

**MATTERS RELATING TO THE REMOVAL OF THE PAROLE  
BOARD AND THE DIVISION OF CORRECTIONS FROM  
THE DEPARTMENT OF WELFARE AND INSTITUTIONS**

**REPORT OF  
THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL  
to  
THE GOVERNOR  
and  
THE GENERAL ASSEMBLY OF VIRGINIA**



HD 6, 1964

COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1963



MEMBERS OF COUNCIL

CHARLES K. HUTCHENS, Chairman  
EDWARD E. WILLEY, Vice-Chairman  
C. W. CLEATON  
JOHN WARREN COOKE  
JOHN H. DANIEL  
CHARLES R. FENWICK  
TOM FROST  
J. D. HAGOOD  
EDWARD M. HUDGINS  
J. C. HUTCHESON  
BALDWIN G. LOCHER  
LEWIS A. McMURRAN, JR.  
MOSBY G. PERROW, JR.  
ARTHUR H. RICHARDSON

STAFF

JOHN B. BOATWRIGHT, JR.  
WILDMAN S. KINCHELOE, JR.  
G. M. LAPSLEY  
CHARLES A. CHRISTOPHERSEN  
ROBERT L. MASDEN  
FRANK R. DUNHAM



MATTERS RELATING TO THE REMOVAL OF THE PAROLE  
BOARD AND THE DIVISION OF CORRECTIONS FROM THE  
DEPARTMENT OF WELFARE AND INSTITUTIONS

---

Report of  
The Virginia Advisory Legislative Council

Richmond, Virginia, November 15, 1963

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

On September 1, 1961, the Commission to Study the State Government of Virginia, established by executive authorization on July 18, 1960, unanimously made the following recommendation to Governor J. Lindsay Almond, Jr.

“Legislation be enacted to remove the Divisions of Corrections and Parole from the Department of Welfare and Institutions and to establish them as a separate Department of Corrections and Parole with a five-member advisory board. The functions of the Board of Pardons, Reprieves and Parole should be transferred to the new department. The Department of Welfare and Institutions should be redesignated as the Department of Welfare.”

At its 1962 Session, the General Assembly, by House Joint Resolution No. 20, directed the Virginia Advisory Legislative Council to study the advisability of separating the Parole Board and the Division of Corrections from the Department of Welfare and Institutions. The text of this resolution is as follows:

HOUSE JOINT RESOLUTION NO. 20

*Directing the Virginia Advisory Legislative Council to study matters relating to the Department of Welfare and Institutions.*

Whereas, the Commission to Study the State Government of Virginia has reported to the Governor recommending that the Division of Corrections and Parole be removed from the Department of Welfare and Institutions and established as a separate department with an advisory board, that the functions of the Board of Pardons, Reprieves, and Parole be transferred to the new department, and that the Department of Welfare and Institutions be redesignated as the Department of Welfare; and

Whereas, in 1948 the General Assembly combined the aforesaid agencies into a single department; and

Whereas, a thorough study of the statutes relating to these agencies should be made before adopting legislation in accordance with the recom-

mendations of such Commission so as to bring about the greatest possible economies in the activities of the Department of Welfare and the related divisions and agencies; now, therefore,

Resolved by the House of Delegates, the Senate concurring, that the Virginia Advisory Legislative Council is directed to make a study and report upon all matters relating to removal of the Division of Corrections and Parole from the Department of Welfare and Institutions, and the related changes all as recommended by the Commission to Study the State Government. All agencies of the State shall assist the Council in its study. The Council shall review the statutes relating to the several agencies concerned and shall include in its report drafts of such recommended legislation as may be necessary to effect such changes and to bring about the greatest economies in the activities of the Department of Welfare and related agencies to the end that unnecessary expenditures may be eliminated without impairing services rendered. The Council shall conclude its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred sixty-three.

