so, but a user prior to that, indicate such in the health narrative.

Mark the appropriate category for the offender's use of alcohol. This is the offender's statement regarding his/her use.

L. Alcohol Abuse Apparent

Mark this block according to the officer's view of whether alcohol has interfered with the client's everyday life and resulted in negative consequences.

M. Alcohol Treatment

Mark "no" or "yes" indicating if the offender has ever had alcohol treatment. Offender does not have to complete the treatment for this block to be marked yes. VASAP (Virginia Alcohol Safety Action Program) is considered an alcohol treatment program.

N. Height

Enter the offender's height in feet and inches (i.e., 6 ft. 2 in.).

O. Weight

Enter the offender's weight in pounds.

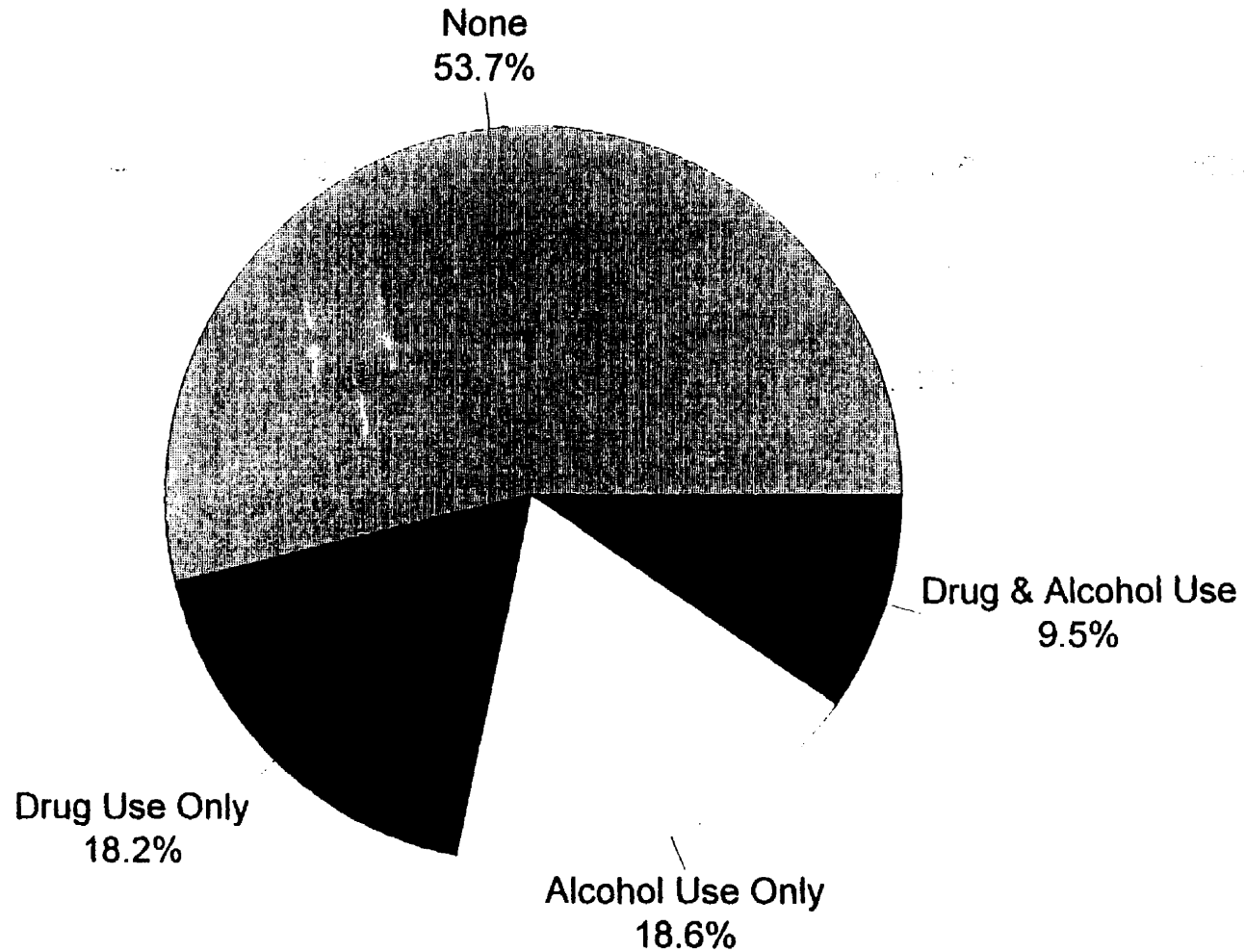
Number of Pre-/Post-Sentence (PSI) for Felony Conviction Cases by Fiscal Year (FY1995 - FY1996)

