

Virginia Specialty Dockets

Anna Powers
Specialty Dockets Coordinator

Agenda

Specialty Dockets Overview

Target Population and Eligibility

Felony Charges in District Court
Specialty Dockets

Impact & Anticipated Frequency

What are Specialty Dockets?

Specialty Dockets

Business
As Usual

Behavioral Health
Dockets

Recovery Courts
(Drug Courts)

Veterans Treatment
Dockets

How They Work

Eligible individuals voluntarily participate in extended duration (~10-18 months) evidence-based treatment and strict supervision

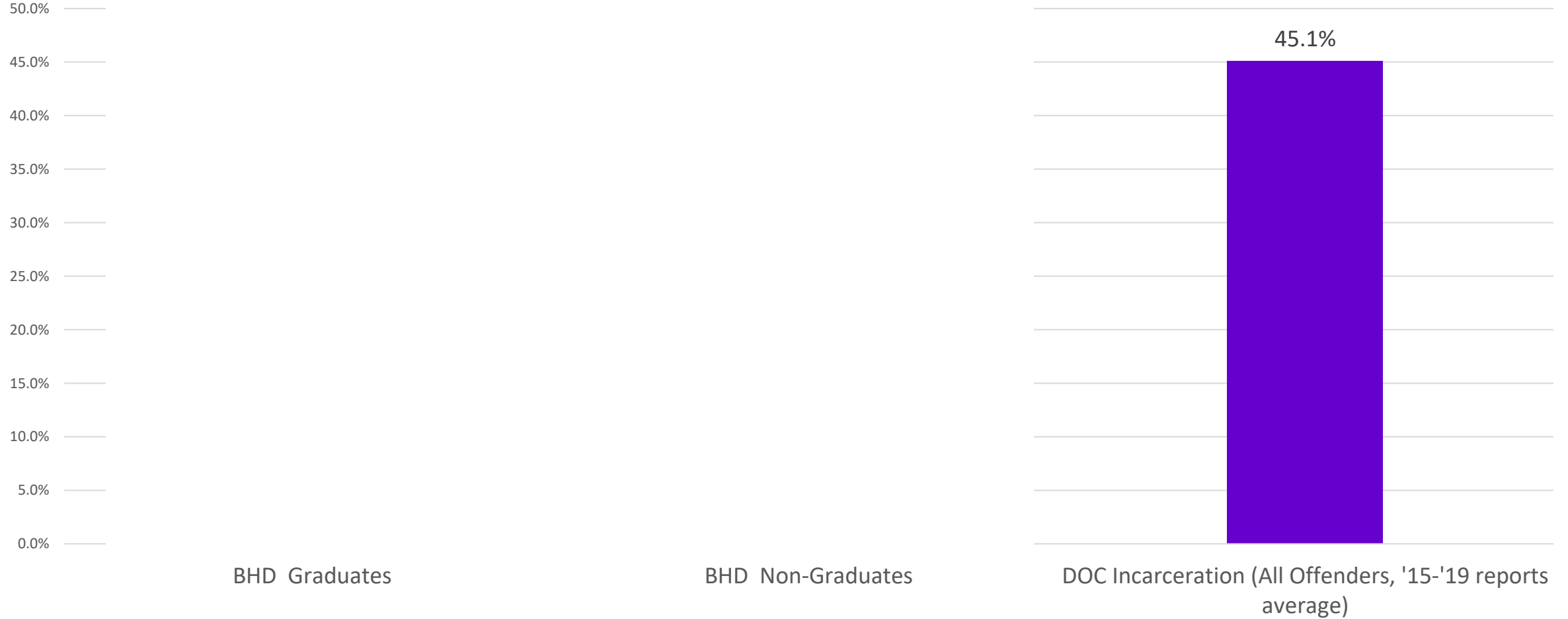
Judicial monitoring through regular court attendance

