

REPORT OF THE
JOINT SUBCOMMITTEE TO STUDY THE ECONOMIC
PRODUCTIVITY OF THE PRISON POPULATION
AND WORK RELEASE PROGRAMS
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA



SENATE DOCUMENT NO. 18
COMMONWEALTH OF VIRGINIA
RICHMOND
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**Report of the
Joint Subcommittee To Study the Economic
Productivity of the Prison Population
And Work Release Programs
To
The Governor and the General Assembly of Virginia
Richmond, Virginia
January, 1983**

To: Honorable Charles S. Robb, Governor of Virginia
and
The General Assembly of Virginia

INTRODUCTION

The Joint Subcommittee on Economic Productivity of the Prison Population and on Work Release Programs was authorized to conduct its study by Senate Joint Resolution No. 91, agreed to during the 1980 Session of the General Assembly. The study was continued during 1981 pursuant to Senate Joint Resolution No. 128, agreed to by the 1981 Session, and during 1982 as authorized by Senate Joint Resolution No. 33, agreed to by the 1982 Session [Appendix A].

Senate Joint Resolution No. 91 requested that the Joint Subcommittee:

1. Study the manner in which prison labor is employed to find ways to make such labor more productive and remunerative, thereby reducing the cost to taxpayers for maintaining such prisoners in the state system of corrections.
2. Consider the way in which the employment of prison labor is related to rehabilitation and to the system of probation and parole to assure that the demonstrated willingness of prisoners to work and to study is closely related to the awarding of "good time" and the eligibility for probation and parole.
3. Study the expansion of the state-operated work release program and mechanisms to provide financial incentives to localities to establish or to expand existing local work release programs.

The Joint Subcommittee was further requested to review the following matters by the 1981 Session of the Legislature:

1. The laws of the Commonwealth of Virginia and the United States governing prison industries and the disposition of their products.
2. The impact on the private sector of expanding prison industries with designated products and the need for additional financial support of these industries by the Commonwealth in order for them to expand.
3. The utilization of work release and other work-related activities as they relate to probation and parole.

The Joint Subcommittee submitted its initial report to the Governor and the 1982 Session of the General Assembly. The report is contained in Senate Document No. 22.

The Joint Subcommittee was requested by the 1982 Session of the legislature to focus its study on:

1. Increasing the prison labor force for highway construction and maintenance, including a determination of the feasibility of using prison labor to construct small bridges throughout the Commonwealth.
2. Expanding the printing and data processing operations of the Department of Corrections.

3. Encouraging private, nonprofit organizations to purchase goods and services produced through prison enterprises.
4. Examining the feasibility of issuing bonds to finance prison industries.
5. Restricting exemptions from statutory mandates which require state agencies and institutions to purchase goods and services produced by prison enterprises.
6. Encouraging the development of local work release programs.

Appointed to serve on the Joint Subcommittee were: Stanley C. Walker of Norfolk, Chairman, and William A. Truban of Woodstock, Vice Chairman, from the Senate Committee on Finance; Frank W. Nolen of New Hope and Ray L. Garland of Roanoke from the Senate Committee on Rehabilitation and Social Services; Frank M. Slayton of South Boston and Alson H. Smith, Jr., of Winchester from the House Committee on Appropriations; and J. Samuel Glasscock of Suffolk, Robert C. Scott of Newport News, Norman Sisisky of Petersburg, and S. Vance Wilkins of Amherst from the House Committee on Health, Welfare and Institutions.

ACTIVITIES OF THE JOINT SUBCOMMITTEE

The Joint Subcommittee reported its activities during 1980 and 1981 and its recommendations to the 1982 Session of the General Assembly. The report is found in Senate Document No. 22.

During 1982, the Joint Subcommittee met with Mr. Frank White, Secretary of Public Safety, and Raymond K. Procnier, Director of the Department of Corrections, to discuss the current status of the prison industries and work release programs. Recommendations for the improvement and expansion of the programs resulted.

The Joint Subcommittee met with representatives of the various local and state organizations and agencies which may provide work opportunities for prisoners in the future. These organizations include the Divisions of Forestry and State Parks within the Department of Conservation and Economic Development, the Commission of Game and Inland Fisheries, the Commission of Outdoor Recreation, the Virginia Municipal League and the Virginia Association of Counties. These representatives described potential problems in employing prisoners and solutions were suggested.

The Joint Subcommittee met with representatives of the Department of Highways and Transportation and the Department of Corrections to discuss current problems in the employment of prisoners for highway maintenance and construction. The participants agreed upon recommendations to assure the economic feasibility of maintaining the work force at its current level for the present time and to increase the force in the future.

Senate Joint Resolution No. 65, agreed to by the 1982 Session of the Legislature, creates a task force to study the expansion of the printing and data processing services of the Department of Corrections. The Joint Subcommittee monitored the activities of the task force during 1982.

