

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING THE**

Corrections System

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 36

**COMMONWEALTH OF VIRGINIA
RICHMOND
1984**

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**Report of the
Joint Subcommittee on the
Corrections System
To
The Governor and the General Assembly of Virginia
Richmond
1984**

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

BACKGROUND OF THE STUDY

The Joint Subcommittee was established in 1980 pursuant to House Joint Resolution No. 89. The two-year study was initiated to further inform the General Assembly on corrections issues so that legislative decisions would be made on the basis of a sound understanding of their short-term and long-range effects. Specific areas cited in which the General Assembly significantly affects the corrections system include laws concerning sentencing practices, good conduct allowances, parole and probation practices, and appropriation of funds for institutional and community corrections programs. Coordination between the legislature and corrections system was recognized as especially necessary at a time when the prisoner population and, consequently, state financial support of corrections programs are increasing.

The Joint Subcommittee was continued in 1982 under the authority of House Joint Resolution No. 113, and in 1983 under House Joint Resolution No. 113 (Appendix A), for further consideration of the issues identified and studied since 1980. The Joint Subcommittee was asked to focus specifically on alternatives to incarceration, short-term and long-range solutions to prison overcrowding, and development of a legislative policy to govern the legislature's approach to corrections issues.

The Joint Subcommittee is composed of twelve members, including three members each from the House Committee for Courts of Justice, the House Committee on Health, Welfare and Institutions, the Senate Committee for Courts of Justice and the Senate Committee on Rehabilitation and Social Services.

ACTIVITIES OF THE JOINT SUBCOMMITTEE

The Joint Subcommittee met regularly throughout the study with the Director and staff of the Department of Corrections and members of the Virginia Board of Corrections.

During 1980, the Joint Subcommittee heard presentations by other state government participants in the corrections system, which included the State Crime Commission, the Department of Criminal Justice Services, the Rehabilitative School Authority, and the Virginia Parole Board.

In addition, the Joint Subcommittee was addressed in 1980 by the Interfaith Social and Legislative Action Group and was also apprised of national trends through presentations by the National Council on Crime and Delinquency and the National Jail Association.

Nationally recognized groups whose representatives addressed the Joint Subcommittee in 1981 included the National Center on Institutions and Alternatives and the National Institute of Corrections. The Joint Subcommittee also met that year with the Criminal Justice Committee of the Virginia Bar's Young Lawyers Conference and with Virginia Cares, Inc., a provider of post-release services to probationers and parolees.

During 1982, the Joint Subcommittee continued to monitor all aspects of the corrections system, including the organization of the Department of Corrections, the inmate grievance procedure, and transfer of prisoners from local jails. However, the Joint Subcommittee focused

most of its attention on the areas of alternatives to incarceration and on probation and parole, in an effort to improve rehabilitation and to reduce prison crowding.

In 1983, the Joint Subcommittee added to these issues more specific study of youth programs, capital needs of the corrections system, and increased food production for the state corrections system through development of its agribusiness program. Also, the Joint Subcommittee drafted a statement of the policy of the Commonwealth in its approach to corrections legislation. This policy is prepared for presentation to the 1984 General Assembly.

In the course of its study, the Joint Subcommittee has toured the following institutions: Virginia State Penitentiary, Wise Corrections Unit, Bland Correctional Center, Marion Correctional Treatment Center, Buckingham Correctional Center, the Virginia Correctional Center for Women, Deep Meadow Correctional Unit, the James River and Powhatan Correctional Centers, Hanover Learning Center, Appalachian Learning Center, Family Counseling Center, Highlands Juvenile Detention Home, Oasis House, and the Bristol Jail.

FINDINGS AND RECOMMENDATIONS

Housing of Prison Population

The Joint Subcommittee recognized and investigated varied means of reducing crowding in state and local correctional facilities. The Joint Subcommittee studied population projections to determine future needs, both in institutional and community programs. The Joint Subcommittee recommends that a master plan be developed by the corrections system so that only necessary capital additions and renovations are made, based on an accurate projection of needs.