	FY1995		FY1996	
	Number	Percent	Number	Percent
Pre-Sentence Report	11,502	54.5%	12,046	61.9%
Post-Sentence Report	9,614	45.5%	7,430	38.1%
Total	21,116	100.0%	19,476	100.0%

*Note: Report type cannot be determined for 42 cases.
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons with Known Alcohol/Drug Use at Offense (FY1995 - FY1996 Conviction Cases)

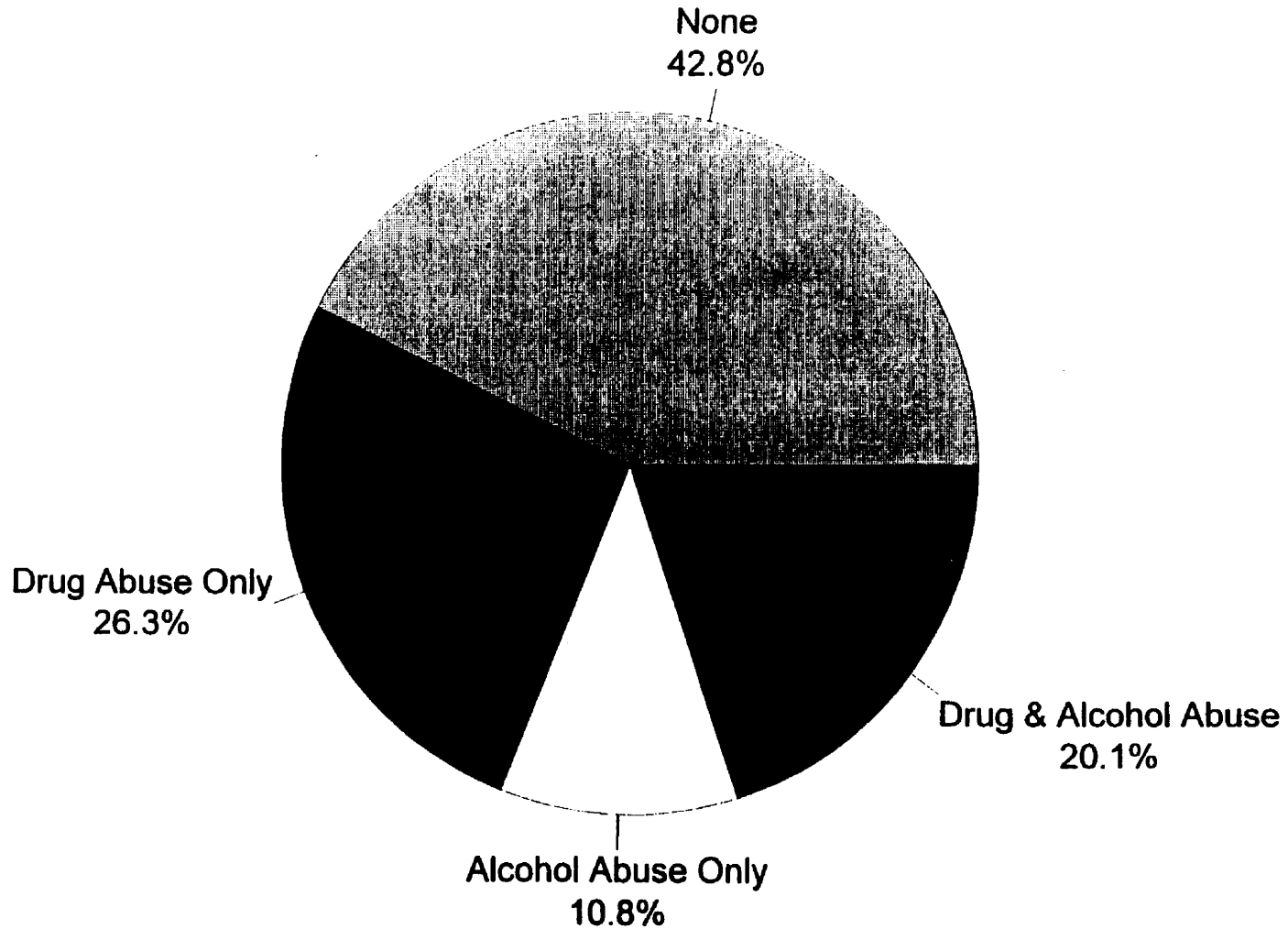
Total Cases=28,970*



*Note: For 28.7% (11,664) of total FY1995 - FY1996 felony conviction cases, use of alcohol or drugs at time of offense is not known.