FINDINGS AND RECOMMENDATIONS

Highway Labor By Prisoners

The Subcommittee met with representatives of the Department of Corrections and the Department of Highways and Transportation to discuss the issues specified for further study by the Joint Subcommittee in 1981. These issues are (1) determining the feasibility of using prison labor to construct small bridges and (2) increasing the prison highway labor force.

Construction of Small Bridges

There are currently four bridge crews made up of prisoners. The skill level of the prisoners limits them to the construction of simple beam bridges. Larger bridges of more complex design require skilled construction crews. While prisoners could assist these skilled crews in the unskilled bridge construction tasks, the problem arises of competition with nonconvict labor in a period of high unemployment. This is especially true in urban areas of the State. The desirability of more available work for nonconvicts must be weighed against the savings resulting from use of less expensive prison labor and reduced need for supervision within the institution when prisoners are employed. Trustees and skilled prisoners, though scarce, are best suited for this work.

Given these considerations, it was agreed that the Department of Corrections could provide two or three additional bridge crews which the Department of Highways and Transportation would be able to utilize.

Expansion of the Prisoner Highway Labor Force

There are currently 1026 prisoners employed by the Department of Highways and Transportation in its various activities [Appendix B]. The Department of Highways and Transportation opposes an increase in the prisoner labor force at this time, as the Department's figures indicate that only about half of the 1026 prisoners currently employed are productive. Six million dollars in administrative costs, which include expenses for supervisory staff and equipment, can be cut and productivity maintained at its present level by reducing the work force to five hundred [Appendix B]. The Department of Corrections, to the contrary, favors increasing the work force.

In an effort to avoid reductions in the labor force, the representatives of both Departments met and discussed specific operational problems affecting productivity. The following recommendations were agreed upon:

(1) The Department of Corrections camp superintendent will pick up disruptive prisoners at the work site as soon as possible to avoid the necessity of the foreman's returning the entire crew to the camp.

(2) Disruptive or destructive behavior will be reported immediately to the Department of Corrections staff, which will be responsible for determining the discipline required. Prisoners who do not respond will be removed from the crew.

(3) The Department of Corrections will investigate and clarify its policies regarding weather conditions in which prisoners may work.

(4) Composition of crews will remain consistent when possible.

(5) Assignment of crews geographically will be studied. Currently some crews are assigned to areas where they are not needed, while Northern Virginia and some other areas can utilize additional crews. Quotas should be avoided.

(6) Administrative costs incurred by the Department of Highways and Transportation will be reduced by gradually eliminating the positions of some highway superintendents and timekeepers now at the campsites; foremen will coordinate with the Department of Corrections camp superintendents directly. This will be accomplished as permitted by attrition and personnel transfers.

The Department of Corrections will meet with its regional administrators to discuss implementation of these recommendations.

The Departments expect increases in productivity from several changes already effected. The Department of Corrections has recently developed a two-day training program for foremen who supervise prisoners, and the Department of Highways and Transportation is currently conducting its own training in all districts for the foremen. The two Departments will hold regular and frequent meetings between field personnel of the Departments to discuss common problems and concerns.

The Department of Highways and Transportation estimates that these measures can reduce administrative costs by one-fourth to one-third.

The Joint Subcommittee recommends immediate implementation of policies designed to increase productivity and, therefore, assure the economic feasibility of increasing the prisoner highway labor force in the future. The Joint Subcommittee recommends and requests that the Secretary of Transportation and the Secretary of Public Safety, in concert with staff of the Department of Highways and Transportation and of the Department of Corrections, meet and study ways to simplify and facilitate utilization of prison labor, as provided for by Senate Joint Resolution No. 39 [Appendix F]. The participants in these meetings shall report their progress to the Joint Subcommittee by December 1, 1983.

Printing and Data Processing Operations

Senate Joint Resolution No. 65, agreed to during the 1982 Session of the General Assembly, creates a task force to study the expansion of the printing and data processing services of the Department of Corrections [Appendix C].

It is estimated that the total annual expense to state government for printing services during fiscal year 1981-82 exceeded nine million dollars, not including services state agencies buy on contract or within their delegated authority. The use of prison labor to print state forms and documents and to perform batch work for data processing would reduce costs to state government for printing and data processing services which are currently performed under contracts with private industry.

The task force is charged with the formulation of recommendations to maximize the volume of work and the number of prisoners employed in the state penitentiary print shop and in the data processing operations of the Department of Corrections. The task force is further charged with exploring the feasibility of expanding the current printing and data processing capacities of the Department of Corrections and of developing cooperative agreements with state agencies to purchase printing and data processing services available through prison enterprises.

The Director of the Department of Corrections was asked to report the recommendations of the task force to the Senate Committee on Rehabilitation and Social Services, Senate Committee on Finance, House Appropriations Committee and House Committee on Health, Welfare and Institutions prior to the 1983 Session of the General Assembly.