The current population of the Department of Corrections' institutional facilities is about 9,000. The most recent projections (December, 1983) predict a population of 11,797 by 1990, based on current law, subject to a 10% variance. This figure is lower than the projection of 14,000, predicted earlier in 1983, because of changes in probation and parole laws and practices and increased use of community corrections. The current capacity of corrections institutions is 9,800, providing a surplus of about 800 beds. However, certain facilities now in use should be eliminated; these include the state penitentiary and the temporary trailer facilities at Deerfield and Deep Meadow.

These recommendations and findings on the need for additional facilities should be included in the development by the Department of a master plan for construction and renovation. The plan should govern these activities for the next five years and take into account a five-year population projection which the Department is developing for completion by April, 1984. The Department should report the results of its population study to the appropriate legislative committees, as specified in House Joint Resolution No. 152 (Appendix B). In order to assist the legislature in determining the usefulness of such projections, the Department's report should include a description of the methodology used in reaching its conclusions.

Alternatives to Incarceration

Increased use of alternatives to incarceration has had a significant impact on the institutional population and, therefore, on the cost of corrections.

The Community Diversion Incentive Act, enacted in 1980, has established community-based alternatives to incarceration for adult nonviolent offenders. Currently, there are twenty-four programs funded throughout the State, six of which are residential programs. Costs have been about \$7,000 per man/year as opposed to a range of \$15,000 to \$22,000 for state incarceration. To date, 463 nonviolent offenders have been diverted from Virginia's prisons with a 90% successful participation rate, meaning participants have completed the program. There has been a 68% cost savings to the Commonwealth as compared to the cost of state incarceration, and a 251-bed savings at an annualized cost avoidance of \$2,254,984. Among offenders participating, 93% will pay restitution and 91% will perform community service. Participants in community corrections have paid back their victims and communities \$23,069 in direct restitution, 10,054 community service hours, and \$33,781 in services donated to local governments and private

nonprofit agencies. In addition, these individuals have been working and supporting their families by earning \$245,866 in wages and paying \$3,484 in child support. The first regional community restitution center has been established in the Richmond area, serving four local governments. The goal for the program is the participation of 600 offenders by 1986. House Bill No. 639 which, in 1983, amended Article 2, Chapter 5, of Title 53.1, expands participation by localities and private groups.

Studies of community corrections efforts such as the Community Diversion Incentive program have shown that these programs are no less effective than incarceration in lowering the crime rate, and they are substantially less expensive. The Joint Subcommittee encourages the maintenance and growth of the program.

Mandatory discharge on parole pursuant to § 53.1-159, enacted in 1979, authorizes mandatory release of state prisoners when six months remain in their sentences. When released, these prisoners are supervised for six months, during which time the Department assists them in their reentry into the community. Without this provision, these prisoners would be released six months later, with no assistance or supervision. This law resulted in the release of 400 prisoners in the first quarter of 1982, as compared with 600 discretionary parolees during that period. Since its enactment, a total of 2,000 prisoners has been released. The Department of Corrections reports that the success rate of these parolees equals that of discretionary parolees.

Some relief from crowding will be provided by § 53.1-154.1, enacted by the 1983 Session, which authorizes the Director of the Department of Corrections to recommend certain prisoners to the Parole Board for early release. Only nonviolent prisoners who can be safely and productively returned to the community are eligible for such release. One prisoner has been released pursuant to this enactment.

The Joint Subcommittee investigated the possibility that elderly incarcerated offenders may generally need minimum security and should be considered for early release. Based on data presented by the Department of Corrections, however, the Joint Subcommittee does not recommend this policy. At the present time, the Department has custody of 211 elderly offenders, defined as those over fifty-five, 108 of whom were committed since 1980. These 211 persons represent approximately two percent of the total confined population. Seventy-two percent of these offenders are confined for violent crimes, most commonly homicide, for which forty-one percent are confined. Fifty-eight percent are prior offenders. Of the 211 elderly inmates, no more than ten are considered potential candidates for release on early parole.