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons with Evidence of Drug and Alcohol Abuse by Type of Abuse (FY1995 - FY1996 Conviction Cases)

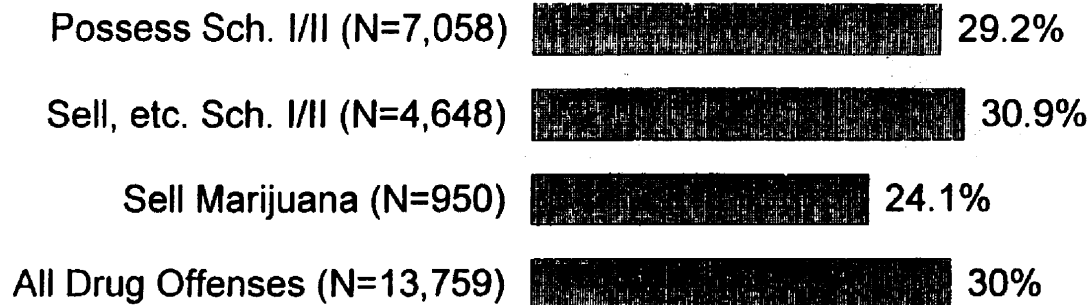
Total Cases=38,200*



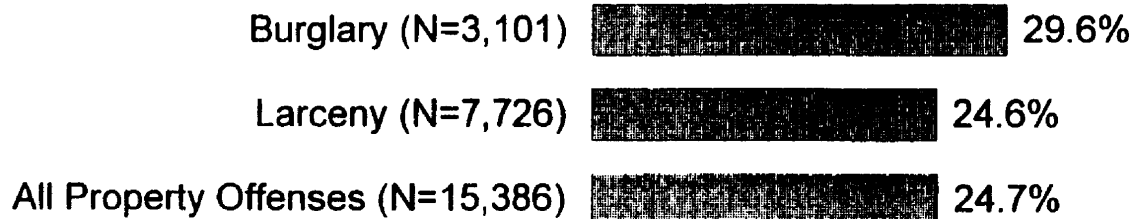
*Note: For 6% (2,434) of the total FY1995 - FY1996 felony conviction cases, data for alcohol and drug abuse is not available.
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons Admitting Heavy Drug Use (FY1995 - FY1996 Conviction Cases)

