



COMMONWEALTH of VIRGINIA

DARYL WASHINGTON, LCSW
COMMISSIONER

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

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To: The Honorable Abigail D. Spanberger, Governor of Virginia
The Honorable L. Louise Lucas, Chair, Senate Finance & Appropriations Committee
The Honorable Luke E. Torian, Chair, House Appropriations Committee
The Honorable Scott A. Surovell, Chair, Senate Courts of Justice Committee
The Honorable Patrick A. Hope, Chair, House Courts of Justice Committee
The Honorable Charniele L. Herring, Chair, Virginia State Crime Commission

From: Daryl Washington, Commissioner, Department of Behavioral Health
and Developmental Services

Re: Code of Virginia § 37.2-903

§ 37.2-903 of the Code of Virginia directs the Department of Behavioral Health and Developmental Services (DBHDS) to submit an annual report on the Sexually Violent Predator (SVP) screening protocol. Specifically, the language states:

The Commissioner shall report annually by December 1 to the Chairmen of the House Committees on Appropriations and Courts of Justice, the Senate Committees on Courts of Justice and Finance, and the Crime Commission on (i) the assessment protocol approved by the Director and Commissioner to identify prisoners and defendants who appear to meet the definition of a sexually violent predator pursuant to subsections B and C, including the specific screening instrument adopted and the criteria used to determine whether a prisoner or defendant meets the definition of a sexually violent predator and (ii) the number of prisoners screened pursuant to subsection B and the number of prisoners identified as meeting the definition of a sexually violent predator and referred to the CRC for assessment pursuant to subsection D. Such report shall also include a comparison of the number of defendants identified as appearing to meet the definition of a sexually violent predator and referred to the CRC pursuant to subsection C in the previous year and five years immediately prior thereto.

A sexually violent predator (SVP)-eligible inmate is an individual who is serving a sentence in the Department of Corrections (DOC) on conviction for one of the SVP qualifying crimes listed in Virginia Code §37.2-900 and approaching their release date or being considered for parole. Virginia has a screening protocol to identify DOC inmates who may be found by the court to

meet criteria. The protocol utilizes both the Static 99R evidence-based actuarial instrument and the application of mitigating and aggravating risk factors, supported by research as being related to an inmate's risk of re-offense. In addition, the Commitment Review Committee (CRC) is established in Virginia Code §37.2-902 to evaluate and make non-binding recommendations regarding if an inmate may meet SVP criteria. The CRC is chaired by the DOC, with members drawn from DOC, DBHDS, and the Office of the Attorney General (OAG).

The data below uses the inmate's release date to define the calendar year in which their case and disposition are counted. Data regarding the SVP screening, assessment, and adjudication rates for 2026 and the past five calendar years is displayed in Table 1. Overall, there has been a reduction

in the percentage of inmates screened and an increase in the percentage of inmates eventually adjudicated SVP. This suggests that the current protocol is effective in identifying the high-risk sex offenders who may eventually be found by the court to meet SVP criteria.

Table 1. Annual SVP Screening Protocol Data Summary

Calendar Year	2021	2022	2023	2024	2025	2026
# of Inmates Screened	464	453	444	411	418	437
# of inmates referred to CRC for full evaluation	49	31	37	29	32	30
% of those screened who were referred to CRC	11%	7%	8%	7%	8%	7%
# of Inmates referred to the CRC who were Adjudicated SVP	34	22	26	18	21 (9+12)*	23 (1+22)*
% of Inmates Evaluated who were Adjudicated SVP	69%	71%	70%	62%	66%	76%

** SVP cases may take years from the date an individual is screened to adjudication as an SVP by the court. Data for these years includes estimates (number of cases adjudicated + estimated number from those still in court) as not all cases have reached final disposition at this time. Figures are estimates based on yearly averages for OAG filings and related adjudications (90% adjudication rate).*

DBHDS and DOC will continue to collaborate to ensure Virginia is using the best practices and identifying the inmates at highest risk for sexually reoffending in the most efficient manner possible. Further, DBHDS, DOC, and OAG will continue to routinely discuss the SVP process, monitor the impact of the current protocol, and recommend adjustments as needed.

Cc: The Honorable Marvin B. Figueroa, Secretary, Health and Human Resources