

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY
OF VIRGINIA
ON
STUDY OF LOCAL JAILS
(INTERIM REPORT)**



SENATE DOCUMENT NO. 28

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1975**

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COMMONWEALTH OF VIRGINIA



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GOVERNOR OF VIRGINIA

AND

THE GENERAL ASSEMBLY OF VIRGINIA

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William N. Paxton, Jr.
George F. Ricketts

Pursuant to its charge by the General Assembly to study, report and make recommendations and propose appropriate legislation in all areas of public safety, the sub-committee of the State Crime Commission, as listed below, offers the following report on the Study of Local Jails.

This study, the first of its kind in Virginia was initiated because of antiquated facilities, over-crowded conditions and unrest in many of the 95 jails across the state. Such conditions were brought to the attention of the Commission by sheriffs, inmates and concerned citizens.

It is the hope of the Commission that the Study of Local Jails will result in improvement of the criminal justice system in the Commonwealth.

This report is also included with other information as a part of the Annual Report of the State Crime Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stanley C. Walker'.

Stanley C. Walker,
Chairman

MEMBERS OF COMMISSION

Stanley C. Walker, CHAIRMAN

Erwin S. Solomon, VICE CHAIRMAN

George S. Aldhizer, II

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William N. Paxton, Jr.

A. L. Philpott

George F. Ricketts

George M. Warren, Jr.

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Harry B. Hartman, Jr.	Stanley C. Walker

Andrew J. Winston

STUDY OF LOCAL JAILS

The Crime Commission, in pursuance of its charge by the General Assembly to study, report, and make recommendations and propose appropriate legislation in all areas of public safety, undertook a study of the local jails system in Virginia, starting in July. The study came about because Virginia's jails have long been troubled with unrest and in some cases by antiquated facilities. Some facilities have been declared unfit; yet are still in use. Efforts to improve the system failed largely because of lack of funds and trained manpower for their operation.

The study concerns the seven major areas in jail operations: administration, facilities, treatment, leisure services, community based programs, mental patient commitments, and juvenile facilities. Upon completion in-depth information will have been collected on these areas for all of the 95 jails in the Commonwealth. The review of the jail system, the first of its kind in Virginia, will be of infinite value to sheriffs, boards of supervisors, city and town councils, and interested agencies, especially the Compensation Board and the Department of Corrections. It is hoped the study and its forthcoming recommendations will contribute to efforts to upgrade the criminal justice system and to improve existing facilities and plan for more efficient and effective institutions.

The Commission's study of Local Jails began in early July. A proposal for \$70,000 was filed with the Council on Criminal Justice for the necessary funds to support the program which would run for nine months, July, 1974, through March, 1975.

Senator Stanley C. Walker, chairman of the Crime Commission, appointed Delegate L. Ray Ashworth to head the study. Carroll R. Hormachea was selected

as the project director. A specially appointed 34 member advisory task force was selected from Virginia legislators, law enforcement officials and private citizens. Members serving are Senator George S. Aldhizer, II, member, Crime Commission, Harrisonburg; Delegate Claude W. Anderson, member, Crime Commission, Buckingham; Commonwealth's Attorney James F. Andrews of Dinwiddie; Raymond Boone, Editor, Richmond; Edward L. Brown, Sr., labor union representative of Norfolk; Sheriff J. Elwood Clements of Arlington; T. J. Cundiff, then president of the Virginia Sheriffs' Association, Bedford; Commonwealth's Attorney William H. Fuller, III, of Danville; Delegate Arthur Giesen, then a member, Crime Commission, Verona; Harris Green of Offender Aid and Restoration, Roanoke; Captain Robert Hailey (USN-retired) of Norfolk; Deputy Attorney General Reno S. Harp, III, of Richmond; Sheriff Harry B. Hartman of Petersburg; Daniel W. Hickey, town manager, Pearisburg; City Councilman Joseph R. Johnson, Jr., of Lynchburg; Sheriff C. H. Leavitt of Norfolk; Robert McCord, city manager, Emporia; Delegate John L. Melnick, member, Crime Commission, Arlington; James W. Moyers, county administrator, Rockingham County; Sheriff John R. Newhart of Chesapeake; Delegate Donald Pendleton of Amherst; City Councilwoman Jessie Rattley of Newport News; Reverend George Ricketts, member, Crime Commission, Richmond; Patricia Rinehart of Virginia Beach, representing the Junior Leagues of Virginia; Patricia Rublein of Williamsburg, representing the Virginia League of Women Voters; Circuit Court Judge Phillip L. Russo of Virginia Beach; Chief of Police Andrew Rutherford of Williamsburg, Erwin S. Solomon, vice-chairman, Crime Commission, Hot Springs; Senator Stanley C. Walker, chairman, Crime Commission, Norfolk; Andrew J. Winston, Richmond city sergeant. In addition, two research assistants were hired for the study.

