



COMMONWEALTH of VIRGINIA

HAROLD W. CLARKE
DIRECTOR

Department of Corrections

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June 8, 2020

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

Re: Behavioral Correction Program (BCP)

Dear Secretary Moran:

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 Therapeutic Community programs at Indian Creek Correctional Center for males or Virginia Correctional Center for Women. The capacity of the program at Indian Creek is 979 and the program at Virginia Correctional Center for Women can accommodate 159 participants. 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, 788 offenders sentenced under the BCP option have participated in the Therapeutic Community. As the program is 24 months in duration, offenders sentenced under the BCP option began to successfully complete the program in December of 2011. Since that time, 577 have successfully completed the program and were released from the DOC; 170 of those have since been ordered returned to Department of Corrections' custody. Since 2009, a total of 145 offenders have been removed from the program due to behavioral or other issues. These offenders are typically reassigned to other prisons to serve out the balance of their sentence.

The Department continues to publicize this 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.

It is again noted that a significant number of the inmates that were sentenced to BCP with the minimum three year sentence arrived at the program with less than the 24 months required to complete TC. This tends to remove the incentive of potential early release and indicates that a longer sentence is warranted to maximize the effectiveness of this sentencing option. We recommend that a minimum sentence of four years be required so that offenders have ample time to complete the TC requirements and still have sufficient time remaining to be suspended.

We feel offenders sentenced to this program with a possibility for early release will have a higher level of motivation to benefit from and complete the program and successful completion will continue to open bedspace at an increased rate. The Department will continue to operate the Behavioral Corrections Program, evaluate its effectiveness and report back annually.

Sincerely,



Harold W. Clarke

HWC/jep

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

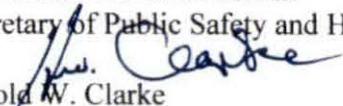
June 8, 2020

DECISION MEMORANDUM

TO: The Honorable Ralph S. Northam, M.D.
Governor

THRU: The Honorable Clark Mercer
Chief of Staff

The Honorable Brian Moran
Secretary of Public Safety and Homeland Security

FROM: 
Harold W. Clarke
Director, Virginia Department of Corrections

SUBJECT: Behavioral Correction Program

PURPOSE: Update program participation data

BACKGROUND: The 2009 General Assembly created a sentencing option to allow judges to sentence offenders directly into the Department of Corrections' Substance Abuse Therapeutic Community Treatment Program (TC). Upon completion of the two year TC program, the sentencing judge can suspend the balance of the sentence and release the offender on probation. This is a status report on that program as required.

JUSTIFICATION: Since the inception of the program in July, 2009, 788 offenders sentenced under the BCP option have participated in the Therapeutic Community, 577 have successfully completed the program and been released early from the DOC;

RECOMMENDATION: We feel offenders sentenced to this program with a possibility for early release will have a higher level of motivation to benefit from and complete the program and successful completion will continue to open bedspace at an increased rate.