

DEPARTMENT OF CORRECTIONS



House Appropriations Committee

January 24, 2011

Director Harold W. Clarke

- Introduction
- Career Background

Reentry Is Not Optional

- 37,300 state responsible offenders are incarcerated in VADOC prisons or local jails
- 33,000 are physically incarcerated in VADOC
- 59,517 offenders are supervised by VADOC in the community on Probation and Parole

Reentry Is Not Optional

Each year:

- 33% of state responsible offenders complete their sentence and are released to local communities
- 13,000 offenders are released each year and return to local communities

Impressive Public Safety Record

Among other states in the nation VADOC boasts:

- Low prison escape rate
- Low incidents of offender and staff assaults
- One of the best Community Corrections supervision completion rates
- Low recidivism rate

Re-incarceration Rates for VA Offenders: Three Years After Release

CY	RATE
1997*	29.1
1998*	29.4
1999*	29.0
2000*	29.3
2001	25.7
2002	27.2
2003	27.4
2004	27.9
2005	27.6
2006	27.3

* Recidivism data published by DOC prior to March 2010 using old method & OBSCIS files as opposed to CORIS files.

Virginia Compared to Other States

- Rankings vary from year to year
- Virginia's 3 year re-incarceration rate is usually in the top 10 of states that conduct similar recidivism studies
- Bureau of Justice Statistics 1994 national study estimated national re-incarceration rate 3 years after release was about 50%.

Although Our Recidivism Rate is Relatively Low, We Must Do Better!

Over a 3 year period, approximately 10,000 state responsible offenders recidivate. *What does this mean?*

- New victims
- Higher taxpayer costs – police, courts, incarceration
- Lost productivity
- Unsupported families on public assistance

Governor's Reentry Initiative

On May 11, 2010 Governor Robert F. McDonnell announced his initiative to:

- Improve public safety by adequately preparing offenders to successfully transitioning to their communities
- Reduce the number of crime victims
- Charged all stakeholders to take an active role (state and local agencies, non-profit and faith based organizations and law enforcement)

Impact of Reentry on Recidivism

Washington State Reentry Program

- Comprehensive evaluation (January 2010) of reentry impact of Washington State's corrections reentry program
- Central finding: *“Actual recidivism rates are lower today than they would have been without the policy (and other) changes in 2002. The effects are statistically significant. For example, the actual 36-month violent felony recidivism rate for the 2005 cohort was 10 percent, while we estimate it would have otherwise been 12 percent – a 17 percent improvement.”*

Washington State Reentry Program

- Reentry initiated by General Assembly: 1999 Offender Accountability Act (OAA)
- OAA programs fully implemented in 2002
- Study found that recidivism rates are higher today vs. historically because offenders today have a greater risk for recidivism
- Recidivism is lower since OAA reentry programs became fully effective in 2002

Nebraska Reentry Program

Nebraska is a state that leads reentry nationally

- Recidivism rate is 25.4%
 - Paroled offender rate is 35% (40% of releases)
 - Mandatory discharged offender rate is 19.1% (60% of releases)

VDOC Reentry Strategic Plan

In response to the Governor's initiative DOC with DCE developed the Virginia Adult Reentry Initiative

- Embeds reentry in the agency business model
- Based on the National Institute of Corrections “Transition from Prison to the Community” model that includes practices from other states
- Introduces fundamental research-based changes to reentry programs
- Provides a comprehensive unified reentry track for all offenders

DOC Reentry Strategic Plan

Highlights of the plan:

- Establishes Intensive Reentry programs at 10 male 2/3 level prisons, 2 female prisons and 7 higher security prisons.
 - Offenders will go through the programs in the last 12 months before release
 - Offenders will be sent to prison closest to the location of their reentry home plan

REENTRY- PROPOSED BUDGET

The Governor's Introduced Budget provides \$3.2M (*\$2.2M GF and \$1M NGF – Drug Assessment Fund*) and 45 positions in FY12 for the Commonwealth's reentry initiative.

Funds proposed would support 10 intensive reentry sites at security level 2/3 male locations, 7 reentry programs at security level 4/5 male locations, and two reentry programs at female facilities as well as required reentry administrative support. Reentry Probation Officers are included to work with the intensive reentry sites.

Implementation of Reentry Plan

- The Reentry Plan was approved by Governor McDonnell in November 2010
- The plan is beginning to roll out
- A Reentry Advisory Committee has been established within DOC, including DCE, to oversee plan implementation
- Staff are being trained to deliver evidence based programming
- Intensive Reentry Programs will be established within six months of funding

2011 Proposed Legislation

- HB1688/SB1258: HIV Testing for inmates approximately 60 days prior to discharge from state correctional facilities.
- HB2225/SB923: The bill establishes reentry savings plan program that requires offenders to save a percentage of the deposits made to their offender trust accounts so they can leave prison with funds necessary to meet basic needs after release and become established in the community.

2011 Proposed Legislation

- HB2040/SB1128: Amends the Virginia Code to allow for inmate labor along the interstate highway system for maintenance functions both along interstate highways and at rest areas.