The classification procedure and location of these residents indicates that most institutional assignments for them are based either on their security status or their medical or psychological conditions. The Department of Corrections is working with the Department for the Aging and has asked that the latter review the placements of the elderly inmates. The Department of Corrections will review the cases of elderly inmates who may be eligible for early parole. Future consideration should be given to authorizing the Director to remove inmates with terminal medical conditions from State correctional facilities and place them in hospice homes or nursing care facilities. At the present time this requires executive action.

The policies discussed above have helped to control the prison population so that state prisoners have now been transferred from the local jails to state institutions in numbers sufficient to relieve the burden previously experienced by the localities.

Probation and Parole

Use of probation and parole can alleviate the burden on state institutions while supervising and supporting offenders in their reintegration into the community. The Department of Corrections reports that in 1983 there were 1,247 offenders on parole, or 25% more than in 1982; 14,404 offenders were on probation, or 10% more than in 1982. The Department attributes these increases to changes in the law in 1983 authorizing parole review prior to eligibility and use of hearing examiners.

The Joint Subcommittee studied the current probation and parole system in an effort to encourage its efficiency and effectiveness. Computerization has improved the speed and accuracy

of computation of parole dates. The Department eliminated the backlog of computation of transactions affecting release dates by summer of 1983. By fall, 1983, all inmates' records were in the computer so that decentralization of computation to field units can be effected by January, 1984.

The mechanics of discharge on parole have been studied. The Parole Board has suggested using two members instead of three in the decision, at least for nonviolent offenders, and adding an appeal mechanism. The Joint Subcommittee investigated requiring what is currently a discretionary preincarceration or presentencing report, to eliminate delay in parole while the required background report is completed, said by the Department in 1982 to occur in about 100 cases per quarter. This problem has now been alleviated, however, by administrative action expanding the required postincarceration report to provide sufficient information for use in parole decisions. New legislation passed during the 1983 Session, found in § 53.1-154 of the Code, also adds to the Parole Board's efficiency by allowing the Board to review and decide cases prior to parole eligibility rather than only within the quarter in which the prisoner becomes eligible, in order to more evenly distribute the Parole Board's caseload. The enactment also authorizes the Board to appoint parole examiners to conduct interviews, leaving final decisions to Board members. Previously, the five members alone were required to consider 6,500 cases in addition to an annual schedule of 400 revocation hearings.

The Department has succeeded in reaching its goal of shortening the processing period prior to release on parole from forty-five days to seven.

The Joint Subcommittee recognized the need for additional resources to increase the number of parolees successfully completing their parole period without revocation. Currently, this success rate is 80% to 85% for both mandatory and discretionary parolees. Upon release, 90% of parolees do not have jobs as a result of a Parole Board policy decision two years ago that, because of high unemployment, it was no longer feasible to require that prisoners have jobs prior to parole. They are now required only to show that they are likely to be employed and that they have a means of support in the meantime. They receive, by statute, \$25 and a suit of clothes, although many have additional money saved from work performed while incarcerated. Specific problems cited by probation and parole staff include lack of educational opportunities, especially GED programs and skills training. Additional resources for locating employment are also needed. There is a shortage of mental health services and transportation for utilization of existing services. Housing problems are serious; needed are halfway houses and emergency housing funds.

The 1983 General Assembly appropriated \$50,000 to fund a pilot program for probation and parole services. The program will pay temporary living expenses pending a parolee's achievement of self-support. The legislature in 1983 also appropriated \$225,000 to Virginia Cares, Inc., an adult post-incarceration program serving Roanoke, Richmond, Norfolk and Fairfax.