The participant primarily receives treatment in the community

FY25 Reconviction Rates

BHD Annual & VA DOC Reports

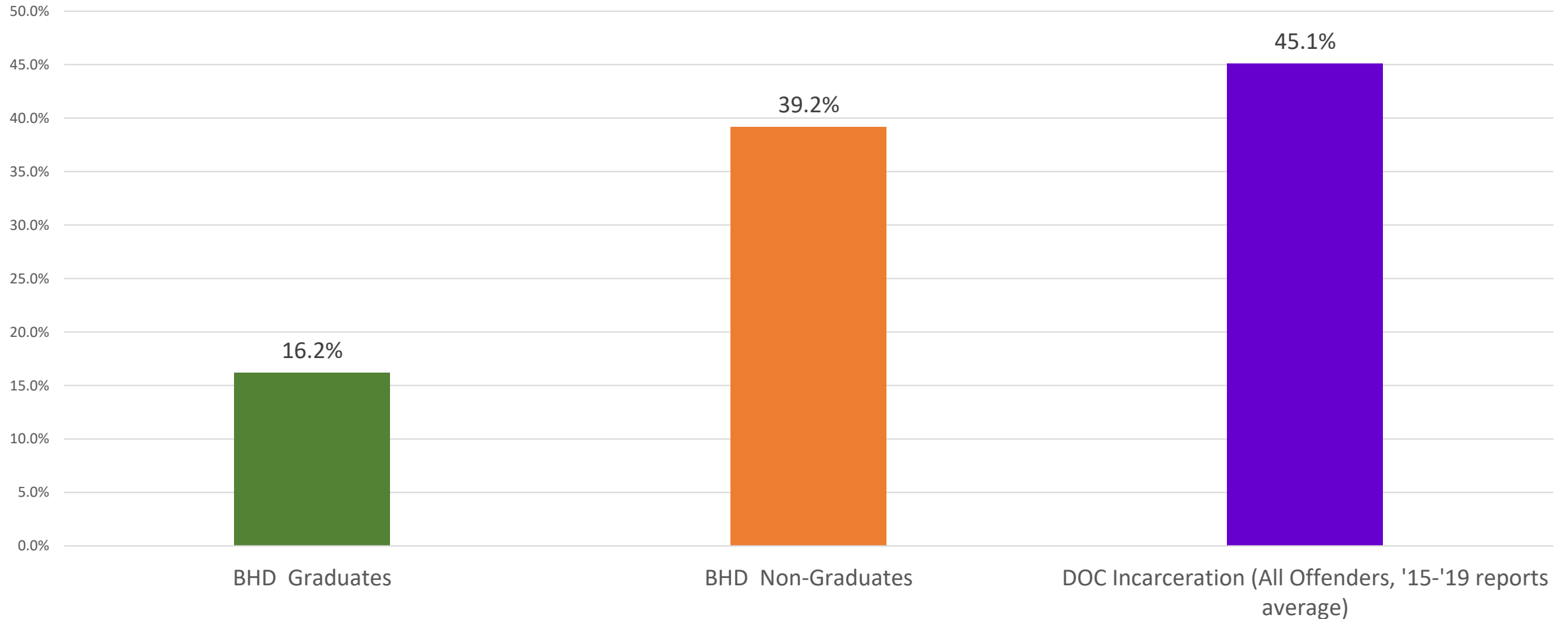
3 Years After Exiting



FY25 Reconviction Rates

BHD Annual & VA DOC Reports

3 Years After Exiting



Target Population and Eligibility



Risk of Criminogenic Recidivism



Clinical/Services Needs



Legal Considerations



Veteran Status*



Voluntary Participation



Residency Consideration



Other Factors

Felony Charges in a SD District Level Court



Legal Considerations

Historically vs. Now

§19.2-186
§16.1-123.1(6)