Conclusion

- Reentry is our business – its synonymous with public safety
- It is important that we not be complacent and that we continually strive for increased public safety and reduce victims
- Our plan is based on evidence and will be evaluated (evaluation takes time)
- Preparing offenders to lead crime free lives after release isn't soft, its smart

Virginia Department of Juvenile Justice

House Appropriations Committee

Director Helivi L. Holland
January 24, 2011

The Virginia Department of Juvenile Justice – Successful Youth, Strong Families, Safe Communities

Governor's Re-Entry Council

DJJ Recommendations

- Executive Order 11
- Virginia Prisoners and Juvenile Offender Re-Entry Council
- November 8, 2010
- Juvenile Area Focus Committee
 - Recommendations:
 1. Request that the Virginia Community College System encourage the Virginia Workforce Council to structure programs to mitigate disincentives when serving youth and to connect the resources of DJJ to the Workforce Investment Act/One Stop Career Centers in support of re-entry of juveniles
 2. Request that DJJ assess policy, procedure, and statutory language that impact the flexibility of Department funding to purchase pre- and post-release services in order to develop a seamless continuum of services from commitment to re-entry
 3. DJJ should develop a plan that promotes public safety through the successful re-entry of juvenile offenders. This plan should use validated assessments of risk and criminogenic needs at key stages of the re-entry process as the basis for case planning. Further, the plan should engage youth, family, and community support

Juvenile Re-Entry Initiatives Under Governor McDonnell's Administration

- DJJ state-wide Re-entry Workshop (June 2010)
 - Female Transition and Work/Education Release Unit (August 2010)
 - Re-entry to Education and Employment Project (REEP) (August 2010)
 - Second Chance Grant for Re-entry (September 2010)
 - Family Link Video Visitation (September 2010)
 - Badges for Baseball (Cal Ripken, Sr. Foundation) (November 2010)
 - Mentoring Project (December 2010)
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Juvenile Re-entry Legislation 2011 General Assembly

- HB2036 (Delegate Peace) and HB 2276 (Delegate Keam) amend § 16.1-293 of the Code of Virginia to require the court service unit (CSU) to consult with the local department of social services **90** days prior to a juvenile's release from a commitment when the juveniles (i) will be under the age of 18 at the time of release; (ii) was in the custody of a local department of social services immediately prior to the commitment to DJJ; and (iii) is expected to return to the custody of the local department of social services upon release from the commitment.
- SB 1170 (Senator Marsden) is similar to HB 2036 and HB 2276. Require the court services unit (CSU) to consult with the local department of social services **60** days prior to a juvenile's release from the Department's commitment on parole supervision about the return of the person to the locality and the placement of the person. Under current law, the CSU shall make such consultation four weeks prior to such person's release. *It is anticipated that SB 1170 will be conformed to be identical to HB 2036 and HB 2276.*

These bills are endorsed by the Governor, the Virginia Prisoner and Juvenile Offender Re-Entry Council, and the Commission on Youth

Recidivism

- American Correctional Association (ACA) - " There are numerous ways to measure recidivism...[d]epending on what perspective is taken, statistical outcome may vary.
- 3 commonly accepted definitions:
 1. *Rearrest* – refers to a juvenile complaint made at intake for a new delinquent offense or an adult arrest for a new criminal offense.
 2. *Reconviction* – refers to a guilty adjudication or conviction for a delinquent or criminal offense.
 3. *Reincarceration* – refers to a return to incarceration (after having been previously released from incarceration in a juvenile or adult facility)
- For the purposes of reporting recidivism rates of juveniles as required by Va. Code § 2.2-222, the Department will use the following definition:

A recidivist is a person who is found by a court to have committed, after being (a) placed on probation or (b) released from confinement, a delinquent or criminal act other than violation of probation or parole.

Twelve-Month Reoffense Rates for JCC Releases and Probation Placements in FY 2005-2009, Tracked Through FY 2010

	JCC Releases					Probation Placements				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
Rearrest	51.4%	45.7%	53.0%	47.0%	49.3%	36.9%	37.5%	36.6%	37.1%	36.7%
Reconviction	39.0%	36.4%	42.1%	37.7%	N/A	27.4%	27.7%	26.3%	25.1%	N/A
Reincarceration	27.3%	27.5%	28.4%	26.4%	N/A	N/A	N/A	N/A	N/A	N/A

- Recidivism rates for FY 2008 (defined as reconviction by DJJ) at 12-months were:
 - 37.7% for juveniles released from the JCCs
 - 25.1% for juveniles placed on probation
- JCC Releases had higher 12-month rearrest rates than Probation Placements between FY 2005 and FY 2009 and higher 12-month reconviction rates between FY 2005 and FY 2008.
- The following reoffending patterns were noted at 12-months when comparing FY 2007 and FY 2008:
 - For JCC Releases, all reoffense rates decreased.
 - For Probation Placements, the rearrest rate increased slightly and the reconviction rate decreased.

Evidence-Based Statistics Regarding Recidivism and Re-entry Programs

- OJJDP Model Programs are rated based on empirical evidence demonstrating the prevention or reduction of problem behaviors, reduction of risk factors, or enhancement of protective factors. Several re-entry programs are listed in the Model Program Guide with demonstrated reductions of recidivism rates, for example:
 - Operation New Hope – California: control group twice as likely as the experimental group to be rearrested within one year
 - SAFE-T – Toronto: 72% reduction in sexual recidivism, 41% reduction in violent nonsexual recidivism, and 59% reduction in nonviolent offending
 - Family Integrated Transitions (FIT) – Washington: 27% recidivism rate for FIT youth compared to 41% recidivism rate for the comparison group
 - Aggression Replacement Therapy (ART) – New York: 24% reduction in felony recidivism

Second Chance Act Grant

- Serve high risk parolees from the Tidewater region, beginning prior to release from JCCs
 - Partnership with Tidewater Youth Services Commission (TYSC)
 - Utilize a coordinated case management system
 - Goal: Reduce recidivism of program participants by at least 50% (FY 2008 rate: 53% rearrest for target population)
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