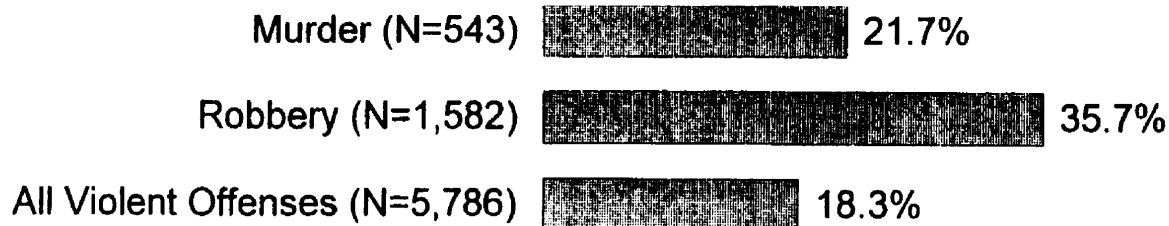
Drug Offenses



Property Offenses



Violent Offenses



Data Source: Pre-/Post-Sentence Investigation (PSI) data system

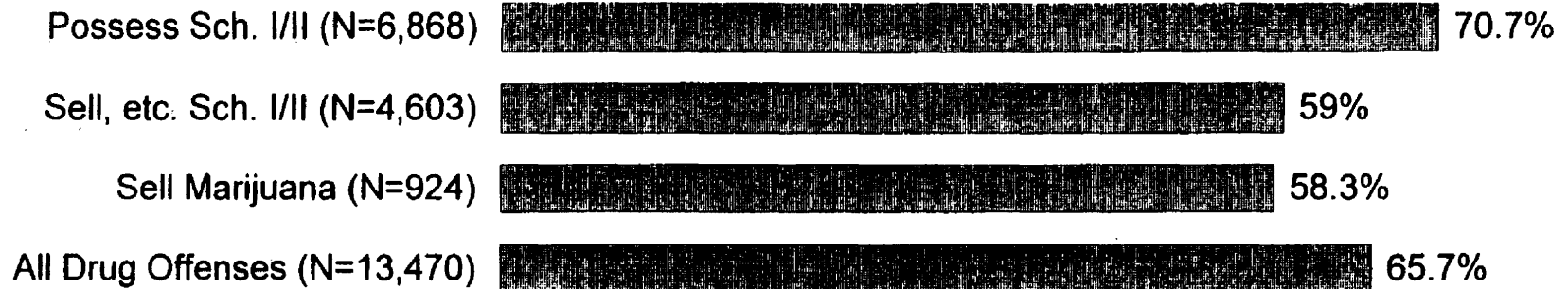
Percentage of Felons Admitting Use of Cocaine, Marijuana and Other Drugs (FY1995 - FY1996 Conviction Cases)

	Cocaine	Marijuana	Other Drugs
Drug Offenses			
Possess Sch. I/II	64.9%	54.4%	20.2%
Sell, etc. Sch. I/II	49.8%	55.2%	15.4%
Sell Marijuana	21.3%	69.7%	15.9%
Property Offenses			
Burglary	37.6%	50.5%	18.2%
Larceny	32.3%	37.7%	17.5%
Violent Offenses			
Murder	27.8%	48.5%	15.9%
Robbery	41.8%	54.8%	16.9%

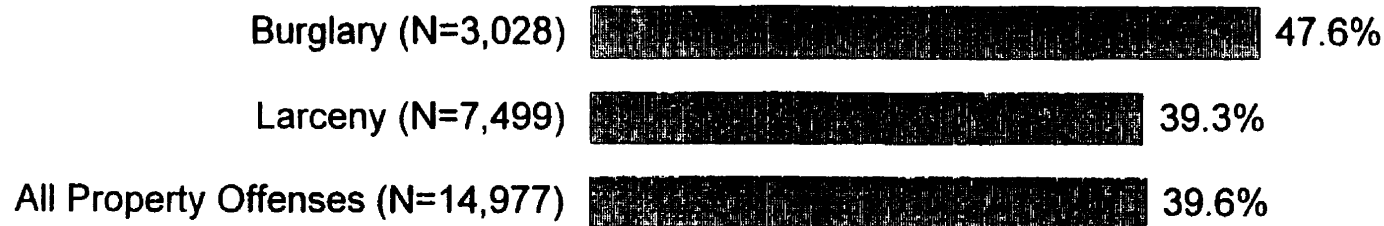
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons with Evidence of Drug Abuse (FY1995 - FY1996 Conviction Cases)

