

**DBHDS**

Virginia Department of  
Behavioral Health and  
Developmental Services

# Census Growth: Sexually Violent Predator Program and the Virginia Center for Behavioral Rehabilitation

House Appropriations Committee  
September 20, 2010

**James W. Stewart, III**  
DBHDS Commissioner

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# Sexually Violent Predators (SVP) Civil Commitment Mandate

**1998** – GA created a system of screening, evaluating and treating persons found to be SVP:

- Convicted of a SVP predicate crime or found Unrestorably Incompetent to Stand Trial for same.
- Found to score at or above the qualifying threshold on the Static-99.
- Evaluated by DBHDS, processed by the Commitment Review Committee, taken to trial for commitment by OAG, and found by the court to meet the SVP criteria.
- Committed to DBHDS Commissioner for treatment. The goal of psycho-social treatment program is to reduce the re-offense risk of residents.

# SVP Secure Care

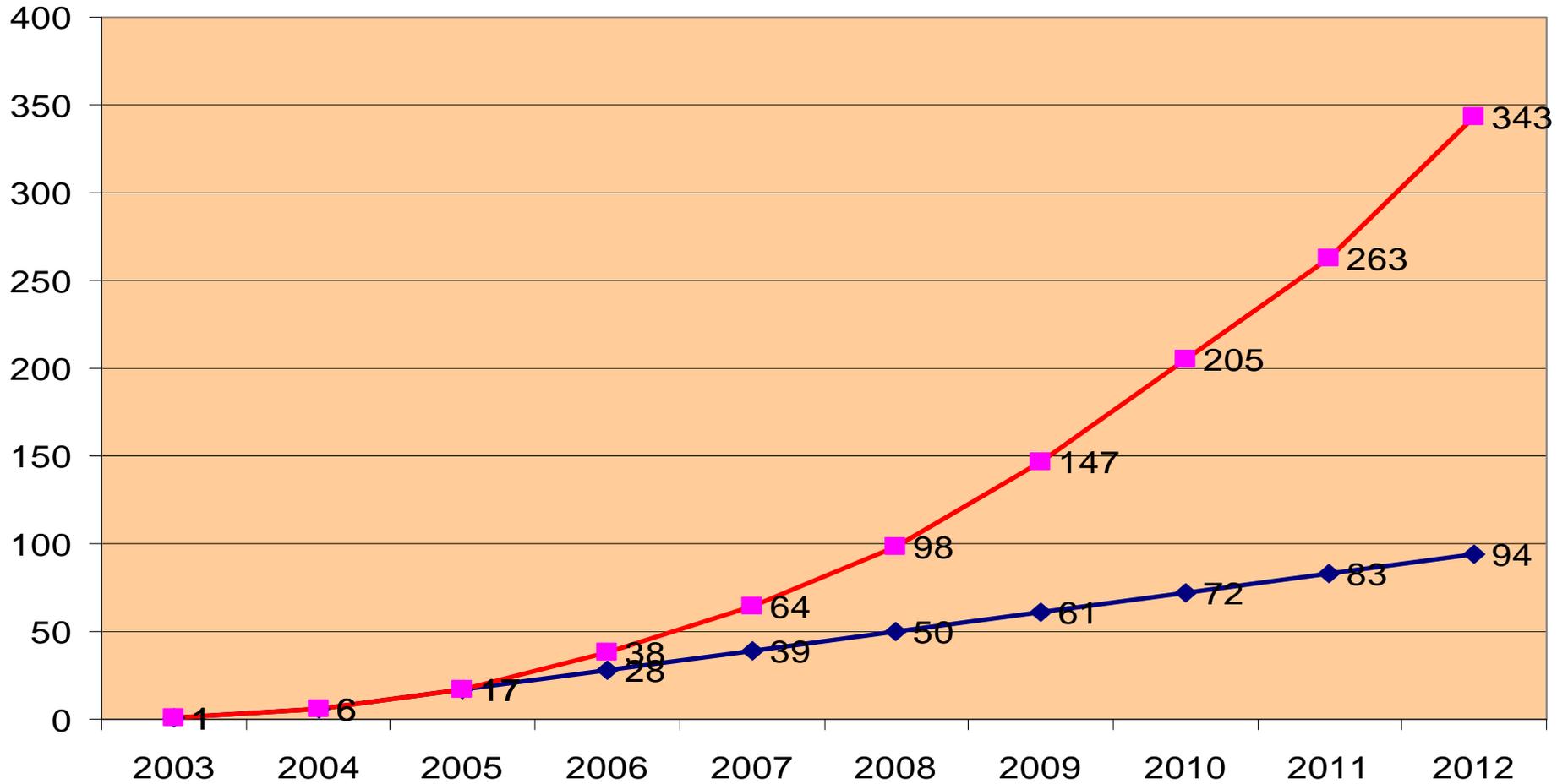
- **2003** – GA directed DBHDS to construct and operate a secure facility for the control, care, and treatment of persons found SVP. DBHDS converted existing facilities at SVTC to temporarily house the Virginia Center for Behavioral Rehabilitation (VCBR).
- **2006** – GA expanded the list of SVP qualifying crimes, increasing the number of persons becoming eligible for SVP civil commitment by about 350%.
- **2008** – DBHDS opened the new 300 bed VCBR, \$62M SVP facility in Nottoway County.
- So far, only 7 individuals have been conditionally released from the facility.

Expanding qualifying crimes from 4 to 28 increased SVP-eligible inmates by about 350% and increased commitments to VCBR from 1 to 5 per month. VCBR's design was based on the original 4 SVP qualifying crimes.

