

SERIOUS OR HABITUAL OFFENDER
COMPREHENSIVE ACTION PROGRAM
(SHOCAP)

GUIDELINES

Department of Criminal Justice Services
Crime Prevention Center

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Pursuant to the provisions of §16.1-330.1, Subsection D of the Code of Virginia, The Department of Criminal Justice Services hereby establishes the following **Guidelines Relating to the Serious or Habitual Offender Comprehensive Action Program**.

Part I: Description

The Serious or Habitual Offender Comprehensive Action Program (SHOCAP) is a comprehensive and cooperative information sharing and case management program. It is designed to enable juvenile-related agencies to share information about serious or habitual juvenile offenders in order that comprehensive, coordinated services can be provided for the juveniles, and the community can be protected from serious juvenile crime.

Participation in SHOCAP by localities is voluntary. The SHOCAP program may be established by a local governing body if that body recognizes the need to provide coordinated, comprehensive service delivery to serious or habitual juvenile offenders, while at the same time, protecting the community from additional serious juvenile criminal activity.

Part II: Definitions

The following words and terms, when used in the guidelines, shall apply unless the context clearly indicates otherwise:

“Adjudication” means any adjudication resulting from a criminal incident. If three offenses occur during a single criminal incident, the resulting court adjudication shall be considered a single adjudication.

“Direct Service Provider” means an employee of any of the following agencies that provides direct services to the serious or habitual offender: local law enforcement, school, Commonwealth Attorney, juvenile court service, juvenile detention center or group home, mental and medical health, state and local children and family services, and Department of Juvenile Justice.

“DCJS” means the Virginia Department of Criminal Justice Services.

“Serious or Habitual Juvenile Offender” is defined by Article 14.1, §16.1-330.1 of the Code of Virginia, as a minor who has been (i) adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding or (ii) convicted at least three times for offenses which would be felonies or Class 1 misdemeanors if committed by an adult. Qualifying convictions or adjudications shall include only those for offenses occurring after July 1, 1993. However, any Serious or Habitual Offender Comprehensive Action Program (SHOCAP) in existence on July 1, 1993, shall be deemed to have been established pursuant to this article and, notwithstanding the limitations of this subsection, may continue to supervise persons who were being

supervised on July 1, 1993. Effective July 1, 1999, juvenile offenders under SHOCAP supervision at the time of their eighteenth birthday who have been committed to state care pursuant to §16.1-278.8 (14) or §16.1-285.1 may continue to be supervised by SHOCAP until their twenty-first birthday.

“SHOCAP” means Serious or Habitual Offender Comprehensive Action Program.

“SHOCAP Committee” refers to that particular committee established by action of the governing board of a city or county of the Commonwealth. It shall consist of representatives from local law enforcement, schools, attorneys for the Commonwealth, juvenile court services, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family services agencies, and the Department of Juvenile Justice, all of whom provide direct services to the identified juveniles.

A minor shall be considered eligible to enter the Serious or Habitual Offender Comprehensive Action Program if he has been (i) adjudicated delinquent or convicted of murder or attempted murder, armed robbery, any felony sexual assault or malicious wounding or (ii) convicted at least three times for offenses which would be felonies or Class I misdemeanors if committed by an adult. Qualifying convictions or adjudications shall include only those for offenses occurring after July 1, 1993. However, any Serious or Habitual Offender Comprehensive Action Program (SHOCAP) in existence prior to July 1, 1993, shall be deemed to have been established pursuant to this article and, notwithstanding the limitations of the law, may continue to supervise persons who were being supervised prior to July 1, 1993.

Part III: Committee Structure

Once a SHOCAP program is established through the action of a local governing body, then a SHOCAP committee must be established. The Committee shall be comprised of representatives from local law enforcement, schools, attorneys for the Commonwealth, juvenile court services, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice. The members of this committee shall represent those within their agency who are direct service providers to the identified juveniles.

The Committee shall identify the lead agency which will serve as primary coordinator for the implementation of the program. It is recommended that either the police department/sheriff’s office or court services unit serve as primary coordinator. This multi-disciplinary committee shall determine representation from each agency of the committee. Jurisdictions which already have existing multi-disciplinary teams (e.g. Child Sexual Assault Investigation Teams,

Comprehensive Services Act Teams) whose clients are juvenile offenders, should, whenever possible, incorporate the representatives from such teams in the SHOCAP committee structure.

A SHOCAP committee may share information with any other SHOCAP committee from another jurisdiction which has been established and meets the qualifications specified in §16.1-330.1.