The Joint Subcommittee encourages the private sector to assist the Department of Corrections in its efforts with parolees' reentry into the community.

Youth Programs

The Joint Subcommittee investigated the operations and effectiveness of youth correctional programs, now separated from all adult functions. Of the 1,200 juveniles in the Department's youth programs each year, about 800 are placed in institutions and about 400 in community placements.

Institutional Programs

The state institutions for juveniles are generally filled to capacity. For an average stay of six or seven months, the average cost for maintaining a juvenile is about \$25,000 per year, including educational costs. This total is substantially higher than for adult inmates because of the additional supervision required and the necessity of hiring personnel for food service functions, which inmates perform in adult institutions.

Of the 800 children in the institutions, special programming is required for about 125

diagnosed as retarded and for up to 200 who are emotionally disturbed. Programs for these youths have been established at Hanover, Bon Air and Oak Ridge. The Department of Mental Health and Mental Retardation helped to establish the programs and is currently evaluating them and offering consultation to the Department of Corrections.

Educational programs for institutionalized youth are discussed below.

In the past year, the population in the Department's institutions ranged from twenty-nine under capacity to twenty-six over capacity. The Joint Subcommittee was informed that the National Council on Crime and Delinquency has estimated that only about 20% of institutionalized children in some states have committed a serious crime against a person; the other 80% could be served effectively, safely and at lower cost in community-based programs.

Community Youth Programs

Several community correctional programs for juveniles are in operation in Virginia. These include community group homes, family-oriented group homes, special placements as authorized by § 16.1-286, placements in foster homes or group facilities pursuant to § 53.1-239, delinquency prevention programs, juvenile detention facilities, emergency shelter homes, crisis runaway homes, and predispositional group homes.

The Department is investigating the special placements program authorized by § 16.1-286 of the Code, designed to divert children from correctional institutions. The court is authorized to formulate a treatment plan which is then funded by the Department of Corrections. The average annual cost per child in the program is \$14,000. By the direction of the Governor and despite an undisputed need, the Department was required to reduce the \$3 million program by \$600,000 in order to meet the required 5% agency budget reduction. The program has consequently lowered its average participation from 250 in FY 1982 to 217 in FY 1983. Because these children are not yet committed to the Department, it has no authority over the appropriateness of placements. The Department requests more control if it continues to finance the placements. The Department is investigating the current use of the special placements program and will relate this to the legislative intent in instituting the program.

There are currently twenty-five community group homes, which receive a combination of state and local funding. Thirteen of these are for placement of boys only, six for girls only and six house both boys and girls. The Joint Subcommittee has been apprised of a need for additional facilities for girls. A \$16 million block grant currently supports the group homes, secure detention homes and runaway programs. An evaluation program is now being developed by the Department of Corrections to assess the effectiveness of the community group homes.

Professionals in the juvenile corrections system view as effective the twenty-one local delinquency prevention programs funded pursuant to the Delinquency Prevention and Youth Development Act. The Joint Subcommittee notes that continued funding for this program has not been recommended by the Governor. Current funding is in the amount of \$1.4 million.

Rehabilitative School Authority

The Authority is an autonomous state agency which provides all educational services to youth placed in Department of Corrections facilities.

The program is success-oriented, allowing each student to progress at an individual pace. The program complies with P.L. 94-142, the federal statute which specifies required educational services for the educationally handicapped; this group represents 25% of the corrections youth population. The average gain for students in the programs in fiscal 1981 over an average eight-month stay was reported to be 8.9 months in reading, 9.6 months in spelling and 5.3 months in mathematics. The program includes instruction in reading, language arts, mathematics, social skills, music, art, physical education and health. Courses are regularly adapted to meet the needs of the current population.

A Graduate Equivalency Diploma (GED) program is available at the schools at Appalachian, Beaumont, Bon Air and Natural Bridge Learning Centers. The Authority suggests lowering the age minimum of sixteen years for eligibility for GED programs in Virginia to fifteen years,

which conforms to the federal minimum as specified for adult basic education funding.

