



Virginia Byrne State Crisis Intervention Program Plan

Federal Fiscal Year 2024

Virginia Department of Criminal Justice Services
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Introduction

This plan describes the Department of Criminal Justice Services' (DCJS) proposed activities using federal fiscal year (FFY) 2024 Byrne State Crisis Intervention Program (SCIP) funds. The primary use of the funding is to expand the capacity of court specialty docket services including service coordination, management of participants, and recovery support services. Expanding the capacity of drug, mental health, veterans, and other specialty courts assists a population who are likely to commit or become victims of suicide or gun crimes. Byrne SCIP funding will promote the expansion of specialty dockets by increasing their capacity to serve more people, strengthen communities, and reduce violence.

The specialty dockets in Virginia that will be eligible for Byrne SCIP funding include recovery courts (previously called drug treatment courts), behavioral health dockets, veterans treatment dockets, and other specialty dockets that aim to reduce violent crime. These dockets offer substance use, mental health, and co-occurring disorder treatment to those who are justice-involved as an alternative to traditional case processing. They offer sentencing options such as case dismissal, reduction in charges, and reduction in supervision. While each specialty docket focuses on specific populations and needs, the Office of the Executive Secretary of the Supreme Court of Virginia reports 70-80% of specialty docket participants experience a co-occurring disorder, which is both a mental illness and a substance use disorder.

These specialty dockets incorporate evidence-based strategies in a public health approach to accommodate individuals with specific problems and needs that are not or could not be adequately addressed in the traditional court/criminal justice setting. This results in increased public safety by integrating the criminal justice system, treatment systems, and community resources.

DCJS' administration and oversight of a large portion of the Byrne SCIP funding will occur in close collaboration with the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, which coordinates specialty dockets through its Specialty Dockets Division of the Department of Judicial Services.

The Byrne SCIP plan has been reviewed and approved by Virginia's Criminal Justice Services Board, which serves as Virginia's Crisis Intervention Advisory Board and consists of a diverse set of representatives and stakeholders from many state and local public safety agencies, those representing specific populations and interests, community members, and members of the legislature.

Treatment Dockets in Virginia

Recovery Courts

Virginia's first drug treatment court was established in 1995. In 2004, Virginia's drug treatment courts were codified by the Virginia Drug Treatment Court Act. In 2024, the Code was changed to the Recovery Court Act (*Code of Virginia* §18.2-254.1, see Appendix A) to address the "critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes." Another major

change that occurred is that the revised Code increased eligibility to recovery courts for individuals charged with or convicted of some violent offenses.

The goals of Virginia recovery courts are to:

- Reduce substance use among offenders.
- Reduce recidivism.
- Reduce substance-related court workloads.
- Increase personal, familial, and societal accountability among offenders.
- Promote effective planning and use of resources among the criminal justice system and community agencies.

In FY2024, there were 61 approved recovery courts in general district, juvenile and domestic relations, and circuit courts throughout Virginia. These courts served 1,467 participants, which was a 9.3% increase from FY2023. Recovery courts must follow strict requirements, including meeting all applicable Virginia Treatment Court Standards. Recovery court programs are required to allow access to medication assisted treatment (MAT) and cannot deny enrollment or continued participation to eligible individuals based on their use of FDA-approved medications for the treatment of substance use disorders. They are also required to submit information to the Specialty Court's database, submit quarterly reports, and report retention and recidivism rates for all participants.

In FY2024, state grants were administered to 32 adult recovery courts. According to the *2024 Virginia Recovery Courts Annual Report*, FY2024 yielded an estimated cost savings of over \$4.3 million for those that successfully completed an adult recovery court. Additionally, the three-year reconviction rate for those that successfully completed an adult recovery court in FY2021 was 18.5%.¹ This was 3.6% lower than FY2020.

Current state funding for recovery courts, which is allocated in the Appropriation Act, uses a sustainable funding strategy approved by the Recovery Court Advisory Committee. This strategy employs a data-driven formula to standardize the funding of as many recovery courts as possible. To receive state funds, recovery courts must:

- Obtain approval from the Recovery Court Advisory Committee to begin operation.
- Meet all applicable Virginia Recovery Court Standards.
- Enter all required information and statistics into the Specialty Docket's database to track compliance.
- Submit quarterly grant reports on time.
- Report retention and recidivism rates for all participants.
- Demonstrate a 25% match (cash or in-kind) in accordance with the Bureau of Justice Assistance formula for Drug Court grants.