The Joint Subcommittee recommends supplementing the work of the Task Force by the establishment of a policy goal that, by December 31, 1986, 50% of the printing requirements of state government be met by the Department of Corrections. The Joint Subcommittee also recommends that the state government use the Department of Corrections' bookbinding facilities to the fullest extent possible. The legislative branch of state government shall participate fully in this effort. The Department of Purchases and Supply and the Department of Corrections shall coordinate activities to implement this policy goal and shall report progress to the Joint Subcommittee by December 1, 1983, as provided for by Senate Joint Resolution No. 38 [Appendix F].

Currently § 53.1-45 restricts the sale of prison goods and services to municipal and county agencies in Virginia, to federal, state and local public agencies within or without Virginia, or as the Director, with the approval of the Governor, deems to be in the State's best interest. Products of prison printing shops are further restricted for sale only to departments, institutions and agencies of the Commonwealth supported in whole or in part with funds from the state treasury. The Joint Subcommittee recommends expanding § 53.1-45 to permit sale of printing shop products to municipal

and county agencies and offices in Virginia. Recommended legislation may be found in Appendix F of this report.

Sale of Prison Goods and Services

The Joint Subcommittee recommends or has implemented several changes which will expand the market for prisoner-produced goods and services. Such expansion increases demand for the products, thereby providing not only additional employment opportunities for prisoners but also needed revenues to develop prison industries.

Statutory Provisions for the Sale of Products

Senate Bill No. 298, as amended, was passed and signed into law (Chapter No. 499 of the 1982 Acts of Assembly) [Appendix D]. The bill amends § 53.1-47 of the Code of Virginia to add sheltered workshops and community service organizations to the list of groups allowed to purchase the goods and services produced by prison labor. In addition, the bill amends § 53.1-48 to require the Director of Purchases and Supply to submit a written justification to the Secretary of Administration and Finance, Secretary of Public Safety and Director of the Department of Corrections whenever a state agency is exempted from the requirement to purchase prisoner-produced goods and services.

Additional Marketing Efforts

The Department of Corrections operates its own marketing department, created in 1976 and fully staffed for the last three years. The State is divided into three geographical areas, each of which is covered by one of three general salesmen. A fourth salesman with specialized knowledge in data processing and printing sells these items over the entire State. Support personnel includes two estimators, two full-time clerical employees and several prisoners who perform clerical duties. Each general salesman visits every city or county within his territory every six weeks to meet with the appropriate administrator and purchasing agent and with administrators of the agencies and institutions themselves in larger localities.

Additional marketing services can be supplied by universities in the State with marketing programs. "Imaging" efforts could assist the prison programs in competing with private, profit-making industries. This form of marketing can supplement the Department of Corrections' thorough efforts at selling their products. Charges are only incidental costs and possibly a nominal fee to cover the school's departmental expenses.

The Joint Subcommittee encourages continuation of current marketing efforts and sales with some additional strategies as suggested above.

Agricultural Programs

The Joint Subcommittee recommends adoption of a policy that the corrections system be self-sufficient in its food requirements by 1990. Such an effort will increase work opportunities in farming operations for the prisoners, with all attendant benefits, while reducing the expenses of the Department in operating the corrections system. Expansion can provide an additional 340 jobs for prisoners. Of this total, 190 jobs are directly related to production and processing and the other 150 are required for farm maintenance.

The Department of Corrections' agribusiness program operates a statewide system of farms with total land resources of 11,000 acres. Major farms are located at James River (4500 acres), Bland (2350 acres), Southampton (1200 acres) and Craigsville (750 acres).

In its effort to better manage current agribusiness activities and plan for future needs, the Department of Corrections received assistance from Virginia Polytechnic Institute and State University in producing an analysis entitled "A Ten Year Plan to Coordinate Food Production Activities of Virginia's Department of Corrections Farms" (June, 1982).

Findings show that inmate labor, machinery, land and management resources are adequate to maintain current levels of agribusiness production, which includes milk, beef, pork, eggs, vegetables

and fruit for institutional use. The farms presently produce 60% of the milk, 65% of the beef, 70% of the pork, and 30% of the eggs, canned fruit and vegetables consumed by a population of over 9000 prisoners. At the current rate of growth, the population in the Department's correctional facilities will reach 13,000 by 1990. With no improvements or expansion, the Department will be producing only the following percentages of its total food needs: 45% of milk, 65% of beef, 52% of pork, 14% of eggs, 21% of fresh vegetables, and 14% of canned vegetables. Implementation of the following recommendations would enable the Department to produce 90% of its needs for milk, beef, pork, eggs and fruit, and 80% of its needs for canned vegetables by 1990. (Cost estimates have been provided to the Joint Subcommittee and should be considered as approximations only.)