Most students attend both academic and vocational classes. Vocational programs are developed by a committee consisting of some of the State's best vocational educators. Students who complete the program receive vocational certificates issued by the State Department of Education. Bon Air Learning Center operates a work release program, to be established in other schools as resources allow.

The Authority and the Department of Corrections cooperate fully in areas not specifically related to education. Additional cooperation with the Department of Social Services and Mental Health and Mental Retardation have resulted in pilot programs for the mentally retarded and learning disabled and child abuse prevention programs.

Health Issues

The Joint Subcommittee investigated and clarified the policies governing Medicaid eligibility of youth committed to the Department of Corrections. Prior to December 1, 1978, all children in certain corrections programs were excluded from coverage. The Office of General Counsel of the Health Care Financing Administration clarified the regulations and, as a result, beginning December 1, 1978, an additional group of children committed to the Department was enrolled. This group includes children for whom public agencies have either full or partial responsibility for support. Only those children who have "inmate status" and are placed in secure facilities operated by a public governmental agency are excluded from coverage; this includes children in secure detention awaiting trial and those placed by the Department of Corrections in a learning center.

The Joint Subcommittee recommends that the Department of Social Services notify all local departments of public welfare and other appropriate local agencies of this interpretation to ensure its application in their determination of Medicaid eligibility.

Use of Jails for Juveniles

The Joint Subcommittee was apprised of the current practice of placing juveniles in adult jails and opposes such placement when unnecessary for protection of person or property.

Of the ninety-six jails in Virginia, sixty-one are approved for the holding of juveniles under the authority of § 16.1-249 of the Code of Virginia. The jail facilities and the programs they offer vary widely. However, juveniles are generally denied the educational and recreational programs provided in juvenile facilities. The required separation of juveniles from adults is effected in Virginia, but often in a manner which creates problems, such as denial of privileges and access to programs that may be available in a particular jail; often they are confined in isolation to effect separation.

These juveniles are either being detained prior to adjudication, are being held pending transfer to circuit court, or have been sentenced to jail by the juvenile court pursuant to § 16.1-284. House Bill No. 266, passed in the 1983 Session, which eliminates the option of jail sentencing for juveniles who have committed an act designated a misdemeanor, could reduce by 30% to 40% the number of juveniles being sent to adult facilities. The average length of stay for youth in jail is twenty-seven days. Each year about 10% are held for less than six hours.

In order to continue to receive certain federal funds, Virginia must comply with the federal Juvenile Justice and Delinquency Prevention Act, which requires that after December 8, 1985, no juvenile be held in an adult jail. In addition, Senate Bill No. 522, currently under consideration by Congress, would provide a private cause of action for juveniles held in adult jails. Expensive litigation in other states has curtailed the jailing practice. In Oregon, the Tewksbury case, decided in August, 1982, prohibits the jailing of juveniles throughout the state; costs assessed against local officials in that case totaled \$300,000. Virginia is also vulnerable to such litigation.

The Department of Corrections estimates that localities would need about \$500,000 in 1984 to increase security in existing juvenile detention facilities to a level required to accommodate youth now sentenced to jail and to provide other alternatives and needed transportation. Such expenditure could allow an orderly removal of youth from jails by 1985.

Food Production

In its effort to encourage more economical management of the corrections system and to support work programs for inmates, the Joint Subcommittee encourages the system's production of most of its own food needs and eventually the needs of other state agencies such as the institutions administered by the Department of Mental Health and Mental Retardation.

The Joint Subcommittee supports the Department of Corrections' goal of producing 90% of its food by 1990. The Department is consulting with Virginia Polytechnic Institute and State University to achieve this goal. Increase in production of beef, pork, poultry, milk and vegetables is necessary. The Department has already increased the number of brood cows and brood sows. The Department reports that to meet the goal, capital outlays in dairy, pork, beef, poultry and cannery operations are needed. Specifically, the Department requests the following additions:

1. New milking parlors at James River and Augusta
2. Confinement swine facilities
3. Beef feed lots
4. Layer and broiler houses
5. New cannery

The Department also requests additional maintenance and operation funding for additional livestock and production of feed.