Upon initiation of the program a joint meeting between staff members of the Division of Justice and Crime Prevention, the Department of Corrections,

and the Crime Commission was held. During this meeting, the Division of Justice and Crime Prevention outlined its plans for the development of a study on standards and goals for the Virginia criminal justice system. A part of this report would include a statistical study of the jail system as well as the development of an inmate profile. The Crime Commission was requested to furnish certain staff assistance for this element of the study. In return the Crime Commission would receive copies of the research material gathered and the final report.

As a part of this study the two research assistants visited a number of local jails compiling the requested statistical data. These jails include Richmond, Hanover, Petersburg jail and jail farm, Charlottesville, Albemarle, Prince Edward, Charlotte, Lynchburg, Nottoway, Williamsburg, Newport News, and Hampton. The data collected includes a breakdown of financial expenditures, staff, staff duties, and educational background, educational requirements for staff, salaries, training, race and age of jail employees. Also collected were data on the age, and size of each jail as well as the kinds of facilities available including types of cells and female and juvenile quarters. Data on programs, inmate services, recreation, visiting privileges, inmate intake procedures and grievance procedures were also compiled. Copies of the data have been made available to the Crime Commission and the report is in the final stages of completion.

The chief of the jail inspection section of the Department of Corrections, C. W. Gibbs, pledged the full support of his section and the Department to the Crime Commission and its study. The Commission was furnished with copies of the rules governing jails as well as copies of reports by the jail inspection staff on most Virginia jails. Later Robert Mason, the director of Institutional Services under which the jail section operates, also pledged support to the project.

Under the research plan developed, the study covers seven major areas of operation including administration, facilities, treatment, leisure services, community based programs, mental patient commitments, and juvenile facilities. Administration covers such areas as personnel, operational expenses, training and educational backgrounds, jail policies, and inmate information. Facilities include age and size of jails, security, physical lay-out, visitation areas, kitchen operations, and inmate living quarters. Treatment includes medical services, library, work release, study release, alcohol and drug rehabilitation, GED or other educational programs, recreation, religious services, and all other related programs. Leisure services covers indoor and outdoor recreation areas, physical exercise programs, sports equipment, budget, films, television, radio, use of portable facilities, and cooperative efforts with local recreation departments. Community based programs covers volunteers, OAR, and all such citizens' involvement activities. Mental patient commitments concerns facilities, staff, programs, and medical services in those jails holding such inmates. Juvenile facilities treats juvenile quarters in local jails and special juvenile detention centers across the state.

A series of public hearings and jail inspection tours were held. Members of the task force visited at least two jails in the areas where the hearings were held. The first hearing was in Richmond with a subsequent visit to the Richmond City Jail. Other hearings were held throughout the state:

<u>Jail Inspections</u>		
August 8	Norfolk	Norfolk City Jail, Virginia Beach Jail, Portsmouth Jail, Chesapeake Jail
August 15	Fredericksburg	Rappahannock Security Center, Stafford, Prince William, Arlington County Jails
August 22	Harrisonburg	Culpeper County Jail, Rockingham County Jail, Rockbridge County Jail, Staunton Jail

August 29	Emporia	Petersburg City Jail and Jail Farm, Dinwiddie, Sussex, Greensville, and Hopewell City Jail
September 6	Newport News	Newport News City Jail and Jail Farm, Hampton City Jail, Williamsburg Jail, York County Jail
September 18	Bristol	Highlands Juvenile Detention Center, Bristol City Jail, Washington County Jail
September 25	Danville	W. W. Moore Juvenile Detention Center, Danville City Jails (both old and new), Danville Jail Farm and Pittsylvania County Jail
October 2	Lynchburg	Lynchburg Juvenile Detention Center, Lynchburg City Jail and City Lock-up, Nelson and Amherst County Jails

The final hearing held in Richmond October 11, was followed by a work session for the task force.