Part IV: Participant Duties and Responsibilities

SHOCAP is a post-adjudication process; however, it does enable juvenile-related agencies to share necessary information concerning juveniles who have met the criteria. It is recommended that each agency provide the following assistance to the SHOCAP committee:

Police Department/Sheriff's Office

- H Assist in identifying appropriate services for serious or habitual offenders.
- H May serve as primary coordinator for SHOCAP committee.
- H Maintain case file.
- H Disseminate information to other agencies.
- H Monitor the serious or habitual offender adherence to supervision goals.
- H Seek petition in all new offenses.
- H Seek detention order when appropriate.
- H Provide liaison with schools.
- H Assist in identifying serious or habitual offenders in conjunction with court services.

Court Services

- H Assist in identifying appropriate services for serious or habitual offenders.
- H May serve as primary coordinator for SHOCAP committee.
- H Provide requested information for SHOCAP case file.
- H Identify serious or habitual offenders.
- H Inform police department/sheriff's office of rules of probation/aftercare provisions.
- H Issue petitions for new delinquent offenses.
- H Seek appropriate sanctions for probation/aftercare violations.
- H Use additional field interview/incident information in supervising serious or habitual offenders.
- H Assist in identifying serious or habitual offenders in conjunction with the police department/sheriff's office.

Detention Centers or Group Homes

- H Monitor and record any significant activities and behavior of serious or habitual offenders.
- H Provide support and assistance to other agencies engaged in the program.

Department of Juvenile Justice

- H Cooperate in gathering data for use by all participating agencies.
- H Consider data relating to the serious or habitual offender case file when making decisions regarding the juvenile and include appropriate data in written reports to the court.
- H Request a hearing with the court before releasing any serious or habitual offender into the community pending early release, transfer to any unsecured facility or home reintegration program.

Commonwealth's Attorney

- H Assist in identifying appropriate services for serious or habitual offenders.
- H Establish highest provable offense.
- H Seek vertical prosecution of serious or habitual offenders whenever possible.
- H Seek maximum penalty/supervision for each adjudication.

Schools

- H Assist in identifying appropriate services for serious or habitual offenders.
- H Provide requested information for SHOCAP case file.
- H Report all serious or habitual offender-related crime to the local law enforcement agency.
- H Assist in monitoring serious or habitual offender terms and conditions that pertain to education.
- H Share information as appropriate.

Social Services

- H Assist in identifying appropriate services for serious or habitual offenders.
- H Provide requested information for SHOCAP case file.
- H Coordinate investigations of child abuse/neglect with local law enforcement.
- H Share case information as appropriate.

Mental Health/Mental Retardation/Substance Abuse Services

- H Report to police department/sheriff's office any serious imminent danger when judged to be present.
- H Provide requested information for SHOCAP case file.
- H Report any treatment non-compliance to courts.
- H Share case information as appropriate.

Medical Health Agencies

- H Provide requested information for SHOCAP case file.
- H Report in a timely fashion any medical-related information that would be necessary to provide for the serious or habitual offender's health, safety, and welfare, or any information that would otherwise be necessary to help provide the appropriate comprehensive services.

State and Local Children and Family Service Agencies

- H Provide requested information for SHOCAP case file.
- H Share any other case information as appropriate.

Part V: Program Management

A specific, individualized action plan should first be developed by localities implementing a SHOCAP program. This action plan should include but not be limited to the following: (1) goals and objectives, (2) organizational structure, (3) case file management, (4) case file contents, (5) management issues, and (6) roles of the agency members.

A standardized procedure should be developed by the SHOCAP committee to identify juveniles who meet the criteria established through §16.1-330.1. Because court services units already collect that information, they are the logical choice to establish the SHOCAP juvenile identification procedure. It should be emphasized that the designation of a juvenile as a serious or habitual offender will be a joint agreement established by the members of the SHOCAP committee.

The SHOCAP committee should then establish and formalize a communication process for information exchange. Each agency must share information within the confines of any federal laws/regulations which apply to juvenile records. In order to best assist in delivery of services to identified youth, it is recommended that the SHOCAP committee meet on a regularly scheduled basis—at least quarterly, but more often if needed.

A standardized case file format should be developed. Because the information is similar to that captured in a pre-sentence investigation report (PSI), the PSI format may be used as the basis for a SHOCAP case file. Provisions shall be made by the committee to update SHOCAP information, to purge files once the juvenile is no longer being monitored by the SHOCAP committee, and to ensure confidentiality of SHOCAP files.