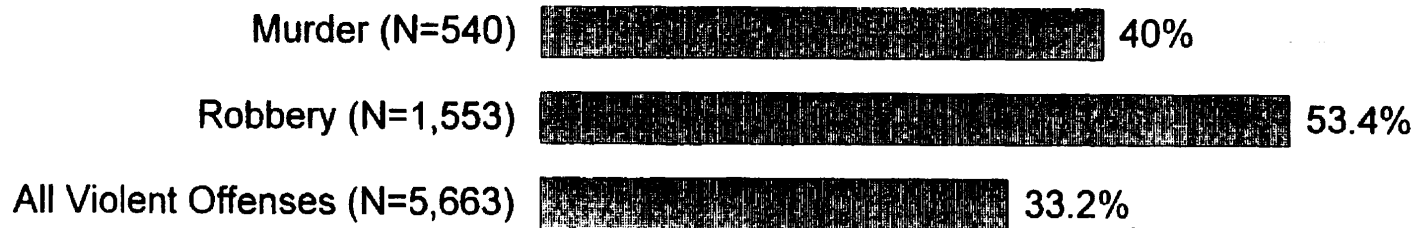
Drug Offenses



Property Offenses



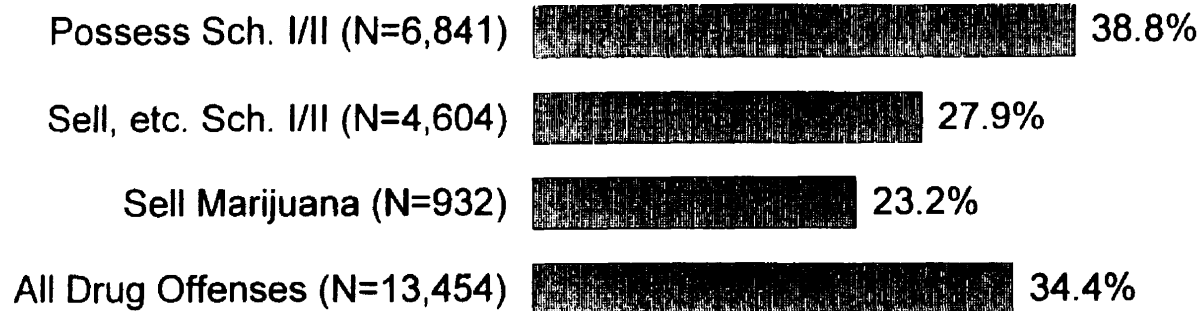
Violent Offenses



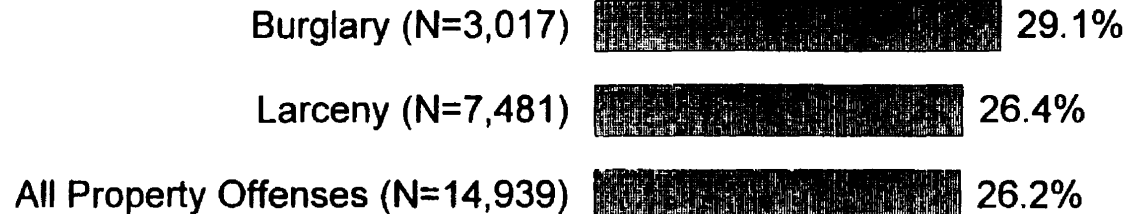
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons Having Received Drug Treatment (FY1995 - FY1996 Conviction Cases)

