

**REPORT OF THE  
DEPARTMENT OF CORRECTIONS**

# **Development of a Therapeutic Incarceration Program**

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



## **HOUSE DOCUMENT NO. 60**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2006**

## **Virginia Department of Corrections Sentences to Therapeutic Incarceration Program**

### ***Statement of Purpose:***

*Senate Bill 611 was introduced in the 2006 General Assembly but was tabled. The 2006 Appropriations Act requires that DOC submit a report on the feasibility of the proposal by October 16, 2006. Subject to final Executive branch approval, DOC would work with DPB and Legislative committee staff to introduce an amendment which would enable a pilot project to be conducted. Department of Corrections supports the idea of such a pilot project with interested and designated Circuit Courts.*

### ***Summary:***

*The Department of Corrections (DOC) Therapeutic Incarceration Program including an Institutional (TC) phase of least 12 months followed by a community-based residential transition (TTC) phase of at least 4-6 months has a demonstrated success record. Circuit Court judges have expressed interest in using the program in several venues.*

*Substance abusing offenders are a significant percentage of incoming prisoners either from initial sentences or as probation, parole, or post release violators. Currently, they are classified to the DOC TC Program as they enter the last 18 – 24 months of incarceration. In CY 2005, 2,521 prisoners were received who had sentences of 3 years or more for Non-Violent or Drug offenses.*

*The 2007 amendment to the Appropriations Act as a “**pilot**”, would allow DOC to evaluate and Circuit Court Judges to sentence felon criminal defendants who would receive at least 3 years of active incarceration to the DOC TC Program. The defendant would be initially classified to an Institutional TC. If the defendant successfully completed both phases of the program, DOC would recommend to the sentencing Judge that the balance of the sentence be suspended and the defendant released on supervised probation. Defendants who failed to complete the program would remain in DOC to serve the sentence originally imposed.*

*This program would allow Department of Corrections to develop an additional evidence-based sentencing option for the judiciary and create an incentive for prisoners to enter and successfully complete an effective program.*

### ***Current Therapeutic Communities:***

*The current Institutional TC capacity is 1,591 at Indian Creek, Botetourt, Fluvanna, and the privately operated Lawrenceville Correctional Center. The current residential TTC contract capacity is 175. The effectiveness of the TC / TTC program of male and female participants is reported in the attached evaluation update summaries.*

### ***Proposed Language Amendment:***

*The proposed 2007 amendment would substitute the language below as Item 387-J of the 2006 Appropriations Act:*

*“The Department of Corrections shall establish a pilot therapeutic incarceration program for criminal defendants who would otherwise be sentenced to a fixed term of incarceration of at least 3 years either initially or after probation revocation. Defendants who successfully complete the program shall be considered for a sentence reduction to include supervised probation by the sentencing court. The Department of Corrections shall coordinate with the Supreme Court to incorporate procedures which ensure the referred defendants are eligible and suitable for program participation. By September 1, the Department of Corrections shall report to the Secretary of Public Safety, the Chief Justice of the Supreme Court, and the Chairmen of the Senate Committees on Finance and Courts of Justice and the House Committees on Appropriations and Courts of Justice on the implementation and effectiveness of the program”*

**Sentences to Therapeutic Incarceration Program – *continued...***

***Fiscal Impact:***

*A pilot study can be conducted within existing resources.*

***Constituent Analysis (Agencies / Organizations):***

*The affected groups would include:*

- Supreme Court of Virginia - who will be requested to support a pilot project
- Virginia Criminal Sentencing Commission - would be asked to support a sentencing alternative
- Private Community- Based Residential Transition Contract Vendors

***Contact Persons:***

*These Department of Corrections staff includes:*

*Michael Leininger @ 804 – 674-3124 x 1115*

*Gary Bass @ 804-674-3218*

*Walt Pulliam Jr. @ 804-674-3557 x 1745*

***Appendixes:***

*Senate Bill No. 611*

*Evaluation Summaries (Male and Female)*