Several weeks prior to each public hearing invitations were sent to county and city officials in the area in which the meeting was being held. These officials included members of the General Assembly, county administrators, commonwealth's attorneys, mayors, town managers, sheriffs, clerks of circuit courts and chairmen and members of Boards of Supervisors and councilmen in the general areas, approximately a 75-mile perimeter.

Attendance at all the public hearings was good. The majority of speakers were sheriffs, deputies and other jail personnel who listed problems encountered in the operation of jails. Input was also received from many commonwealth's attorneys, correctional officers, program directors, county administrators, court clerks, private citizens and former inmates.

Throughout the nine public hearings three major complaints dominated the discussions. The most prevalent of these were the overcrowded conditions and disciplinary and morale problems created by long delays in having convicted felons transferred from local jails into the state correctional system. The

reason given for these delays was lack of space in state institutions. This was viewed by the task force as a critical problem, one that is contributing to deplorable conditions in some of Virginia's jails. This point came up through public hearings in August and September, yet as recently as November the problem had not been alleviated. A spot check of 15 jails taken November 20, showed more than 350 inmates waiting for transfer in those jails alone. Overcrowded conditions existed in these spot-checked facilities at the time of the hearings. The breakdown on the jails contacted at that time follows:

	FELONS	MISDEMEANANTS
Richmond City Jail	35	100 (approx.)
Roanoke County Jail	4	
Lynchburg City Jail	21	6
Petersburg City Jail	11	
Chesapeake City Jail	10	1
Norfolk City Jail	62 (includes misdemeanants)	
Danville City Jail	12	
Portsmouth City Jail	18	4
Arlington County Jail	8	
Rappahannock Security Center	3	4
Greensville County Jail	2	
Sussex County Jail	3	
Virginia Beach Jail	8	1
Albermarle-Charlottesville Joint Security Complex	21	4
Fairfax County Jail	8	7
	226	127
TOTAL	353	

Richmond City Sergeant Andrew Winston stressed in the public hearing held in Richmond October 11 that this problem with delays is not a new problem but one he has encountered in the four years he has held his position. Sheriff J. D. Swinson of Fairfax County, when contacted November 20, said he thought conditions were beginning to improve. "Things are getting a little better. They (the Department of Corrections) picked up a bunch of them last week." Sheriff J. E. Clements of Arlington County noted that the number of inmates he was holding November 20, (8), was about normal. "But", he said, "it varies from 8-20 depending on sentencing and grand jury meetings. We won't mind so much when we move to the new jail. In fact, we'd like to keep some of the misdemeanants." Arlington County opened its new jail in December.

Sheriffs participating in the public hearings listed the length of time inmates are held from time of conviction to transfer as up to two months to a year. Sheriff Calvin Harper of Patrick County noted he holds inmates up to two weeks after conviction, but that the state is under contract to remove these prisoners within three days after sentencing. This contract came about after the Patrick County jail was designated as one of the worst in the Commonwealth.

The overcrowded conditions created by holding these inmates as well as the disciplinary problems created has placed an undue burden on local jails. Additional personnel is required to provide adequate security and operation. The implementation of programs has been retarded in some jails due to lack of space and qualified personnel. The task force views this as an immediate concern of the study.

A second complaint prevalent throughout the public hearings was the lack of communication and cooperation between jail officials and the Compensation Board. This was especially noted by sheriffs who had been denied funds for improved jail operations and additional personnel. For instance, one sheriff

was turned down in his request for the employment of two more staff members. Another was denied funds for the purchase of patrol cars even though the department is required to patrol the county. Several others noted a general lack of response from the Compensation Board to jail needs and problems. Chairman Ashworth and Delegate Anderson met with the Compensation Board Chairman Fred G. Pollard and the other members, Joseph S. James and William H. Forst, along with Director J. M. Rasnick and M. Harris Parker and Reno S. Harp, III, of the Attorney General's Office. They produced records to show that more often than not the sheriff's requests were filled, provided the local Board of Supervisors had approved the requests.

Another concern voiced was the failure of the Compensation Board to undertake studies to determine the need for the requests made by the sheriffs. One sheriff, for example, said at the Newport News public hearing September 6, that the Board has denied his several requests for additional personnel without investigating its need. The task force views this problem as another that deserves special consideration in the study. This also was discussed with the Compensation Board, which was very cooperative and gave assurance that requests were filled where warranted, provided funds were available.