HB245

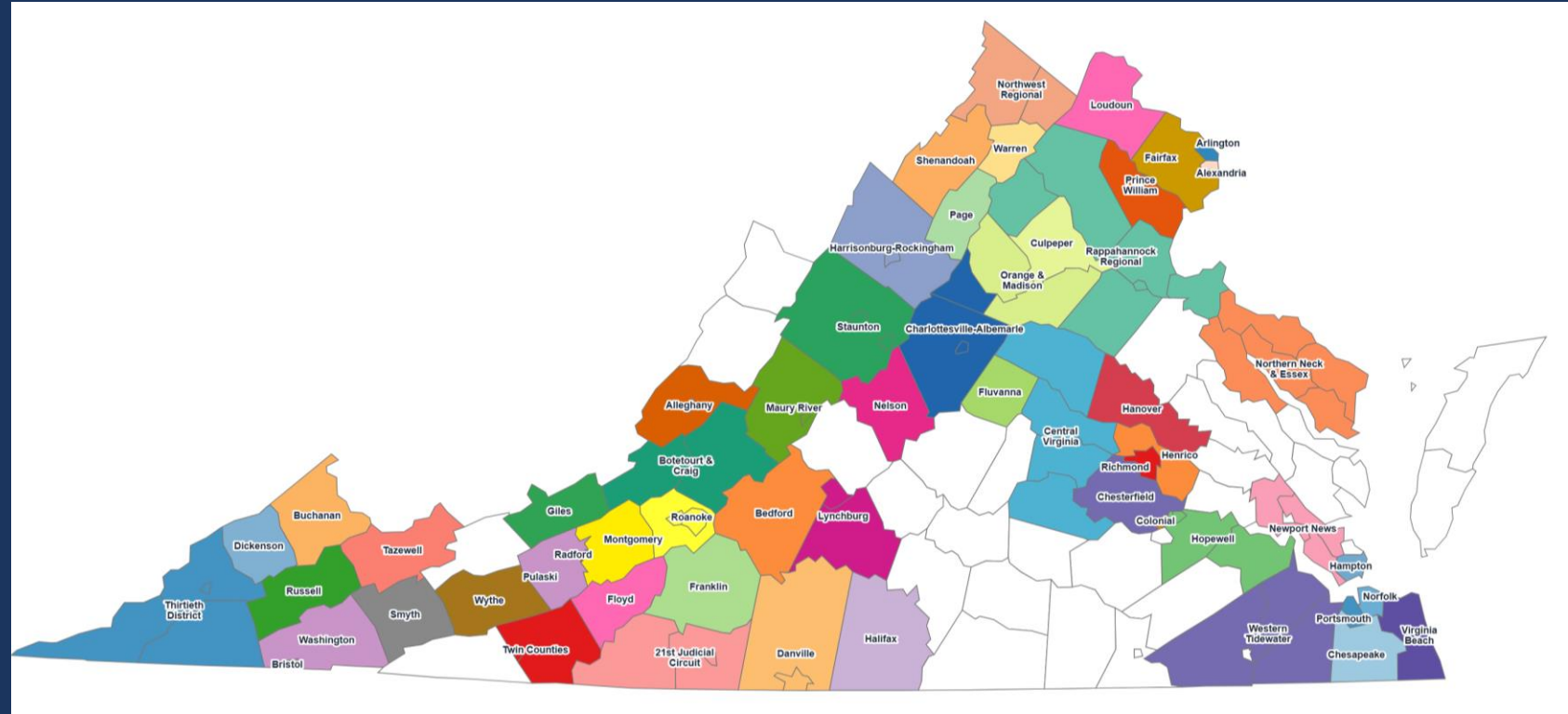
Virginia Specialty Dockets

95 SDs

60 RCs

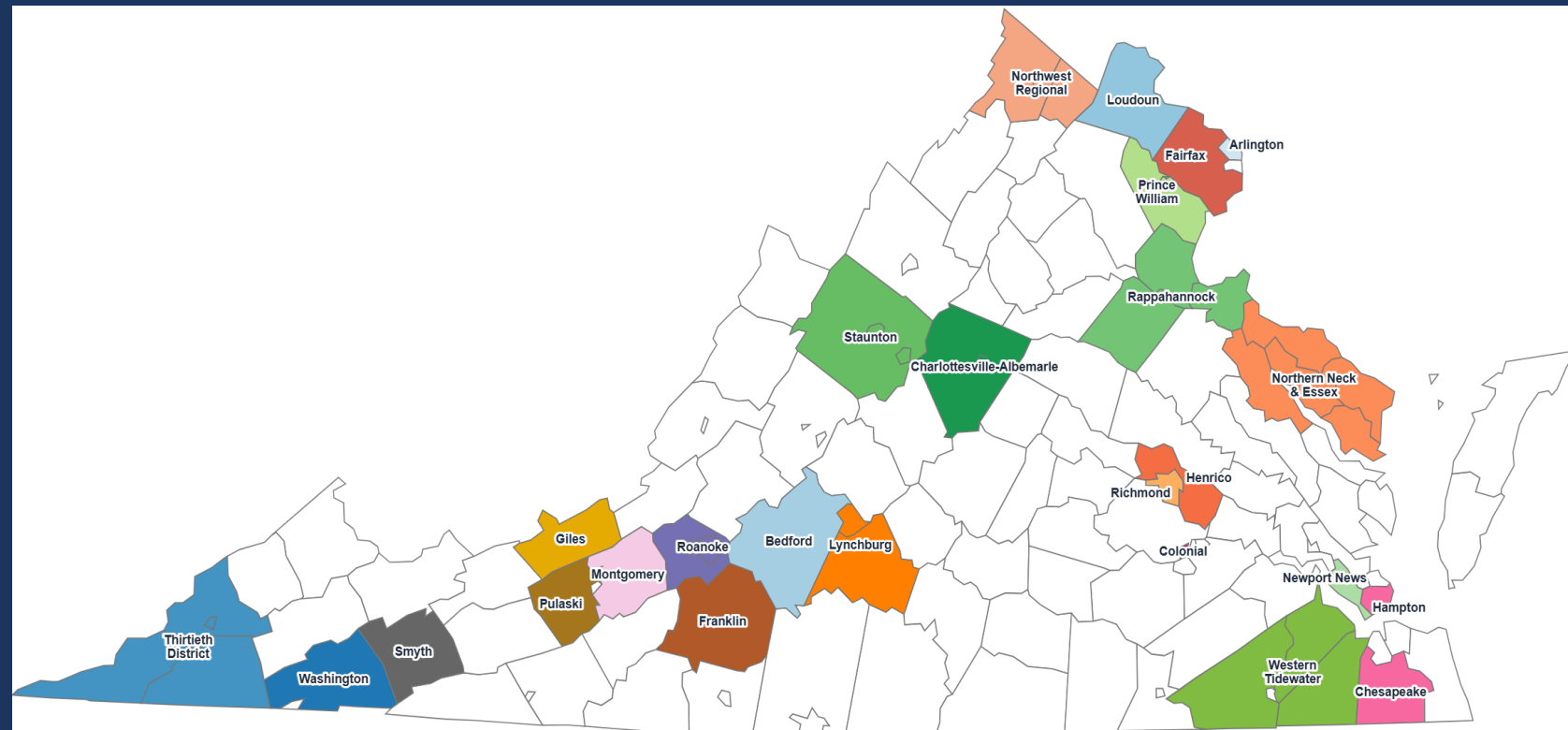
25 BHDs

10 VTDs



Virginia Specialty Dockets

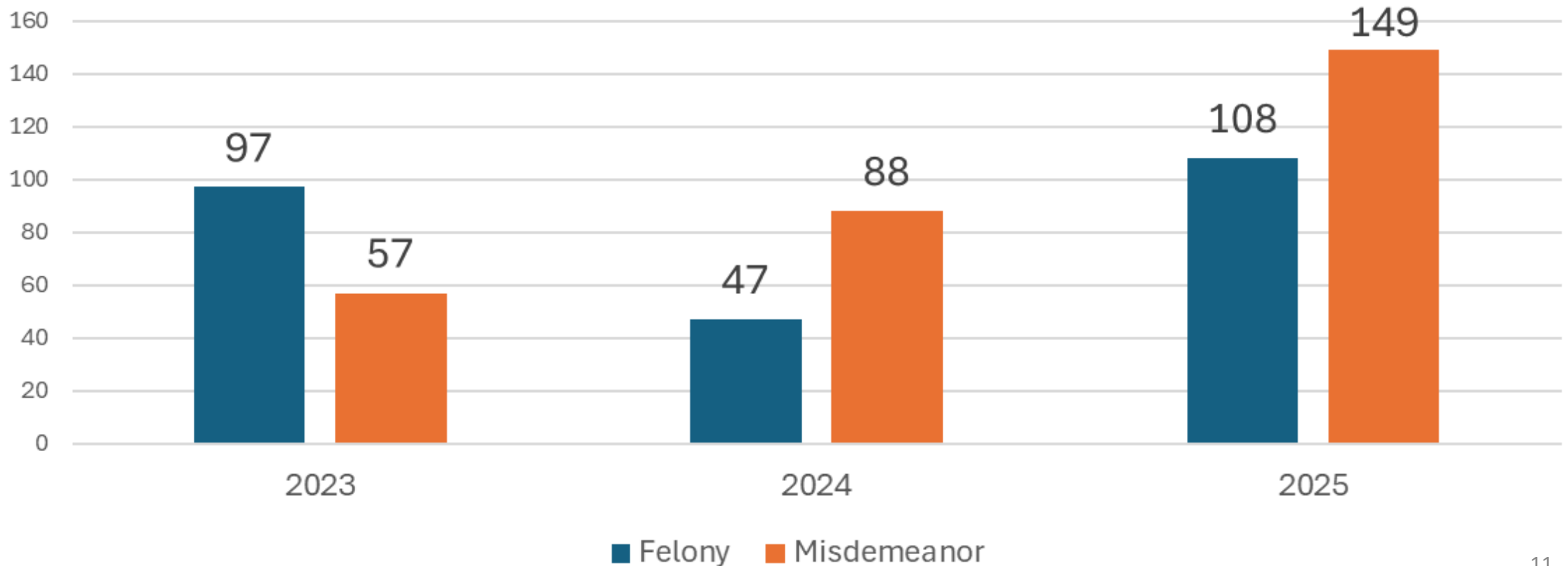
**33 District
Courts**



25 in General
District

8 in Juvenile
and Domestic
Relations

2023-25 General District Specialty Dockets Misdemeanor vs Felony Charges



2023-25 General District Specialty Dockets

Misdemeanor vs Felony Charges

Totals

M: 294 (54%)

F: 252 (46%)

Yearly Averages

M: 98

F: 84

Questions?

Anna Powers
Specialty Dockets Coordinator
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia

specialtydockets@vacourts.gov

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-6455

August 13, 2024

CHIEF JUSTICE
S. BERNARD GOODWYN
JUSTICES
CLEO E. POWELL
D. ARTHUR KELSEY
STEPHEN R. MCCULLOUGH
TERESA M. CHAFIN
WESLEY G. RUSSELL, JR.
THOMAS P. MANN
SENIOR JUSTICES
CHARLES S. RUSSELL
LAWRENCE L. KOONTZ, JR.
DONALD W. LEMONS
LEROY F. MILLETTE, JR.
WILLIAM C. MIMS

CLERK
MURIEL-THERESA PITNEY
EXECUTIVE SECRETARY
KARL R. HADE
CHIEF STAFF ATTORNEY
K. LORRAINE LORD