Dairy

The construction of two new dairies to accommodate a milking herd of 175 cows each is recommended. Implementation requires tripling the size of the dairy operation at James River, where existing facilities can be retained and expanded. Capital outlay required, including fees and contingencies, is estimated at \$356,930. The proposed facility at Craigsville will be entirely new construction at a cost of \$665,000. Total capital outlay required for the 1984-86 biennium is \$1,021,930. No additional investment is needed for adding to the herd.

Eggs

Egg production goals require the construction of two 30,000-hen facilities at Harrisonburg Correctional Unit #8. Required capital outlay for 1984-86 is \$475,000.

Pork

Pork production goals can be met by the expansion of farrowing and finishing facilities at James River and Southampton. Capacity at each facility should be doubled. Necessary 1984-86 capital outlay is \$414,000.

Vegetables

Construction of a new cannery at Pamunkey will enable the Department to meet the production goal. The 1984-86 required capital outlay is \$127,160. The Joint Subcommittee, however, recommends reviewing the capacity of the existing canning facilities, which have not worked to capacity in the past because of a lack of funds for purchase of cans.

Broilers

Due to the narrow profit margin in the commercial production of broilers, the analysts recommend that the Department continue to purchase this item from outside vendors. It has been estimated that the Department of Corrections will require 507,000 pounds of dressed broilers by 1990, which equals approximately 150,000 dressed birds. The Joint Subcommittee recommends that the Department assess the feasibility of supplying 100% of the Department's need for broilers by 1990, perhaps utilizing a private contractor for dressing the birds, for greater efficiency. The Department shall report to the Joint Subcommittee by December 1, 1983, as to actions necessary to reach this goal.

These recommendations, at a total capital outlay of \$2,038,090, would expand the agribusiness program; the prison industries program recommends supplementing its own operations with the addition of a smokehouse at the slaughterhouse at Powhatan. The facility, at a cost of approximately \$100,000, would provide hot dogs and bacon.

The Joint Subcommittee determined that initial emphasis should be on self-sufficiency before expanding the agricultural program to supply food to state institutions outside the corrections system.

Employment of Prison Labor

Forces by Other State Agencies

The Commissioner of Game and Inland Fisheries and the Divisions of Forestry and Parks within the Department of Conservation and Economic Development have employed prison labor forces in the past with what they described as limited success. The work these agencies can provide is generally seasonal and employs relatively few laborers. These agencies claim that because of the prisoners' generally low productivity, their employment does not constitute an efficient use of their limited funds. The Joint Subcommittee recommends that these smaller agencies reevaluate the criteria they are using to determine costs of employing prisoners in an effort to employ more prisoners on existing funds.

Creation of Funding Sources

The Joint Subcommittee, after studying the concept, has determined that the financing of prison industries through bonds issued under the Industrial Development and Revenue Bond Act or by the creation of a separate bonding authority is not feasible at this time.

However, expansion of prison industries requires a source of capital. This initial funding is needed to develop industries that may eventually be substantially self-supporting. Without such funding, the industries cannot grow as the skills and markets become available, but rather must wait for funding in the budgets of new facilities.

The Joint Subcommittee recommends that capital be provided by a direct appropriation to create a revolving fund of approximately \$2.5 million from which the prison industries program may borrow. The program would repay such loans on a predetermined schedule, possibly with interest.

The issue of capitalization is specified for further study by the Joint Subcommittee in 1983 so that detailed recommendations will be made as the budget for the next biennium is developed.

Development of Local Work Release Programs

House Joint Resolution No. 64, agreed to by the 1982 Session of the General Assembly, encourages local criminal justice officials to utilize as fully as possible work release programs for incarcerated individuals [Appendix E]. The resolution was forwarded to each local judge, Commonwealth's attorney and sheriff in the State.

Continuing the Joint Subcommittee

The Joint Subcommittee, in continuing its study, has assisted in improving and expanding existing work opportunities for prisoners and in creating new work opportunities for prisoners where they have not previously existed. The potential for improvement will be realized only with continued efforts by all agency participants in the prison work program to implement the recommendations contained in this report. The Joint Subcommittee wishes to lend its encouragement and support to these efforts.

It is therefore recommended that the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs be continued. The Joint Subcommittee will monitor the implementation of its current recommendations and determine the most economical means of providing the initial financial investment and continued financial support that appear necessary in many instances to effect recommended improvements.

CONCLUSION

The benefits of maximum employment of prisoners include relief from destructive idleness and the opportunity to earn money and in some cases to experience a degree of rehabilitation. The corrections system, in turn, realizes not only cost saving in the reduced need for supervision for employed prisoners and in the more economical maintenance of the system through use of prison labor but also sees profits from the sale of prisoner-produced goods and services. These benefits, however, are partially offset by the problems of generally low productivity of these work forces and the economic limitations currently being experienced by all participants in the prison work program.