A third problem consistently mentioned at the nine public hearings was the incarceration of mentally ill inmates in local jails. Local jails have neither the facilities nor trained personnel to handle persons who could be dangerous to themselves or others. In addition such incarceration may require the use of an entire cell block to house only one inmate.

However, a state law effective September 1, 1974, has alleviated this problem. Under section 37.1-67.1 and chapter 1.1 of Title 9 of the Code of Virginia (1950), as amended by the 1974 General Assembly, the State Mental Health and Retardation

Board is required to specify which jails may hold allegedly mentally ill inmates prior to a commitment hearing. Two hearings have been held by the board to discuss regulations concerning this state law--August 29 in Marion and August 30 in Richmond. The board did not designate any local jails to be utilized to house mentally ill inmates and consequently none are now being incarcerated. The Crime Commission is working closely with the Board on this point.

Other areas consistently discussed at the public hearings were inadequate pay scales for jail personnel, lack of adequate staff, antiquated facilities, the requirement for local jails to provide complicated medical exams for inmates entering state institutions, and lack of programs and recreation space.

At the October 11 hearing held at the State Capitol, City Sergeant Winston spoke on behalf of the Virginia State Sheriffs' Association. He listed three areas of concern in the operation of local jails:

1. That so many jails are not adequately staffed with personnel (no funds to attract personnel).
2. The problem of getting inmates moved from local jails to state institutions.
3. The problem in the pay structure as it relates to the jail supervisor (and recognition given the duties performed).

Discussions from the nine public hearings are considered by the task force to be important indications of problems in the local jail system in Virginia. Although no recommendations have yet been declared, the study and final report will direct itself to these problem areas.

In addition to the jails inspected in conjunction with the public hearings other jails were visited by members of the Crime Commission staff and the task force. In July, the assistant executive director of the Crime Commission, Laurence Leonard, and the project director visited the Wake County Jail in Raleigh, North Carolina. The purpose of this visit was to tour a capital city jail as

means of comparison with Virginia jails. Leonard also visited the county and city jails in Columbia, South Carolina, and the Durham, North Carolina, jail as a part of the project. Through such visits information has been furnished the task force and the Commission on jails and their operation in nearby states.

The Chairman of the Commission, Senator Stanley C. Walker; Ashworth the executive director, Lewis W. Hurst, and the assistant executive director visited the new regional jail at Albemarle County. Ashworth and the project director toured the Denver, Colorado, City Jail and the Denver County Jail while attending the National Congress of the Recreation and Parks Association in Denver, in October. The assistant executive director has also toured a number of jails throughout the state. Those jails include Caroline County, Essex County, Northampton County, Fairfax County and the regional jail at Saluda. Sheriff Harry Hartman and James Andrews, task force members, visited the Brunswick County and Mecklenburg County jails. Ashworth, Reverend Ricketts, Solomon and Sheriff Newhart, as members of the task force, also attended the American Correctional Association meeting in Houston, Texas, in August. Sheriff John Newhart attended the Jails Management Seminar in Sacramento, in December.

On-site inspections by the research team began September 1 and continued through December 31 and included 67 jails across the state. Among the jails visited were those that have been designated as not meeting standards by the Department of Corrections. Those jails identified as the best institutions were also visited. Through these inspections in-depth information was collected on the various local jails. Each locality was asked to submit a financial statement on expenditures made for jail operations for the 1973-1974 fiscal year. Floor plans and a breakdown on personnel were also requested. Extensive interviews were conducted by the research team with the sheriff, chief correctional

officers, various staff members, and inmates at each facility. The research instrument included detailed questions on all the seven areas and was used as a guideline in the interviews to acquire as much data as possible on each of the jails inspected.

The task force has been divided into committees to review and evaluate the information gathered during the study and make recommendations. The committees and chairmen are: Statistical Review and Local Government Subcommittee, Erwin S. Solomon, chairman; Administration and State Agencies Subcommittee, Delegate Claude Anderson, chairman; The Citizen, Judiciary and Bar Association Subcommittee, Delegate John Melnick, chairman; Treatment, Leisure and Community Based Programs Subcommittee, Reverend George F. Ricketts, chairman; Juveniles, Women and Mental Patients Subcommittee, Patricia Rinehart, chairman.

The final report on this project will be made in the Spring of 1975.