¹ Office of the Executive Secretary, Supreme Court of Virginia (2024) *2024 Virginia Recovery Courts Annual Report*.

- Maintain a minimum of 10 active participants in the program.

Byrne SCIP funding will be awarded under a different process; however, the recovery court will have to be approved to operate by the Recovery Court Advisory Committee.

Behavioral Health Dockets

In 2017, the Supreme Court of Virginia enacted Rule 1:25, which acknowledged specialty dockets to set forth the types of court proceeding appropriate for grouping in a specialty docket. In 2020, the Virginia General Assembly enacted the Behavioral Health Docket Act (*Code of Virginia* §18.2-254.3, see Appendix A). Behavioral health dockets are modeled after drug treatment court dockets. These dockets aim to divert eligible individuals with diagnosed mental health disorders into judicially supervised, community-based treatment, designed and implemented by a team of court staff and mental health professionals. These dockets are distinguished by a problem-solving focus; a collaborative team approach to decision-making; integration of social services; judicial monitoring of the treatment process; direct interaction between defendants and the judge; community outreach; and a proactive role for the judge. A circuit, general district, or juvenile and domestic relations court that intends to establish one or more behavioral health dockets must petition the Supreme Court of Virginia for authorization prior to initiating the operation of the docket. The Court's Behavioral Health Docket Advisory Committee reviews all applications requesting authorization according to the approved Virginia Behavioral Health Docket Standards and National Best Practice Standards for Adult Drug Courts.

According to the *2024 Virginia Behavioral Health Dockets Annual Report*, there were 19 approved behavioral health dockets that served 393 participants. The most common diagnoses for individuals participating in a behavioral health docket included bipolar disorder (12.2%), schizoaffective disorder (12%), post-traumatic stress disorder (11.2%), depression/major depressive disorder (11%), anxiety (6.8%), and personality disorders (4.1%). The most common offenses that led to docket participation were assault, battery, or wounding (26.1%), obstruct justice (8.3%), and vandalism (6%). The graduation rate was 59.9% with a mean length of stay of 423 days for those successfully completing the programs.²

Veterans Treatment Dockets

The Virginia General Assembly codified veterans treatment dockets in 2020 (*Code of Virginia* §18.2-254.2, see Appendix A). Veterans treatment dockets serve military veterans and service members with substance use disorders and/or mental illness. The veterans treatment docket model adopts elements from the adult drug treatment court and mental health docket models. One element of the veterans treatment docket model that sets it apart from adult drug treatment court is the participation of veteran peer mentors, which utilize aspects of the military and veteran culture.

² Office of the Executive Secretary, Supreme Court of Virginia (2024) *2024 Virginia Behavioral Health Dockets Annual Report*.

Virginia has one of the highest percentages of veterans in the country. According to the *2024 Virginia Specialty Dockets Annual Report*, there were nine approved veterans treatment dockets that served 97 participants, which was a 40.5% increase over FY2023. The most common offenses that led to participants being referred to a veterans treatment docket were DUI/DWI (43.2%), drug possession (11%), and assault/wounding (6.2%). In FY2024, 39 participants departed a veterans treatment docket with 35 (89.7%) of these participants successfully graduating the program.³

Current Funding for Specialty Dockets

Current appropriations are not adequate to fund even half of all approved existing dockets or planned future specialty dockets. Although the number of specialty dockets in Virginia continues to grow, providing adequate funding to maintain and continue this success has been a challenge. In FY2024, state appropriations of \$4,986,000 provided funding for 31 recovery courts and four behavioral health dockets. This left the majority of specialty dockets without state funding.

Localities have shared in the support of these dockets by offering space and/or services, personnel, and funding. They demonstrate sufficient local support for the establishment of the specialty docket, as well as adequate planning for its implementation. However, localities do not have the resources to assume the full support for these dockets.

Over time Virginia has seen the dockets with dedicated resources thrive while those who have primarily in-kind resources that are dedicated to other agency duties struggle. Specialty dockets need funds to provide dedicated treatment services, resources, support services, evidence-based treatment curriculum training and participant workbooks, drug testing supplies, and monitoring equipment. The populations served by specialty dockets are often involved in a culture of substance use, which can increase their risk of perpetrating or being victims of violent crime. Funding is needed to provide the resources necessary to reduce recidivism, enhance public safety, and increase access to critical treatment and recovery support services for those most in need.