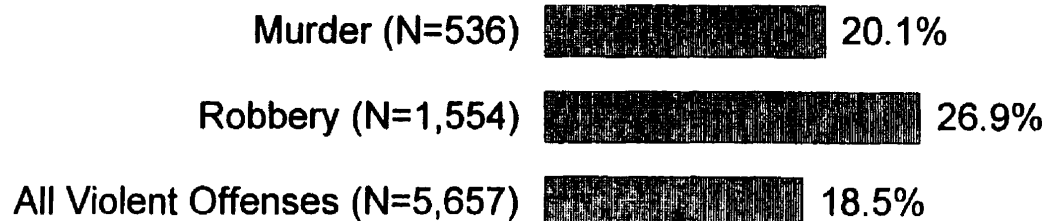
Drug Offenses



Property Offenses

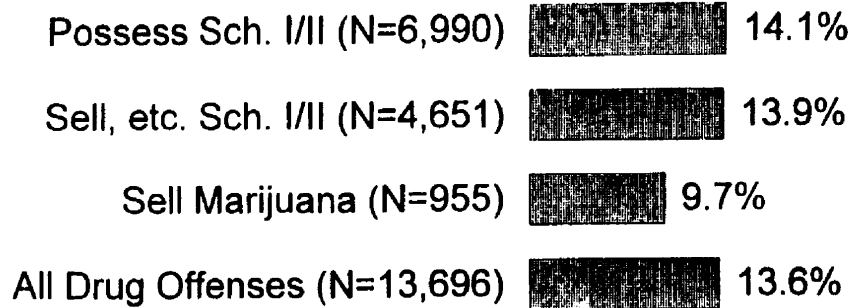


Violent Offenses

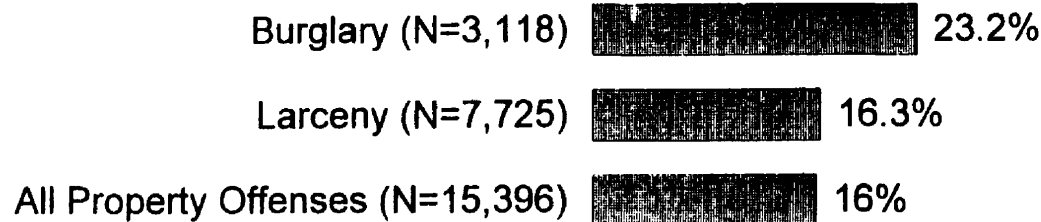


Percentage of Felons Admitting Heavy Alcohol Use (FY1995 - FY1996 Conviction Cases)

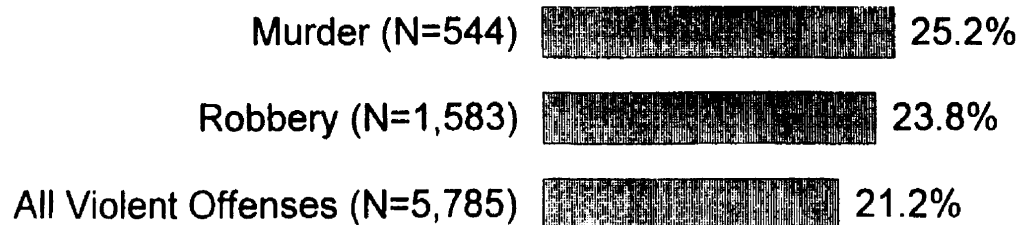
Drug Offenses



Property Offenses



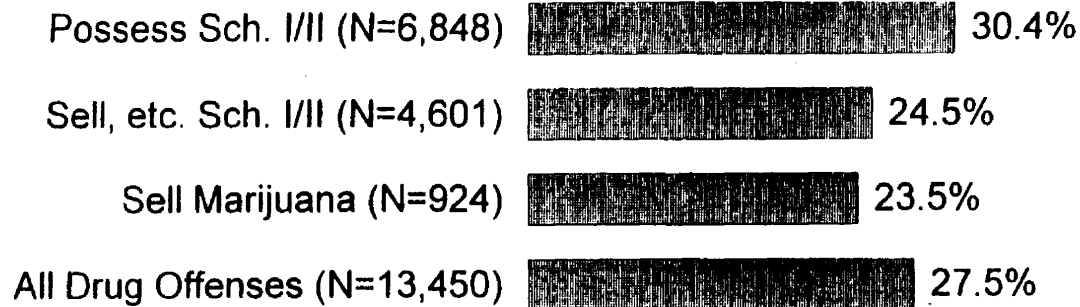
Violent Offenses



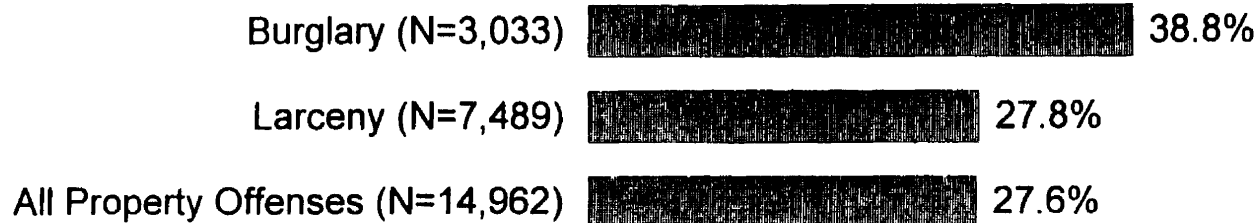
Data Source: Pre-/Post-Sentence Investigation (PSI) data system