REPORTER OF DECISIONS
KENT SINCLAIR
STATE LAW LIBRARIAN
GAIL WARREN

The Honorable Jacqueline F. Ward Talevi, Chief Judge
Roanoke County General District Court
P. O. Box 997
Courthouse
305 East Main St.
Salem, VA 24153-0997

The Honorable Phillip L. Hairston
Retired Judge
Thirteenth Judicial Circuit
3822 Kenmore Road
Richmond, VA 23225

Dear Chief Judge Talevi and Judge Hairston:

Thank you for your letter of May 3, 2024, and for your service as Co-Chairs of the Behavioral Health Dockets Advisory Committee. The Supreme Court of Virginia and I continue to be strong and enthusiastic supporters of specialized dockets.

You indicate the Committee has received several applications from general district courts which included provisions for defendants charged with felony offenses to be included in their targeted population. You indicate that, "[i]n the past, the Committee's position has been to reject that portion of the application finding the general district court lacked jurisdiction to provide supervision to a person charged with a felony offense which had not been reduced to a misdemeanor." Your letter further states:

Considering the number of applications the Committee has received regarding the felony population, the Committee Co-Chairs sought guidance from the legal department of the Supreme Court of Virginia.

Recently, the Co-Chairs received an opinion from the legal department suggesting that a more expansive reading of the jurisdictional statute regarding felony offenses in the general district court was not expressly prohibited by statute. The opinion suggested

The Honorable Jacqueline F. Ward Talevi, Chief Judge
The Honorable Phillip L. Hairston
August 13, 2024
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that general district courts could continue a felony charge generally under terms and conditions enumerated in the bond agreement/pretrial release and find facts sufficient to support probable cause upon agreement by the parties. The opinion continued to suggest the general district court had the authority to supervise the defendant on probation supervision within the unique programs established by an individual court's behavioral health docket.