DCJS Administration of Byrne SCIP Funding

Virginia received a Byrne SCIP grant totaling \$2,919,856 for federal fiscal year (FFY) 2024. DCJS will administer this award to provide funding to localities to plan and implement new dockets and strengthen and expand existing dockets. As required for use of these funds, DCJS will ensure the following limitations on the use of funds will be met:

- No more than 10% will be used for direct administrative costs.
- Funds will not be used to match other federal awards.
- Funds will not be used to supplant state or local funds but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available.
- Funds will not be used, either directly or indirectly, for lobbying.
- At least 40% of funds will be passed through to local governments.

³ Office of the Executive Secretary, Supreme Court of Virginia (2024) *2024 Virginia Specialty Dockets Annual Report*.

- Additional funds, as specified in the award, will be used to meet the “less-than-\$10,000 jurisdictions” requirement.⁴

Administrative Funding

DCJS will utilize part of one full-time position to serve as the Byrne SCIP Program Coordinator. This position will also work with other behavioral health programs administered by DCJS. By having a single coordinator over the various programs, the agency will be best positioned to coordinate efforts across programs and maximize collaboration. A dedicated Byrne SCIP Grant Monitor will also be utilized. Their duties will include planning, developing guidelines, reviewing applications, making recommendations for funding, ensuring timely reporting, and providing monitoring and technical assistance for funded projects. Their salary is comparable to other salaries for similar positions. State policies and procedures for pay will be followed, including those related to compensation, raises, recognition and bonus pay. Staff are anticipated to work throughout the grant lifespan. Per DCJS’ standard grant monitoring procedures, agency staff will make visits to grant recipient sites for on-site monitoring and to provide technical assistance to grant recipients when necessary. Monitoring and technical assistance will be augmented by quarterly reports, phone calls, and virtual visits. Please see Appendix D for budget details.

Subgrantee Funding

DCJS will work closely with the Office of the Executive Secretary of the Supreme Court to develop the criteria for obtaining Byrne SCIP specialty docket funding to ensure funds do not supplant other state funds available for programming and are used to expand services in a coordinated manner. After developing the appropriate application instructions and guidelines for potential applicants, DCJS will publish grant solicitation announcements inviting any jurisdictions seeking to establish new specialty dockets, or to enhance existing specialty dockets, to apply for Byrne SCIP funding. Applicants will be encouraged to request treatment services or resources, support services, evidence-based treatment curriculum training and participant workbooks, drug testing supplies, and monitoring equipment. Additionally, all specialty docket applicants will be required to submit a letter from the Office of the Executive Secretary of the Supreme Court of Virginia verifying their approved specialty docket status or plan to become an approved specialty docket.

Following receipt of the applications, the DCJS Byrne SCIP Program Coordinator and Monitor will review the applications, make preliminary recommendations for awards, and present the summaries and recommendations to the Criminal Justice Services Board (CJSB), which serves as the Crisis Intervention Advisory Board (CIAB), for final review and approval. DCJS strives to award subgrant funding in a manner that maximizes the impact of the available funding on citizens of the

⁴ “Some units of local government were not eligible to receive a direct JAG award fund due to their small size in FY 2023. (These small -sized units of local government are referred to as “less-than-\$10,000 jurisdictions.”) However, under Byrne SCIP, states must provide additional funds to state courts that provide criminal justice and civil proceeding services for the “less-than-\$10,000 jurisdictions” within the state and/or subaward the funds to such jurisdictions.” BJA FY 2024 Byrne State Crisis Intervention Program Formula Solicitation, p9-10.

Commonwealth. When funding requests exceed the amount of available funding for any given grant offering, DCJS will attempt to fund as many eligible applicants as possible, while maintaining the integrity of each awarded applicant's specific grant program or funding request.

