

August 17, 2011

The Honorable Marla Decker
Secretary of Public Safety
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Re: Behavioral Correction Program (BCP)

Dear Secretary Decker:

The 2009 General Assembly created a new sentencing option to allow judges to sentence offenders directly into the Department of Corrections' Substance Abuse Therapeutic Community Treatment Program (TC). Budget Item 390, Section J authorized the Department of Corrections in coordination with the Virginia Supreme Court to develop such a program. A meeting of Department of Corrections staff and staff of the Supreme Court was held and a model sentencing order developed. This is a status report on that program as required.

Under this sentencing option, the judge consults with probation and parole staff to determine eligibility and then sentences the offender to a minimum of three years to serve. Once sentenced, the offender will be processed through one of the Department of Corrections reception centers and then placed into the existing substance abuse programs at Indian Creek Correctional Center for males or Virginia Correctional Center for Women or Central Virginia Correctional Unit for females. Upon completion of the two year TC program, the sentencing judge can suspend the balance of the sentence and release the offender on probation. These BCP sentenced offenders are housed with and participate in the substance abuse program with other offenders who are sentenced through traditional sentencing.

Since the inception of the program in July, 2009 the Department has received 198 offenders sentenced under the BCP option. None have yet to complete the program, however 10 are scheduled to complete the program over the next six months. Seven offenders have been removed from the program due to behavioral or other issues. These offenders are reassigned to other prisons to serve out the balance of their sentence. The Indian Creek

program has a capacity of 932 and the female programs have a combined capacity of 262. These therapeutic programs are evidence based and offenders who have completed these programs have a lower recidivism rate (7.8%) than the Department's average (27.3%). In addition, research has shown that motivation is tied to an offender's success in a therapeutic program. We feel offenders sentenced to this program with a possibility for early release will have a higher motivation level to benefit from the program.

On June 13, 2011 Department of Corrections staff met with the Sentencing Commission to discuss this sentencing option. The Department continues to publicize this new sentencing option to judges, Commonwealth's attorneys, defense attorneys and probation and parole staff. Numerous inquiries are being received regarding this option from judges, offenders, family members, attorneys and Commonwealth's attorneys.

The Department will continue to operate the Behavioral Corrections Program and will evaluate the effectiveness of the program on recidivism rates once the program has been in existence for a sufficient period of time

Sincerely,

Harold W. Clarke
(Signature on file)

HWC/bmt

Cc: Chair, Senate Finance Committee
Chair, House Appropriations Committee
Chief Justice, Supreme Court of Virginia