Your letter further states that in response to the legal opinion:

The attending Committee members unanimously favored adopting a more expansive approach which would permit behavioral health dockets in the general district courts to include felony offenses without first reducing them to misdemeanor offenses. The Committee Co-Chairs share this information with you and seek your guidance regarding this recommendation ("the proposal").

While I agree that general district courts are not, by statute, expressly prohibited from supervising felony defendants whose charge(s) have not been reduced to a misdemeanor, my concern with the proposal is with the lack of any specific statutory authorization to support it. General district courts are not expressly authorized to delay certification of felony charges to allow for participation and supervision of these defendants in a general district court behavioral health docket. General district courts "are courts of limited jurisdiction and may exercise only such subject matter jurisdiction as has been expressly conferred by statute." *Parrish v. Fannie Mae*, 292 Va. 44, 49 (2016) (citation omitted).

When an accused is brought before a district court for a preliminary hearing on a felony charge, the district court has several options pursuant to Va. Code 19.2-186:

The judge shall discharge the accused if he considers that there is not sufficient cause for charging him with the offense.

If a judge considers that there is sufficient cause only to charge the accused with an offense which the judge has jurisdiction to try, then he shall try the accused for such offense and convict him if he deems him guilty and pass judgment upon him in accordance with law just as if the accused had first been brought before him on a warrant charging him with such offense.

If a judge considers that there is sufficient cause to charge the accused with an offense that he does not have jurisdiction to try then he shall certify the case to the appropriate

The Honorable Jacqueline F. Ward Talevi, Chief Judge
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court having jurisdiction and shall commit the accused to jail or let him to bail pursuant to the provisions of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title.

Va. Code § 19.2-186.

Upon certification by the general district court of any felony charge and ancillary misdemeanor charge or when an appeal of a conviction of an offense in general district court is noted, jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has been withdrawn in the general district court within 10 days pursuant to § 16.1-133.

Va. Code § 16.1-123.1(6).

As Chief Justice, I must consider the impact of any proposal on Virginia's judicial system as a whole and the respective roles of our circuit and district courts. The current proposal raises questions about the jurisdiction of the district courts regarding defendants, charged with a felony, over whom the district court has limited authority. It also raises concerns about defendants' rights to a speedy trial, although these could perhaps be addressed through an agreement of the parties and the Commonwealth's attorney if the defendant voluntarily waives his right to a speedy trial.

I appreciate the willingness and interest of the district courts to expand the reach of their behavioral health dockets, but I am concerned about their limited authority and jurisdiction regarding individuals charged with a felony. Therefore, I do not approve or support the proposal in your letter of May 3, 2024.

I appreciate your interest in making the district court programs available to a greater number of criminal defendants; perhaps more circuit courts will institute behavioral health dockets in the future. Again, I thank you for your service as Co-Chairs of the Committee.

Very truly yours,



S. Bernard Goodwyn

cc: Edward M. Macon, Assistant Executive Secretary & Counsel

Directory of Virginia's 27 Behavioral Health Dockets

21 Behavioral Health Dockets General District Courts			
Locality	Presiding Judge	Docket Schedule	Contact
Arlington Behavioral Health Docket Arlington General District Court 1425 North Courthouse Road Arlington, VA 22201	Judge Jason S. Rucker	Wednesdays at 2:30 p.m.	Kelly Nieman knieman@arlingtonva.us (703) 228-4849
Charlottesville-Albemarle Therapeutic Docket Charlottesville General District Court 606 East Market Street Charlottesville, VA 22902	Judge K. Andrew Sneathern	Second and Fourth Wednesdays at 10:30 a.m.	Spencer Kennedy skennedy@oar-jacc.org (434) 296-2441
Chesapeake Behavioral Health Docket Chesapeake General District Court 307 Albemarle Drive Civic Center Chesapeake, VA 23322-5571	Judge Erin L. Bedois	Thursdays at 1:30 p.m.	Vikki Smith vsmith@CityOfChesapeake.Net (757) 819-6422
Colonial Behavioral Health Docket Williamsburg/James City County General District Court 5201 Monticello Avenue Williamsburg, VA 23188-8218	Judge Matthew D. Danielson	First and Third Fridays at 1:00 p.m.	Jack Fitzpatrick Jack.fitzpatrick@jamescitycountyva.gov (757) 564-2464