Crisis Intervention Advisory Board

The 32-member legislated CJSB approves grant awards and advises on policy issues and regulatory actions for DCJS. The CJSB membership meets the Byrne SCIP program requirements and will serve as the CIAB. The CJSB meets several times per year to carry out its duties. CJSB voting members are appointed directly by the Governor, with other voting and non-voting members designated by the *Code of Virginia* or appointed by the legislature. The Board includes representatives from law enforcement, prosecution, courts, indigent defense, victims services, behavioral health, institutional and community corrections, the public-at-large, private security services, and community criminal justice advocates, as well as the Office of the Attorney General (legal counsel) and the Virginia General Assembly. Regarding Byrne SCIP program requirements, the CJSB (acting as the CIAB) will be responsible for approval of the plan and later all subawards, with official recorded votes.

Please see Appendix B for a list of current members and represented positions and interests. Please see Appendix C for the letter approving the 2024 Byrne SCIP Plan and Budget from the CJSB/CIAB.

Grant Requirements

DCJS will award the majority of Byrne SCIP funds directly to local units of government. Localities that fall into the "less-than-\$10,000" pass-through requirement category will be given priority when applying for Byrne SCIP funding for specialty dockets. In the case that not enough of the qualifying localities apply, the funding may be shifted to the state agency that oversees these programs to provide services that will be beneficial to all of the specialty dockets or a waiver requested as allowed.

Furthermore, DCJS will not obligate, expend, or draw down funds for any Byrne SCIP funded subawards until DCJS has submitted the proposed subawards to BJA for review and approval as directed.

DCJS will collect and maintain data measuring the performance and effectiveness of programs funded under this award. The data will be provided to the Bureau of Justice Assistance (BJA) in the manner and timeframes specified in the program solicitation or other applicable written guidance. Quarterly federal financial reports and semi-annual performance reports will be submitted through the Office of Justice Programs' Justice Grants System (JustGrants) by the Division of Administration and Finance (financial) and the Division of Programs and Services (performance). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, DCJS will provide data that measure the results of work performed. Performance metrics will be submitted as required.

DCJS will collect data from subgrantees regarding the ongoing implementation of specialty dockets. This data will consist of statistics as well as anecdotal evidence and will be summarized by DCJS to develop a better understanding of relevant trends across Virginia. In adherence to the special conditions noted in their award packages, all subgrantees are required to submit quarterly progress

and financial reports to DCJS via the agency's Online Grants Management System (OGMS). OGMS is a web-based system that allows internal and external users the ability to manage grants and applications. OGMS provides consistency in soliciting, awarding, and managing grants throughout the entire agency, including financial and programmatic reporting. DCJS will provide training and support to ensure that subgrantees provide DCJS with the data needed to submit to BJA's Performance Measurement Tool (PMT) reporting system, and to provide additional information to DCJS on project implementation, financial compliance, and anecdotal evidence of progress and impact.

Appendix A

Virginia Legislation Creating Specialty Dockets

§ 18.2-254.1. Recovery Court Act. (2024 updated section)

- A. This section shall be known and may be cited as the "Recovery Court Act."
- B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of recovery courts as means by which to accomplish this purpose.
- C. The goals of recovery courts include: (i) reducing drug addiction and drug dependency among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and (v) promoting effective planning and use of resources among the criminal justice system and community agencies.
- D. Recovery courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a recovery court program.
- E. Administrative oversight for implementation of the Recovery Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for recovery courts; (ii) providing technical assistance to recovery courts; (iii) providing training for judges who preside over recovery courts; (iv) providing training to the providers of administrative, case management, and treatment services to recovery courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of recovery courts in the Commonwealth.
- F. The state Recovery Court Advisory Committee shall be established to (i) evaluate and recommend standards for the planning and implementation of recovery courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a recovery court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department of Social Services; a representative of the following entities: a local community-based probation and pretrial services agency, the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a recovery court or continue the operation of an existing one shall establish a local recovery court advisory committee. Jurisdictions that establish separate adult and juvenile recovery courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the recovery court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the recovery court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the recovery court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the recovery court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the recovery court advisory committee.

H. Each local recovery court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a recovery court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. An adult offender shall not be eligible for participation in any recovery court established or continued in operation pursuant to this section if any of the following conditions apply:

1. The offender is presently charged with a felony offense or is convicted of a felony offense while participating in any recovery court where:

a. The offender carried, possessed, or used a firearm or any dangerous weapon specified in § [18.2-308](#) during such offense;

b. The death or serious bodily injury of any person occurred during such offense; or

c. The use of force against any other person besides the offender occurred during such offense; or

2. The offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury.

I. Each recovery court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv)

efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each recovery court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among recovery courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a recovery court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § [18.2-251](#).