Land required to meet the 90% goal is estimated at 13,531 acres in production based on a population of 12,028, including adult inmates, youth wards and staff. Currently available land and land identified but not available without clearing and drainage totals about 12,000 acres, resulting in a shortage of about 1,500 acres in land needed to meet the 90% goal.

The Joint Subcommittee encourages the Department's current measures to increase production in all areas without capital funding. These include crop rotation to use existing land more productively, cross-breeding of cattle to increase beef production, no-till and other erosion-preventive practices where possible, and an increase in pastureland.

Funding was appropriated in 1983 by the General Assembly to resume operations of the cannery at Southampton, providing thirty-five jobs for inmates and saving a projected \$20,000 in the next five years.

Criminal Injuries Compensation Fund

The Crime Victims Compensation Act, enacted in 1976, became effective July 1, 1977. The Act, administered by the Industrial Commission, establishes a fund for reimbursement of expenses for victims' physical injuries which cannot be paid by any other source.

At the conclusion of the 1982 fiscal year, there was a surplus of \$1.2 million in the fund. In 1983, the General Assembly removed \$500,000 of this surplus to the General Fund; an additional \$500,000 is targeted for removal in 1984. The Joint Subcommittee recommends the replacement of these funds and does not support further diversion of these special funds for other purposes.

It was clarified that the past surplus included funds for the current year; by the provisions of the statute, only funds collected in previous fiscal years can be awarded. The Appropriations Act in 1983, however, authorized awarding of any funds, notwithstanding the time of their collection. In the Act's first year, awards exceeded collections by about \$100,000. Since then, the surplus has been developed. In fiscal years 1982 and 1983, collections have totaled about \$600,000 per year and awards \$506,000 and \$534,000 respectively. Currently there is \$750,000 in the fund. A projected total of awards for fiscal 1983 is about \$640,000.

The Joint Subcommittee recommends increasing current efforts to publicize the availability of

the fund.

The Joint Subcommittee encourages the pursuit of subrogation claims.

Suggestions for legislative change offered by the fund's administrators include relaxing the financial hardship criteria and narrowing the family exclusion, especially with regard to victims of spouse or child abuse.

Administrative costs for the program totaled about \$78,000 for the last fiscal year. Additional staff has been requested for investigation of claims, now done by only one staff member. Funds for additional staff have been appropriated, but the office has not received authority to fill the positions.

Statement of Legislative Goals for Corrections

A publication of the National Institute of Corrections maintains that "the absence of a common, widely accepted correctional policy makes for confusion within the correctional system and for criticism from outside the system." The Joint Subcommittee on Corrections recommends a statement of legislative policy for corrections to support the mission of the Department of Corrections and to guide the development of the corrections system in future years.

The policy recommended by the Joint Subcommittee, on the basis of its lengthy study of the State's corrections system, is stated in House Joint Resolution No. 120, which is included in Appendix C to this report.

Continuing the Joint Subcommittee

The Joint Subcommittee has provided an effective forum for the past four years for the discussion and resolution of a variety of corrections issues. It has involved legislators from several committees concerned with the varied aspects of the corrections system, ranging from arrest to post-release programs. For these reasons, the Joint Subcommittee recommends that the study be continued in 1984. House Joint Resolution No. 153, proposing the continuation of the study, is contained in Appendix D to this report.