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21 Behavioral Health Dockets General District Courts			
Locality	Presiding Judge	Docket Schedule	Contact
Essex Behavioral Health Docket Essex General District Court 300 Prince Street Tappahannock, VA 22560	Judge Julia H. Sichol	First and Third Thursdays at 3:00 p.m.	Shannon Grow sgrow@essex-virginia.org (804) 443-3249
Fairfax Behavioral Health Docket Fairfax County General District Court Fairfax County Courthouse 4110 Chain Bridge Road Fairfax, VA 22030-3600	Judge Tina L. Snee	First, Third, and Fifth Tuesdays at 1:30 p.m. Courtroom 1E	Michelle Cowherd Laura.Cowherd@fairfaxcounty.gov (703) 223-2124
Hampton Behavioral Health Docket Hampton General District Court 236 North King Street Hampton, VA 23669-3518	Judge Selena Stellute Glenn	First and Third Mondays at 2:00 p.m. Courtroom D	Melanie H. Stephens mestephens@vacourts.gov (757) 727-6724
Henrico County Behavioral Health Docket Henrico County General District Court 4309 East Parham Road Henrico, VA 23273	Judge Lauren A. Caudill	Wednesdays at 1:30 p.m.	Lilah Blount LBlount@vacourts.gov (804)-501-4723
Loudoun County Behavioral Health Docket Loudoun General District Court 2 Church Street Northeast Leesburg, VA 20176	Judge William R. Fitzpatrick	Fridays at 2:00 p.m.	Ryan Moody Ryan.Moody@loudoun.gov (571) 627-7007

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Locality	Presiding Judge	Docket Schedule	Contact
Lynchburg City Behavioral Health Docket Lynchburg General District Court 905 Court Street Lynchburg, VA 24504	Judge Randy C. Krantz	Second and Fourth Tuesdays at 1:30 p.m. Courtroom B	Ally Smith Ally.Smith@lynchburgva.gov (434) 455-3799
Montgomery County Behavioral Health Docket Montgomery General District Court 55 East Main Street Christiansburg, VA 24073	Judge Gino W. Williams	Second and Fourth Thursdays at 1:00 p.m.	Sheri Abrams sabrams@vacourts.gov (540) 394-2085
Newport News Behavioral Health Docket Newport News General District Court 2500 Washington Avenue Newport News, VA 23607-4307	Judge Rian E. Lewis Judge Charisse M. Mullen	Every Thursday at 2:30 p.m. Courtroom A	Avis Dukes adukes@vacourts.gov (757) 926-8811
Northwestern Regional Behavioral Health Docket Winchester/Frederick General District Court 5 North Kent Street Winchester, Virginia 22601	Judge Mary L. C. Daniel	First and Third Thursdays of each month at 2:00 p.m.	Lesli Bosse lbosse@valleyhealthlink.com (540) 536-5000
Patrick County Behavioral Health Docket Patrick General District Court 106 Rucker Street Stuart, VA 24171	Judge Joan Ziglar	TBD	Quincy Gravely qgravely@piedmontcsb.org (540) 483-5044

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21 Behavioral Health Dockets General District Courts			
Locality	Presiding Judge	Docket Schedule	Contact
Rappahannock Regional Therapeutic Docket Fredericksburg General District Court 701 Princess Anne Street Fredericksburg, VA 22401	Judge Mayo J. Wilson	Tuesdays at 2:00 p.m.	Ann Baker abaker@rrj.state.va.us (540) 288-5226
Richmond Behavioral Health Docket Richmond City General District Court Marsh Manchester Courts Building 920 Hull Street Richmond, VA 23224	Judge Mansi J. Shah	Mondays at 1:00 p.m.	Nesheta Baker nesheta.baker@rva.gov (804) 646-8062
Roanoke Therapeutic Docket Roanoke County General District Court Courthouse 305 East Main Street Salem, VA 24153-0997	Judge Jacqueline F. Ward Talevi Judge Francis W. Burkart, III (Roanoke City Docket)	Roanoke County Second and Fourth Fridays at 2 p.m. City of Salem First and Third Fridays at 2 p.m. City of Roanoke Second and Fourth Thursdays at 2 p.m.	MaryEtta Rice-Way mrway@brbh.org (540) 266-9200 Ext. 3338