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a recovery court pursuant to guidelines developed by the recovery court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local recovery court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state Recovery Court Advisory Committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local recovery courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local recovery court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no recovery court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any recovery court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources.

R. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the City of Bristol and the County of Tazewell, provided that the court is funded within existing state and local appropriations.

2004, c. 1004; 2005, cc. 519, 602; 2006, cc. 175, 341; 2007, c. 133; 2009, cc. 205, 281, 294, 813, 840; 2010, c. 258; 2024, cc. 25, 130, 260.

§ 18.2-254.3. Behavioral Health Docket Act.

A. This section shall be known and may be cited as the "Behavioral Health Docket Act." B. The General Assembly recognizes the critical need to promote public safety and reduce recidivism by addressing co-occurring behavioral health issues, such as mental illness and substance abuse, related to persons in the criminal justice system. It is the intention of the General Assembly to enhance public safety by facilitating the creation of behavioral health dockets to accomplish this purpose. C. The goals of behavioral health dockets shall include (i) reducing recidivism; (ii) increasing personal, familial, and societal accountability among offenders through ongoing judicial intervention; (iii) addressing mental illness and substance abuse that contribute to criminal behavior and recidivism; and (iv) promoting effective planning and use of resources within the criminal justice system and community agencies. Behavioral health dockets promote outcomes that will benefit not only the offender but society as well. D. Behavioral health dockets are specialized criminal court dockets within the existing structure of Virginia's court system that enable the judiciary to manage its workload more efficiently. Under the leadership and regular interaction of presiding judges, and through voluntary offender participation, behavioral health dockets shall address offenders with mental health conditions and drug addictions that contribute to criminal behavior. Behavioral health dockets shall employ evidence-based practices to diagnose behavioral health illness and provide treatment, enhance public safety, reduce recidivism, ensure offender accountability, and promote offender rehabilitation in the community. Local officials shall complete a planning process recognized by the state behavioral health docket advisory committee before establishing a behavioral health docket program. E. Administrative oversight of implementation of the Behavioral Health Docket Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight of the distribution of funds for behavioral health dockets; (ii) providing technical assistance to behavioral health dockets; (iii) providing training to judges who preside over behavioral health dockets; (iv) providing training to the providers of administrative, case management, and treatment services to behavioral health dockets; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of behavioral health dockets in the Commonwealth. F. A state behavioral health docket advisory committee shall be established in the judicial branch. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia, who shall appoint a vice-chair to act in his absence. The membership of the committee shall include a behavioral health circuit court judge, a behavioral health general district court judge, a behavioral health juvenile and domestic relations district court judge, the Executive Secretary of the Supreme Court or his designee, the Governor or his designee, and a representative from each of the following entities: the Commonwealth's Attorneys' Services Council, the Virginia Court Clerks' Association, the Virginia Indigent Defense Commission, the Department of Behavioral Health and Developmental Services, the Virginia Organization of Consumers 16 Asserting Leadership, a community services board or behavioral health authority, and a local community-based probation and pretrial services agency. G. Each jurisdiction or combination of jurisdictions that intend to establish a behavioral health docket or continue the operation of an existing behavioral health

docket shall establish a local behavioral health docket advisory committee. Jurisdictions that establish separate adult and juvenile behavioral health dockets may establish an advisory committee for each such docket. Each local behavioral health docket advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the behavioral health dockets that serve the jurisdiction or combination of jurisdictions. Advisory committee membership may include, but shall not be limited to, the following persons or their designees: (i) the behavioral health docket judge; (ii) the attorney for the Commonwealth or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the behavioral health docket is located; (v) a representative of the Virginia Department of Corrections or the Department of Juvenile Justice, or both, from the local office that serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local treatment providers, or both; (ix) a representative of the local community services board or behavioral health authority; (x) the behavioral health docket administrator; (xi) a public health official; (xii) the county administrator or city manager; (xiii) a certified peer recovery specialist; and (xiv) any other persons selected by the local behavioral health docket advisory committee. H. Each local behavioral health docket advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to have problems with drug addiction, mental illness, or related issues. The committee shall ensure the use of a comprehensive, valid, and reliable screening instrument to assess whether the individual is a candidate for a behavioral health docket. Once an individual is identified as a candidate appropriate for a behavioral health court docket, a full diagnosis and treatment plan shall be prepared by qualified professionals. Subject to the provisions of this section, neither the establishment of a behavioral health docket nor anything in this section shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein that he deems advisable to prosecute, except to the extent that the participating attorney for the Commonwealth agrees to do so. I. Each local behavioral health docket advisory committee shall establish policies and procedures for the operation of the docket to attain the following goals: (i) effective integration of appropriate treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing and mental health status assessments, where applicable; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each behavioral health docket participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among behavioral health dockets, public agencies, and community based organizations to enhance program effectiveness and efficiency. J. If there is cause for concern that a defendant was experiencing a crisis related to a mental health or substance abuse disorder then his case will be