The value of the program justifies current and future efforts to minimize these problems.

The Joint Subcommittee appreciates the assistance of the staffs of the Department of Corrections, the Department of Highways and Transportation, the Department of Conservation and Economic Development, the Commission of Game and Inland Fisheries, the Commission of Outdoor Recreation, the Virginia Municipal League and the Virginia Association of Counties in the conduct of this study.

Respectfully submitted,

Stanley C. Walker, Chairman
William A. Truban, Vice-Chairman
J. Samuel Glasscock
Robert C. Scott
Frank M. Slayton
Alson H. Smith, Jr.
Ray L. Garland
Frank W. Nolen
S. Vance Wilkins

* Norman Sisisky was a member of the Joint Subcommittee during 1982. However, he was elected to Congress in November, 1982, and did not participate in the preparation of this report.

APPENDIX A

- 1. Senate Joint Resolution No. 91 (1980)**
- 2. Senate Joint Resolution No. 128 (1981)**
- 3. Senate Joint Resolution No. 33 (1982)**

Appendix A

SENATE JOINT RESOLUTION NO. 91

Establishing the Joint Subcommittee on Economic Productivity of the Prison Population and on Work Release Programs.

Agreed to by the Senate, March 7, 1980

Agreed to by the House of Delegates, March 6, 1980

WHEREAS, the General Assembly is concerned over the high and increasing cost of operating Virginia's system of corrections, the average annual cost of maintaining an adult prisoner in the State system of corrections now being in excess of eight thousand dollars; and

WHEREAS the cost of providing additional space in which to house prisoners in the State system of corrections is now between fifty and sixty-two thousand dollars per inmate for new construction, depending upon the type of facility; and

WHEREAS, the actual cost of providing five hundred twelve beds at the new medium security prison being built in Brunswick County will be forty-eight thousand dollars per inmate; and

WHEREAS, the rate at which crimes against persons and property are committed in this Commonwealth is steadily rising; and

WHEREAS, under present policies, it is exceedingly difficult to reconcile the desire of the people for stricter enforcement of the law and greater certainty of punishment with the economic resources available to the State for the construction and operation of new prison facilities; and

WHEREAS, it would appear that the potential economic productivity of the people incarcerated in our prison system is far from being fully realized, and that it is reasonable to establish a goal of making the prisoners themselves responsible for earning at least fifty percent of the cost of operating the prison system; and

WHEREAS, prisoners should be allowed and required to contribute to their own self-support within the prison system; to make restitution to the victims of their crimes; to contribute to the support of those back home for whom they have a legal responsibility; and to create a capital stake against the day of their release; and

WHEREAS, certain federal and state laws and policies may militate against the highest and best economic utilization of the prison population; and

WHEREAS, national studies show work release programs to be viable alternatives to total confinement, thereby alleviating, in part, the existent overcrowded jail and prison conditions; and

WHEREAS, the economic advantages of the work release program to the inmate, his family and the corrections system are empirically demonstrable; and

WHEREAS, the benefits of the work release program to the inmate include the opportunity to preserve family and community ties, foster good work habits, obtain jobs which may continue after release, obtain employment skills and ease the transition from incarceration to community living; and

WHEREAS, present State and local work release programs have a limited capacity; less than one-fourth of Virginia's jails operate work release programs; and the impetus for development of local work release programs must be from the local sheriff, the judiciary and the local community;

now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That a Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs is hereby created. The joint subcommittee is requested to study the manner in which prison labor is employed to find ways in which such labor can be made more productive and remunerative for the purpose of reducing the cost which must be borne by the taxpayers for the maintenance of such prisoners in the state system of corrections. The joint subcommittee should consider the way in which the employment of prison labor is related to rehabilitation and to the system of probation and parole to assure that the demonstrated willingness of prisoners to work and to study is closely related to the awarding of "good time" and the eligibility for probation or parole.

The joint subcommittee is also requested to study the expansion of the state-operated work release program and mechanics to provide financial incentives to localities to establish or to expand existing local work release programs.

The joint subcommittee shall consist of ten members, four of whom shall be members of the Senate; and six of whom shall be members of the House of Delegates. The Chairman of the Senate Committee on Rehabilitation and Social Services shall name two members to the joint subcommittee from among the members of that committee. The Chairman of the Senate Committee on Finance shall name two members to the joint subcommittee from among the members of that committee. The Chairman of the House Committee on Health, Welfare and Institutions shall name four members to the joint subcommittee from among the members of that committee. The Chairman of the House Committee on Appropriations shall name two members to the joint subcommittee from among the members of that committee.

All agencies of State government are hereby directed to cooperate with the members of the joint subcommittee in the conduct of its inquiry and in the formulation of its report.

The joint subcommittee is requested to make any recommendations it deems appropriate to the Governor and the General Assembly prior to the nineteen hundred eighty-one session.