Charles K. Hutchens, of Newport News, member of the House of Delegates and member of the Council, was selected as Chairman of a Committee to make the preliminary study and report to the Council. The following persons were named to serve as members of the Committee with Mr. Hutchens: W. R. Broadus, Jr., Attorney at Law, and former member of the House of Delegates, Martinsville; Russell M. Carneal, member of the House of Delegates, Williamsburg; Hale Collins, member of the Senate of Virginia, Covington; John W. Garber, Director, State Division of Personnel, Richmond; Robert R. Gwathmey, III, member, House of Delegates, Hanover; Allen H. Harrison, Jr., Attorney at Law, Arlington; W. L. Painter, Director, Department of Welfare and Institutions, Richmond.

The Committee organized and elected Mr. Gwathmey as Vice-Chairman. John B. Boatwright, Jr. and Wildman S. Kincheloe, Jr. served as Secretary and Recording Secretary, respectively, to the Committee.

#### THE STUDY

The Committee began its work by acquainting itself with the present organization and operation of the Department of Welfare and Institutions. Mr. Painter and Mr. Garber were of especial help in presenting information concerning the present operations of the Department and the prospective operations under the proposed separate organizations.

The Committee reviewed the reports of the Commission to Study the State Government of Virginia in 1961 and of the Reorganization Commission to the 1948 Session of the General Assembly. The Committee also gave special attention to the "Manual of Correctional Standards" published by the American Correctional Association, which shows the organization and functional operation of correctional departments of the various states.

The Committee also sought the views of those persons most directly concerned with the proposed separation of the Parole Board and the Division of Corrections from the Department of Welfare and Institutions. The members of the Board of Welfare and Institutions, the Director of the Division of Corrections and the Director of the Parole Board were invited to present their views for consideration by the Committee.

The Committee, after consideration of all the material before it, made its report to the Council.

The Council has reviewed the report of the Committee and the accompanying material, which was quite voluminous. It has examined the reasons underlying the consolidation of the departments in 1948, the operating policies and procedures which have been established as a result thereof, and the reasons for the recommendation for separation of the agencies made by the Reorganization Commission which reported to Governor Almond.

The Reorganization Report of 1948 is based upon one policy and the Reorganization Report of the Commission created in 1960 is based, as to the proposal to separate the Department of Welfare and Institutions, upon a different policy. The 1948 Report and the legislation adopted pursuant thereto was based upon the approach that the number of State agencies should be reduced and, wherever possible, agencies having the same or similar functions should be combined. The Report of the 1960 Reorganization Commission appears to be based upon the premise that by breaking up the Department of Welfare and Institutions into the component parts which were fused together in 1948, each individual agency would be able to discharge its functions more effectively.

The combined agency has been in operation for fifteen years. It has established single services for the combined agencies which would have to be duplicated if they were recreated as individual agencies. Instances of this are accounting, personnel services and like housekeeping operations. To set them up separately for the three agencies would involve additional funds.

It is our conclusion that the time is not opportune to split up the Department of Welfare and Institutions into a Department of Welfare and a Division of Corrections and a Parole Board, in view of the certain increase in costs flowing from such a separation, with no certainty of reduction in costs through more efficient operations. For these and other reasons we cannot recommend the separation as being feasible at this time. However, further consideration, at some future date, should be given to the desirability and feasibility of making the separation above outlined in light of future conditions and events.

#### CONCLUSION

We wish to express our appreciation to the members of the Committee who gave so freely of their time and service in so arduous and time-consuming a task. Their work was most difficult and they have greatly aided us in our consideration of this matter. We owe a debt to them and to all others who assisted in this study.

Respectfully submitted,

CHARLES K. HUTCHENS, Chairman  
EDWARD E. WILLEY, Vice-Chairman  
C. W. CLEATON  
JOHN WARREN COOKE  
JOHN H. DANIEL  
CHARLES R. FENWICK  
TOM FROST  
J. D. HAGOOD  
EDWARD M. HUDGINS  
J. C. HUTCHESON  
BALDWIN G. LOCHER  
LEWIS A. McMURRAN, JR.  
ARTHUR H. RICHARDSON

Mosby G. Perrow, Jr. was unable to participate in the Council's final consideration of this Report due to illness.