referred, if such referral is appropriate, to a behavioral health docket to determine eligibility for participation. Participation by an offender in a behavioral health docket shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court. If an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. If the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers. If the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. Where supervision is transferred, the sending agency shall be responsible for providing reports on an offender's conduct, treatment, and compliance with the conditions of supervision to the court. K. An offender may be required to contribute to the cost of the treatment he receives while participating in a behavioral health docket pursuant to guidelines developed by the local behavioral health docket advisory committee. L. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local behavioral health docket advisory committee to accept for participation every offender. M. The Office of the Executive Secretary shall, with the assistance of the state behavioral health docket advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all behavioral health dockets. The Executive Secretary shall submit an annual report of these evaluations to the General Assembly by December 1 of each year. The annual report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. Each local behavioral health docket advisory committee shall submit evaluative reports, as provided by the Behavioral/Mental Health Docket Advisory Committee, to the Office of the Executive Secretary as requested. 2020, c. 1096; 2021, Sp. Sess. I, c. 191. 18 Appendix B:

§ 18.2-254.2. Specialty dockets; report

B. Any veterans docket authorized and established as a local specialty docket in accordance with the Rules of Supreme Court of Virginia shall be deemed a "Veterans Treatment Court Program," as that term is used under federal law or by any other entity, for the purposes of applying for, qualifying for, or receiving any federal grants, other federal money, or money from any other entity designated to assist or fund such state programs.

Appendix B

Members of Virginia Criminal Justice Services Board / Crisis Intervention Advisory Board

Name and Title	Affiliation	Role on Crisis Intervention Advisory Board
Mr. Adam Blevins	<ul style="list-style-type: none"> Operations Director, VA Law Enforcement Assistance Program 	Mental Health Services Provider
Chief Travis Christian	<ul style="list-style-type: none"> Chief of Police, Petersburg Police Department VA Association of Chiefs of Police 	Law Enforcement
Chadwick Dotson (<i>ex-officio</i>)	<ul style="list-style-type: none"> Director, VA Department of Corrections 	Corrections
Sheriff Jeremy Falls	<ul style="list-style-type: none"> Sheriff, Fauquier County Sheriff's Office VA Sheriff's Association 	Law Enforcement
Ms. Amy Floriano (<i>ex-officio</i>)	<ul style="list-style-type: none"> Director, Department of Juvenile Justice 	Juvenile Justice
Ms. Katie Hanger	<ul style="list-style-type: none"> Executive Director, Virginia Victim Assistance Network 	Social Justice Organization
Col. Matthew Hanley (<i>ex-officio</i>)	<ul style="list-style-type: none"> Superintendent, Department of State Police 	Law Enforcement
Sheriff Brian Hieatt	<ul style="list-style-type: none"> Sheriff, Tazewell County 	Law Enforcement
Ms. Maria Jankowski (<i>ex-officio</i>)	<ul style="list-style-type: none"> Executive Director, VA Indigent Defense Commission 	Legal Counsel
Chief Stephen Keatts	<ul style="list-style-type: none"> Chief of Police, Poquoson Police Department VA Association of Chiefs of Police 	Law Enforcement
Mr. D. Bradley Marshall, Esq.	<ul style="list-style-type: none"> Attorney, Vanderpool, Frostick and Nishanian, P.C. 	Legal Counsel
Hon. John Marshall (<i>at large member</i>)	<ul style="list-style-type: none"> Judge, Henrico County Circuit Court 	Judiciary
Ms. Corinne Mastronardi	<ul style="list-style-type: none"> CEO, Trustus Security Services, LLC 	Private Security
Ms. Renee Maxey	<ul style="list-style-type: none"> Community Interests 	Community
Hon. Russell McGuire (<i>at large member</i>)	<ul style="list-style-type: none"> Commonwealth's Attorney Louisa County Commonwealth Attorney's Office Crime victims' interests 	Victim Services
Mr. Ron Regnery (<i>ex-officio</i>)	<ul style="list-style-type: none"> Assistant Executive Secretary, Supreme Court of Virginia Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia 	Courts
Hon. Krystyn Reid	<ul style="list-style-type: none"> Commonwealth Attorney, York County and the City of Poquoson VA Association of Commonwealth's Attorneys 	Prosecution