SENATE JOINT RESOLUTION NO. 128

Continuing the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs.

Agreed to by the Senate, February 20, 1981

Agreed to by the House of Delegates, February 19, 1981

WHEREAS, the 1980 Session of the General Assembly in Senate Joint Resolution No. 91 established the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs; and

WHEREAS, this subcommittee met during 1980 to consider the state of prison industries and work-related activities in the state corrections system and the status of state and local work release programs and to tour selected industries and vocational training programs in the prisons; and

WHEREAS, the subcommittee has identified certain issues which require further study before a comprehensive report can be formulated for the General Assembly; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Joint Subcommittee on Economic Productivity of the Prison Population and on Work Release Programs is hereby continued. During 1981 the subcommittee shall review:

1. The state of Virginia and federal laws governing prison industries and the disposition of their products.
2. The impact on the private sector of expanding prison industries with designated products and the need for additional financial support by the State of these industries in order for them to expand.
3. The utilization of work release and other work-related activities as they relate to probation and parole.

The subcommittee is requested to coordinate its work with other legislative studies working in the field of corrections. The subcommittee shall make any recommendations it deems appropriate to the 1982 Session of the General Assembly. Any vacancy occurring on this committee shall be filled according to the provisions of Senate Joint Resolution No. 91 of the 1980 Session of the General Assembly.

The cost of this study shall not exceed \$4,500.

SENATE JOINT RESOLUTION NO. 33

Continuing the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs.

Agreed to by the Senate, March 5, 1982

Agreed to by the House of Delegates, March 3, 1982

WHEREAS, Senate Joint Resolution No. 91, agreed to by the 1980 General Assembly, established the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs; and

WHEREAS, the Joint Subcommittee was continued pursuant to Senate Joint Resolution No. 128 in 1981, and it issued a report and recommendations to the 1982 Session of the General Assembly; and

WHEREAS, the Joint Subcommittee has identified several issues which need to be addressed to improve or to develop employment opportunities for prisoners incarcerated in the state corrections system; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs is hereby continued. The membership of the Joint Subcommittee shall continue to serve. Any vacancies in the membership of the Joint Subcommittee shall be filled by the chairman of the Senate Committee on Rehabilitation and Social Services or by the chairman of the House Committee on Health, Welfare and Institutions.

During 1982, the Joint Subcommittee shall focus its study on:

1. Increasing the prison labor force for highway construction and maintenance, including a determination of the feasibility of using prison labor to construct small bridges throughout the Commonwealth.
2. Expanding the printing and data processing operations of the Department of Corrections.
3. Encouraging private nonprofit organizations to purchase goods and services produced through prison enterprises.
4. Examining the feasibility of issuing bonds to finance prison industries.
5. Restricting exemptions from statutory mandates which require state agencies and institutions to purchase goods and services produced by prison enterprises.
6. Encouraging the development of local work release programs.

The Joint Subcommittee shall complete its work in time to make recommendations to the 1983 Session of the General Assembly.

The cost of this study shall not exceed \$6,000.

Appendix B

- 1. Prisoner Highway Labor; Scope of Work**
- 2. Cost of Prisoner Highway Labor and Indirect Virginia Department of Highways and Transportation Costs**

Appendix C

SENATE JOINT RESOLUTION NO. 65

Creating a task force to study the expansion of the printing and data processing services of the Department of Corrections.

Agreed to by the Senate, February 15, 1982

Agreed to by the House of Delegates, March 3, 1982

WHEREAS, it is estimated that the total annual expense to the government of the Commonwealth for printing services during fiscal year 1980-81 was over ten million dollars; and

WHEREAS, the printing operations of the Department of Corrections are capable of utilizing prison labor to print official forms and documents required by the various agencies of state government; and

WHEREAS, the Department of Corrections operates a data processing service capable of processing batched data onto tape or cards for entry into a computer; and

WHEREAS, the use of prison labor to print state forms and documents and to perform batch work for data processing would reduce the costs to state government for printing and data processing services which are currently contracted out to private industry; and

WHEREAS, state departments, institutions and agencies have not been significant customers of the goods and services produced by prison industries; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a task force is hereby created to study the expansion of the printing and data processing services of the Department of Corrections. The task force shall be composed of five members: the Secretary of Administration and Finance; the Secretary of Public Safety; the Director of the Department of Corrections; the Director of the Division of Purchases and Supply of the Department of General Services; and a member of the Virginia State Crime Commission.

The task force shall direct its efforts toward the formulation of recommendations to maximize the volume of work and the number of prisoners employed in the state penitentiary print shop and in data processing operations of the Department of Corrections. In addition, the task force shall explore the feasibility of expanding the current printing and data processing capacities of the Department of Corrections and of developing cooperative agreements with state agencies to purchase printing and data processing services available through prison enterprises.