18-54	Rape, 1950 Code
18.1-44	Rape, 1950 Code
18.2-31 (5)	Capital Murder with sexual assault
<b>18.2-61</b>	<b>Rape</b>
<b>18.2-67.1</b>	<b>Forcible Sodomy</b>
<b>18.2-67.2</b>	<b>Object Sexual Penetration</b>
18.2-48 (ii)	Abduction with sexual intent
18.2-48 (iii)	Abduction of a child < 16 with intent for concubinage or prostitution
18.2-63	Carnal Knowledge of child, 13 to 15 year old
18.2-64.1	Carnal Knowledge of minor in care by caregiver
<b>18.2-67.3</b>	<b>Aggravated Sexual Battery</b>
18.2-31 (1)	Capital Murder in commission of abduction with intent to defile
18.2-32	1st or 2nd degree murder when present with intent to rape, forcible sodomy or inanimate or animate object sexual penetration
	Forcible sexual offense committed prior to July 1, 1981 that constitutes forcible sodomy, object sexual penetration or aggravated sexual battery
	With <b>conspiracy</b> or <b>attempt</b> to commit or attempt any of the above offenses

Original 4 SVP crimes in red

# SVP Commitment Rate



**Blue** = commitment rate @ 4 predicate crimes (pre-2006)

**Red** = commitment rate @ 15 predicate crimes (post-2006)

# VCBR Appropriations

<b>Fiscal Year</b>	<b>Staff</b>	<b>Appropriation</b>
2004	61	\$2,731,438
2005	69	\$4,157,793
2006	91	\$5,397,523
2007	126	\$6,327,545
2008	178	\$10,687,680
2009	243	\$14,951,965
2010	297	\$17,343,462

# New VCBR Facility Census and Annual Cost

	<b>FY09</b>	<b>FY10</b>
Average census	114	190
Average cost per bed	\$131,158	\$91,281

# VCBR Census Projection

VCBR is currently funded and staffed at 200 beds. The census reached 200 in June 2010 and will be 300 by October 2011. As of August 26, 2010, there were 214 individuals in VCBR.

<b>SVP Program Estimated Census</b>	<b>End of FY10</b>	<b>End of FY11</b>	<b>End of FY12</b>
Total persons found SVP	212 males	354 males	427 males
	2 female	2 females	3 females
Total persons at VCBR	201	284	356

The SVP Office manages evaluations for admission, training of VCBR staff, and the conditional release program. Staffing must reflect increasing caseload.

	FY10	FY11	FY12
Evaluations	165	185	187
Total conditional releases from VCBR	7	12	18
Total person on SVP conditional release	36	55	75

# VCBR Operating Cost Estimate

<b>Facility Budget - VCBR</b>	<b>FY2011</b>	<b>FY2012</b>	<b>Annualized</b>
<b>Census</b>	<b>From 212 to 284</b>	<b>From 284 to 356</b>	<b>For 356 beds</b>
Staffing Costs	\$ 19,536,721	\$ 26,148,335	\$ 28,703,000
Special Hospitalization	\$ 1,176,000	\$ 1,521,600	\$ 1,521,600
Food Costs	\$ 1,430,000	\$ 1,720,000	\$ 2,304,000
Drug Costs	\$ 525,000	\$ 680,000	\$ 782,239
Pharmacy Staff	\$ 220,000	\$ 290,000	\$ 290,000
Utilities	\$ 600,000	\$ 800,000	\$ 800,000
Others	\$ 1,000,000	\$ 1,000,000	\$ 1,200,000
Reopen @ SVTC		\$ 207,000	-
<b>Total</b>	<b>\$ 24,487,721</b>	<b>\$ 32,366,935</b>	<b>\$ 35,600,839</b>
Existing Budget	\$ 15,743,277	\$ 15,743,277	
<b>Add'l Funding Needs</b>	<b>\$ 8,744,444</b>	<b>\$ 16,623,658</b>	

# DBHDS Office of SVP Programs Cost Estimate

<b>Community Budget</b>	<b>FY2011</b>	<b>FY2012</b>
<b>Census</b>	<b>From 34 to 55</b>	<b>From 55 to 75</b>
Conditional Release	\$ 437,500	\$ 553,000
Evaluation	\$ 602,700	\$ 602,700
Training, travel, & others	\$ 40,000	\$ 80,000
<b>Total</b>	<b>\$ 1,080,200</b>	<b>\$ 1,235,700</b>
Existing Budget	\$ 776,019	\$ 776,019
<b>Additional Funding Needs</b>	<b>\$ 304,181</b>	<b>\$ 459,681</b>

# VCBR Staffing Requirements

<b>Date</b>	<b>VCBR Census</b>	<b>Positions/FTEs</b>
July 2010	212	366
Jan. 2011	248	442
July 2011	284	500
Jan. 2012	320	610
<b>TOTAL</b> July 2012	356	640

- Additional Funding Needed for FY10-12 Biennium:
  - FY11: \$9.05M
  - FY12: \$17.1M
- Gov. McDonnell approved a decision brief to cover the FY11 shortfall by moving the FY12 appropriation to FY11.
- DBHDS will submit a budget amendment request to cover the funding needs for FY12.
- Reopen 48-bed facility at SVTC in FY12.
- Total FY12 budget becomes
  - SVP: \$.8M
  - VCBR: \$32.4M (includes SVTC beds)

# Additional Requirements for VCBR

- The annualized cost of serving 356 residents as we move into FY13 will be \$35.6M requiring an additional \$3.2M in the FY13 budget to maintain services.
- VCBR census is projected to grow from 356 in FY12 to 738 in FY17.
- DBHDS is working with DGS to identify potential mothballed sites to retrofit and open in lieu of building a new building when capacity is reached in 2012.
- If new construction is pursued, DBHDS will need \$2.5M in Capital Planning funds to begin planning for another VCBR facility.
- Additional capital funding will be required in the near future to construct a new facility or retrofit an existing structure.