Percentage of Felons with Evidence of Alcohol Abuse (FY1995 - FY1996 Conviction Cases)

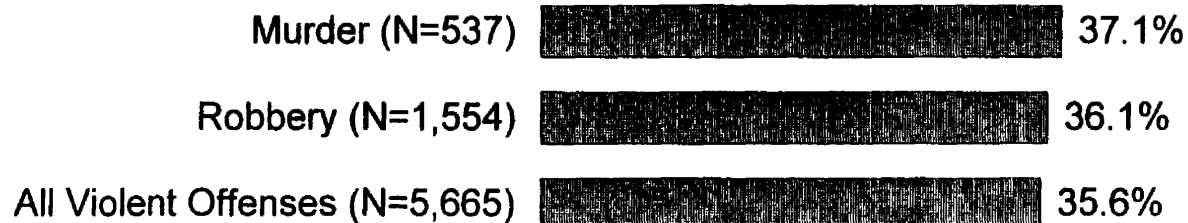
Drug Offenses



Property Offenses

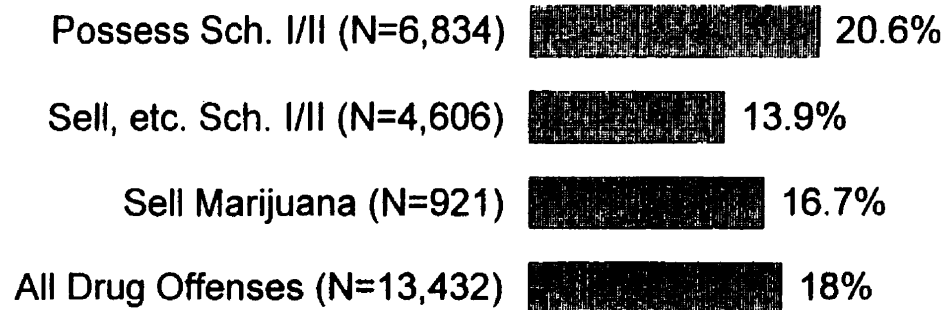


Violent Offenses

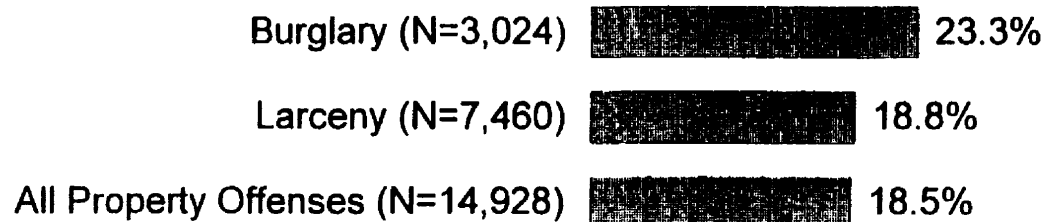


Percentage of Felons Having Received Alcohol Treatment (FY1995 - FY1996 Conviction Cases)

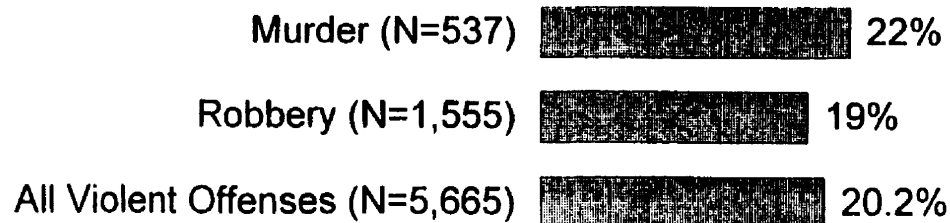
Drug Offenses



Property Offenses



Violent Offenses



Data Source: Pre-/Post-Sentence Investigation (PSI) data system