Chief Carl Rowan, Jr.	<ul style="list-style-type: none"> • Chief of Police, George Mason University • VA Association of Campus Law Enforcement Administrators 	Law Enforcement
Sheriff Bradford “Chip” Shuler (Chairman)	<ul style="list-style-type: none"> • Sheriff, Smyth County Sheriff’s Office • Virginia Sheriff’s Association 	Law Enforcement
Hon. Chuck Slemp, III	<ul style="list-style-type: none"> • Member, Cozen O’Connor 	Private Citizen
Col. William C. Smith	<ul style="list-style-type: none"> • Superintendent, Western Tidewater Regional Jail • VA Association of Regional Jail Superintendents 	Jails
Ms. Theo Stamos (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Deputy Attorney General • Office of the Attorney General • (For Attorney General of Virginia) 	Prosecution
Mr. Sherard Tisdale	<ul style="list-style-type: none"> • Investigator, Amelia County Sheriff’s Office 	Community Interest of Minorities
Sheriff Richard Vaughan	<ul style="list-style-type: none"> • Sheriff, Grayson County Sheriff’s Office • Police fraternal organizations 	Law Enforcement
Mr. John Vithoukias	<ul style="list-style-type: none"> • County Manager, Henrico County • VA Association of Counties 	Local Government
Hon. Patricia West (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Chairman, Virginia Parole Board 	Parole Board
Hon. Anthony Williams	<ul style="list-style-type: none"> • City Attorney, City of Petersburg • Virginia Municipal League 	Local Government
Vacant (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Representative for Chief Justice S. Bernard Goodwyn, Virginia Supreme Court 	State Courts
Hon. Lamont Bagby (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Senate of Virginia, Senate Seat • Non-voting member 	State Legislature
Hon. Mark Peake (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Senate of Virginia, Senate Seat • Non-voting member 	State Legislature
Hon. Phil M. Hernandez (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Virginia House of Delegates, House Judiciary Committee Seat • Non-voting member 	State Legislature
Hon. Briana D. Sewell (<i>ex-officio</i>)	<ul style="list-style-type: none"> • Virginia House of Delegates, House Committee on Appropriations Seat • Non-voting member 	State Legislature

Appendix C

**Crisis Intervention Advisory Board Letter Approving DCJS
Byrne SCIP Implementation Plan**

Appendix D
Byrne SCIP Budget
Est. 12 months

Budget Category	Federal Request	Non-Federal Request	Total
A. Personnel	\$51,405	\$0	\$51,405
B. Fringe Benefits	\$18,552	\$0	\$18,552
C. Travel	\$27,542	\$0	\$27,542
D. Equipment	\$0	\$0	\$0
E. Supplies	\$0	\$0	\$0
F. Construction	\$0	\$0	\$0
G. Subawards	\$2,799,151	\$0	\$2,799,151
H. Procurement Contracts	\$0	\$0	\$0
I. Other	\$0	\$0	\$0
Total Direct Costs	\$2,896,650	\$0	\$2,896,650
J. Indirect Costs	\$23,206	\$0	\$23,206
Total Project Costs	\$2,919,856	\$0	\$2,919,856

Subaward Breakdown for Byrne SCIP Funding

Description	Purpose	Total Cost	Non-Federal Contribution	Federal Request
Awards – small jurisdictions	Required pass-through to small jurisdictions (<\$10,000)	\$209,992	\$0	\$209,992
Local pass-through	Subawards to local courts for implementation and expansion of specialty dockets	\$2,589,159	\$0	\$2,589,159
Total		\$2,799,151	\$0	\$2,799,151