The Director of the Department of Corrections is requested to report the recommendations of the task force to the Senate Committee on Rehabilitation and Social Services, Senate Committee on Finance, House Appropriations Committee and House Committee on Health, Welfare and Institutions prior to the 1983 Session of the General Assembly.

Appendix D

CHAPTER 499

An Act to amend and reenact §§ 53-67 and 53-69 of the Code of Virginia, relating to the sale of articles and services produced by prison labor.

Approved April 11, 1982

Be it enacted by the General Assembly of Virginia:

1. That §§ 53-67 and 53-69 of the Code of Virginia are amended and reenacted as follows:

§ 53-67. Purchases by agencies and nonprofit organizations.— *Articles and services produced or manufactured by persons confined in state correctional facilities:*

1. *Shall be purchased by all departments, institutions and agencies of this State the Commonwealth which are supported in whole or in part by the State shall, and all counties and districts of such counties, cities and towns and with funds from the state treasury for their use or the use of persons whom they assist financially. Except as provided in § 53-69, no such articles or services shall be purchased by any department, institution or agency of the Commonwealth from any other source; and*

2. *May be purchased by any county, district of any county, city or town and by any non-profit ; volunteer lifesaving or first aid crews rescue squads and fire departments in this State may, purchase from the Director all articles and services required by such departments, institutions, agencies, and organizations for their use of the use of the person or person whom they assist financially; or by such counties, districts, cities, towns, or organizations produced or manufactured by the Director by convicts or misdemeanants confined within the penitentiary or elsewhere employed within this State; including products of the State correctional institutions and no such article or service shall be purchased by any such department, institution or agency of the State from any other source unless excepted under the provisions of § 53-69. The purchase of services required herein may be excepted by the Director of the Department of Purchases and Supply in the event that such services do not meet the reasonable requirements of such department, institution or agency of the State, or in any case where the requisition for such service cannot be complied with substantially on account of an insufficient supply of the services required or otherwise , volunteer lifesaving or first aid crews, rescue squads, fire departments, sheltered workshops and community service organizations.*

§ 53-69. Exceptions as to purchases.— *Exceptions from the operation of the mandatory provisions of §§ 53-67 and 53-72 may be made in any case where in the opinion of The Director of the Department Division of Purchases and Supply may exempt a state department, institution or agency from the provisions of § 53-67 in any case where in the opinion of the Director, the article so produced or manufactured does not meet the reasonable requirements of such department, institution ; or agency of the State , or in any case where the requisition made cannot be complied with completely on account of an insufficient supply of the articles or supplies required or otherwise. In any case where the Director of Purchase and Supply grants an exemption from the provisions of § 53-67, he shall submit a written justification for the exemption to the Secretary of Administration and Finance, Secretary of Public Safety and the Director of the Department of Corrections.*

Appendix E

HOUSE JOINT RESOLUTION NO. 64

Encouraging local criminal justice officials to utilize as fully as possible work release programs for incarcerated individuals.

Agreed to by the Senate, March 13, 1982

Agreed to by the House of Delegates, March 13, 1982

WHEREAS, the General Assembly authorized the establishment of a state work release program in 1968; and

WHEREAS, § 53-38 of the Code of Virginia authorizes the Director of the Department of Corrections to establish work release programs whereby a prisoner who is proficient in a trade or occupation and is trustworthy can be employed by private individuals, corporations or state agencies; and

WHEREAS, the Department of Corrections operates four work release centers and has two work release programs operated out of other facilities while some local jails concurrently operate work release programs; and

WHEREAS, the advantages of work release activities are that incarcerated persons are provided meaningful employment and are able to contribute to the costs of their incarceration; and

WHEREAS, the skills and experience gained through participation in a work release program may prepare an incarcerated individual to find gainful employment upon release from the correctional facility; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That local criminal justice officials are hereby encouraged to utilize and to develop work release programs at the local level; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates is requested to forward copies of this resolution to the judges, Commonwealth's attorneys and sheriffs of each political jurisdiction of this Commonwealth.

Appendix F

1. Joint resolution continuing the Joint Subcommittee
2. Joint resolution expanding state government's use of Department printing facilities.
3. A bill authorizing sale of Department printing products to localities.

HOUSE BILL NO. 437

Offered January 21, 1983

A BILL to amend and reenact § 53.1-45 of the Code of Virginia, relating to sale of prison goods and services.

Patrons—Glasscock, Slayton, and Wilkins

Referred to the Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-45 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-45. Restriction on sale of prison goods and services; print shop.—A. Articles produced or manufactured and services provided by prisoners sentenced to state correctional facilities may be disposed of by the Director by sale only to municipal and county agencies in Virginia and to federal, state and local public agencies within or without the Commonwealth or as the Director, with the approval of the Governor, may deem to be in the best interests of the Commonwealth. Except as otherwise provided, no articles produced or manufactured nor services provided by prisoners may be bought, sold or acquired by exchange on the open market.