Part VI: Case Management

SHOCAP case files should follow a standardized format. Information may include, but not be limited to:

- Summary Face Sheet
- Identifying Information
- Photograph, when available
- Criminal History
- Field Interviews
- Incident Reports
- Known Associates
- Modus Operandi
- Driving Record
- School Attendance, Disciplinary Action Resulting from a Criminal Act
- Employment History
- Family Information
- Victimization History
- Social History
- Probation/Aftercare Information
- Court Dispositions

Part VII: Penalty : Immunity

Per §16.1-330.1, subsection E, “It shall be unlawful for any staff person from a member agency to disclose or to knowingly permit, assist or encourage the unauthorized release of any identifying information contained in any reports or records received or generated by a SHOCAP committee. A violation of this subsection shall be punishable as a Class 3 misdemeanor.” (1993, cc.465, 927.)

§ 16.1-330.2. Immunity. – Any staff person or agency who is sharing information within the structure of a SHOCAP committee established pursuant to this article shall have immunity from civil or criminal liability that otherwise might result by reason of the type of information exchanged. (1993, cc. 465, 927.)

Part VIII: Effective Date

Qualifying convictions or adjudications shall include only those for offenses occurring after July 1, 1993. However, any Serious or Habitual Offender Comprehensive Action Program (SHOCAP) in existence on July 1, 1993, shall be deemed to have been established pursuant to this article and, notwithstanding the limitations of this subsection, may continue to supervise persons who were being supervised on July 1, 1993.

Juvenile offenders under SHOCAP supervision at the time of their eighteenth birthday who have been committed to state care pursuant to §16.1-278.8 (14) or §16.1-285.1 may continue to be supervised by SHOCAP until their twenty-first birthday effective July 1, 1999.

Part IX: Suggested Resolution

WHEREAS violent crime in Virginia continues to grow and has become an overriding concern in our community, and the problem of serious juvenile offenders is escalating at an alarming rage; and

WHEREAS the 1992 Commission on Violent Crime recommended that legislation be enacted to allow communities to develop a Serious or Habitual Offender Comprehensive Action Program (SHOCAP) to address the way that information on juveniles is maintained with the two goals of enhancing community safety and insuring comprehensive, coordinated service delivery to serious juvenile offenders; and

WHEREAS the Virginia General Assembly, in its 1993 session, adopted Virginia Code Section 16.1-330.1 et seq., enabling cities and counties to establish SHOCAP committees composed of representatives from law enforcement, schools, social services, Commonwealth's Attorney, youth and family services, court service units, corrections and juvenile and domestic courts, and providing for the facilitation of information sharing among the representatives on SHOCAP committees and between the SHOCAP committees of separate jurisdictions in order that communities might better provide for the safety of their citizens and better provide services to these juveniles in order to redirect their future activities away from criminal behavior; and

WHEREAS (the Board of Supervisors, City Council, etc.) finds that the establishment of a SHOCAP committee in (Locality) is necessary and appropriate;

NOW, THEREFORE, be it resolved by the (Locality) (Board of Supervisors, City Council, etc.) that a SHOCAP committee for (Locality) be established, consisting of representatives from the following agencies:

(Locality) Police (or Sheriff's) Department

(Locality) Public School Division

(Locality) Commonwealth's Attorney's Office

(Number) Judicial Court Service Unit

(Locality) Community Services Board

(Locality) Health Department

(Locality) Social Services Department

Virginia Department of Juvenile Justice

(Locality) Detention Center (or group home)

(Locality) Children and Family Service Agency

BE IT FURTHER RESOLVED that the SHOCAP committee hereby established is directed to discharge its duties in accordance with Article 14.1 of Chapter 11 of Title 16.1 of the code of Virginia and in accordance with regulations and guidelines established by the Department of Criminal Justice Services, which shall provide technical assistance to the SHOCAP committee.

AND, FINALLY, BE IT RESOLVED that the Clerk of the (Board, Council, etc.) be directed to forward an attested copy of this Resolution to the Department of Criminal Justice Services, as required by statute.

A Copy

Teste:

(Name of Clerk)
(Locality Board of Supervisors,
City Council, etc.)

Part X: Parental Notification

The parent (s)/guardian of any juvenile monitored by a SHOCAP committee should be notified in writing as soon as possible once the juvenile is identified as a serious or habitual offender.

Part XI: Technical Assistance

The Virginia Department of Criminal Justice Services shall provide technical assistance and training to jurisdictions seeking to implement the Serious or Habitual Offender Comprehensive Action Program.

Part XII: Annual Reporting

The Department of Criminal Justice Services shall compile an annual summary report on the implementation of the SHOCAP program. Localities will be requested to provide programmatic information by February 1 of each year for the annual report.