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21 Behavioral Health Dockets General District Courts			
Locality	Presiding Judge	Docket Schedule	Contact
Smyth County Behavioral Health Docket Smyth General District Court 109 West Main Street Suite 1022 Marion, VA 24354	Judge Travis B. Lee	First and Third Monday of each month at 2 p.m.	Michelle Ward mward@smythcounty.org (276) 706-8656
Staunton Augusta Therapeutic Docket Augusta General District Court 6 East Johnson Street Staunton, VA 24401	Judge David B. Spigle	Second and Fourth Monday of each month at 8:30 a.m.	Laura-Arthur Pederson arthur-pedersenlm@ci.staunton.va.us (540) 886-1008 Ext. 4212
Washington County Behavioral Health Docket Washington General District Court 191 East Main Street Abingdon, VA 24210	Judge R. Lucas Hobbs	Second and Fourth Monday of each month at 2:30 p.m.	Sheena Kistner skistner@highlandscsb.org (276) 739-3520 Ext. 6002
Western Tidewater Behavioral Health Docket Suffolk General District Court 150 North Main Street Suffolk, VA 23434	Judge Nicole A. Belote	First and Third Wednesday of each month at 3:00 p.m.	Donna Boykin dboykin@suffolk.va.us (757) 630-7301

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4 Behavioral Health Dockets Circuit Courts			
Locality	Presiding Judge	Docket Schedule	Coordinator
Norfolk Behavioral Health Docket Norfolk Circuit Court 150 St. Paul's Boulevard Norfolk, VA 23510-2773	Judge Tasha D. Scott	Tuesdays at 1:30 p.m. Courtroom 4C	Malik Carey mcarey@vacourts.gov (757) 823-1276
Richmond Behavioral Health Docket Richmond City Circuit Court John Marshall Courts Building 400 North Ninth Street Richmond, VA 23219	Judge Jacqueline S. McClenney	2 Fridays a month 11:00 a.m.	Margaret McQuail margaret.mcquail@rbha.org (804) 819-4173
Spotsylvania Regional Behavioral Health Docket Spotsylvania Circuit Court 9107 Judicial Center Lane Spotsylvania, VA 22553	Judge William E. Glover	Thursdays at 12:30 p.m.	Ann Baker abaker@rrj.state.va.us (540) 288-5226
Virginia Beach Behavioral Health Docket Virginia Beach Circuit Court 2425 Nimmo Parkway Virginia Beach, VA 23456	Judge Tanya Felton	TBDw	Dawson Entwisle jentwisl@vbgov.com (757) 385-8357

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2 Behavioral Health Dockets Juvenile and Domestic Relations District Court			
Locality	Presiding Judge	Docket Schedule	Coordinator
Loudoun County JDR Behavioral Health Docket Loudoun Juvenile and Domestic Relations District Court 18 East Market Street Leesburg, VA 20176-2828	Judge Pamela L. Brooks	Fridays at 2:00 p.m.	Ryan Moody Ryan.Moody@loudoun.gov (703) 777-0207
Richmond Behavioral Health Docket Richmond Juvenile and Domestic Relations District Court Oliver Hill Courts Building 1600 Oliver Hill Way Richmond, VA 23219-1214	Judge Marilyn Goss-Thornton	Thursdays at 3:30 p.m.	Eric Thornton eric.thornton@rva.gov (804) 646-8677



Tracking Felony Specialty Docket Cases In General District Court



Process

▲ Steps

1. VCSC will seek approval from OES to obtain the names of persons participating in Specialty Dockets from General District Courts.
2. VCSC will add a method to identify participants transferred to Circuit Court after removal from a General District Court Specialty Docket.





Process

▲ Steps (continued)

3. VCSC will monitor sentencing outcomes for defendants who first receive a deferred disposition in Circuit Court, or who are placed in a General District Court Specialty Docket. These sentences will be compared to defendants who receive a traditional sentence.





Process

▲ Commission Input/Feedback

Are there any additional data elements or defendant outcomes that we should monitor?