B. The products of any printing shop in any state correctional facility shall be sold only to the departments, institutions and agencies of the Commonwealth which are supported in whole or in part with funds from the state treasury and ~~shall not be sold~~ to offices or agencies of the counties, cities and towns of the Commonwealth ~~or~~ . *Such products shall not be sold* on the open market.

SENATE JOINT RESOLUTION NO. 39

Offered January 21, 1983

Continuing the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs.

Patrons—Walker, Truban, Nolen, and Garland

Referred to the Committee on Rules

WHEREAS, Senate Joint Resolution No. 91, agreed to by the 1980 Session of the General Assembly, established the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs; and

WHEREAS, the Joint Subcommittee was continued pursuant to Senate Joint Resolution No. 128 in 1981, and it issued a report and recommendations to the 1982 Session of the General Assembly; and

WHEREAS, the Joint Subcommittee was continued pursuant to Senate Joint Resolution No. 33 in 1982 and it issued a report and recommendations to the 1983 Session of the General Assembly; and

WHEREAS, the Joint Subcommittee has met during 1982 with representatives of the Department of Corrections, the Department of Highways and Transportation, the Department of Conservation and Economic Development, and other agencies and organizations with current and potential employment opportunities for prisoners; and

WHEREAS, these meetings have clarified the existing obstacles to the provision and expansion of work opportunities for prisoners and have suggested important new areas for attention; and

WHEREAS, the Joint Subcommittee's recommendations concerning the problems it has identified can be better implemented if the many agency participants in the prison work program are provided a legislative forum; and

WHEREAS, the Joint Subcommittee has determined that further attention should be given to the financial support of the prison work program by locating a source of capital funds for expansion; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Joint Subcommittee on the Economic Productivity of the Prison Population and on Work Release Programs is hereby continued. The membership of the Joint Subcommittee shall continue to serve. Any vacancies in the membership of the Joint Subcommittee shall be filled by the Chairman of the Senate Committee on Privileges and Elections from the membership of the Senate Committee on Rehabilitation and Social Services or by the Speaker of the House of Delegates from the membership of the House Committee on Health, Welfare and Institutions.

During 1983 the Joint Subcommittee shall attend to the following matters:

1. Expanding the prisoner highway labor force by monitoring the implementation of recommendations made in 1982. The Secretary of the Department of Corrections and the Secretary of the Department of Highways and Transportation, in concert with the Directors of those Departments, shall meet to study ways to facilitate utilization of prison labor and shall report its

progress to the Joint Subcommittee by December 1, 1983.

2. Monitoring the implementation of the recommendations of the task force studying the expansion of the printing and data processing services of the Department of Corrections and further encouraging use of the Department's printing services by all agencies of the Commonwealth.

3. Locating a source of capital funds for expansion and development of all phases of the prison work programs, but especially the agribusiness program.

The Joint Subcommittee shall complete its work in time to make recommendations to the 1984 Session of the General Assembly.

The cost of this study shall not exceed \$6000.

SENATE JOINT RESOLUTION NO. 38

Offered January 21, 1983

Establishing a policy that fifty percent of the printing requirements of the state government be met by the Department of Corrections by 1986.

Patrons—Walker, Truban, Nolen, and Garland

Referred to the Committee on Rules

WHEREAS, it is estimated that the annual expense to the government of the Commonwealth for printing services during fiscal year 1981-82 was over nine million dollars, not including printing services purchased by the agencies on a contract basis or pursuant to their delegated authority; and

WHEREAS, the printing facilities of the Department of Corrections, using prisoner labor, are capable of printing official forms and documents of adequate quality required in the operation of state government; and

WHEREAS, the bookbinding operation of the Department of Corrections can bind the printed material as necessary; and

WHEREAS, expanded use of the printing and bookbinding facilities of the Department of Corrections by state government will provide additional work opportunities for prisoners; and

WHEREAS, the use of prison labor to print state forms and documents and to bind printed material as necessary would reduce the costs to state government for such services which are currently provided on a contract basis by private industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That it shall be the policy of all divisions of state government to purchase printing services from the Department of Corrections as capacity within the Department's printing operation becomes available, so that fifty percent of the State's printing requirements will be met by the Department of Corrections facilities by December 31, 1986; and, be it

RESOLVED FURTHER, That it shall be the policy of all divisions of state government to utilize the bookbinding operation of the Department of Corrections unless it can be shown that good cause exists to use private bookbinding services. The General Assembly shall participate fully in the implementation of this policy relating to printing and bookbinding services.

The Department of General Services and the Department of Corrections shall coordinate activities to advance the policies stated herein and shall report progress to the Joint Subcommittee to Study the Economic Productivity of the Prison Population and Work Release Programs by December 1, 1983.