Respectfully submitted,
Frank M. Slayton, Chairman
Frederick T. Gray, Vice-Chairman
Daniel W. Bird, Jr.
C. Richard Cranwell
Elmo G. Cross, Jr.
Joseph V. Gartlan, Jr.
J. Samuel Glasscock
Johnny S. Joannou
Theodore V. Morrison, Jr.
William T. Parker
Owen B. Pickett

APPENDIX A

HOUSE JOINT RESOLUTION NO. 89

Requesting standing committees of the House of Delegates and Senate to review current policies concerning the corrections system and develop short-term and long-range goals for improving its administration.

Agreed to by the House of Delegates, February 18, 1980

Agreed to by the Senate, February 28, 1980

WHEREAS, the protection of the citizens of the Commonwealth from criminal offenders and the rehabilitation of those offenders so that they may become law-abiding, productive and economically self-sufficient citizens of their communities is the charge of the Department of Corrections; and

WHEREAS, there are approximately eight thousand eight hundred adults incarcerated in State correctional facilities or awaiting transfer to the State system from local jails, and it is anticipated that this population will continue to increase at a significant rate during the next few years; and

WHEREAS, the commitment of State tax dollars to the corrections system in primarily institutional programs during the 1980-82 biennium will exceed three hundred sixty-six million dollars; and

WHEREAS, the enactment of laws by the General Assembly concerning such matters as sentencing practices, good conduct allowances, parole eligibility dates and mandatory supervision after discharge and the approval by the legislature of the appropriations of State general funds for institutional and community programs for the corrections system all significantly impact on the administration of the criminal justice system and the management of the Department of Corrections; and

WHEREAS, decisions governing these legislative enactments are not now being made by the General Assembly within a clearly defined framework as to the desired short-term and long-range effects of revised or new policies; and

WHEREAS, several standing committees of the House and Senate, various legislative study commissions and consultants of the executive and legislative branches of government have undertaken studies of different aspects of the corrections system in the last decade; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be appointed comprised of six members of the House of Delegates appointed by the Speaker of the House as follows: three members from the House Committee for Courts of Justice and three members from the House Committee on Health, Welfare and Institutions; and six members from the Senate appointed by the Senate Committee on Privileges and Elections as follows: three members from the Senate Committee for Courts of Justice and three members from the Senate Committee on Rehabilitation and Social Services.

The joint subcommittee is requested to review past legislative and executive studies of the corrections system; current statutes governing the entrance into and discharge from the criminal justice system of persons violating the law; and present policies governing the administration and management of the Department of Corrections. Consideration should be given to the formulation of short-term and long-range policies governing statutory enactments and financial appropriations by the General Assembly and the implementation of such policies by the executive branch.

All State and local agencies are requested to cooperate with and assist the joint subcommittee in its work.

The joint subcommittee may file an interim report with the Governor and the nineteen hundred eighty-one session of the General Assembly and shall report its findings and recommendations to the Governor and the nineteen hundred eighty-two session of the General Assembly.

HOUSE JOINT RESOLUTION NO. 113

Continuing the Joint Subcommittee on the Corrections System.

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

WHEREAS, the Joint Subcommittee on the Corrections System was established pursuant to House Joint Resolution No. 89 in 1980; and

WHEREAS, during the last two years the joint subcommittee has visited several state and local correctional facilities and heard in-depth presentations from state and local officials concerning various components of the corrections system, including the Department of the Corrections, the Rehabilitative School Authority and the Virginia Parole Board; and

WHEREAS, testimony before the joint subcommittee of nationally-recognized speakers in the corrections field from the National Council on Crime and Delinquency and the National Institute of Corrections apprised this legislative group of trends in corrections in other states and alternative approaches to dealing with the overuse of incarceration and overcrowding in jails and prisons; and

WHEREAS, the diversity of standing committees represented on this joint subcommittee affords a unique opportunity to educate the members of many committees with legislative responsibilities for the several components of the corrections system: law enforcement, administration and fiscal policy, which will result in more informed decision making by the General Assembly; and

WHEREAS, further consideration needs to be given to legislative policies which relieve prison overcrowding and support community-based alternatives to incarceration while protecting society from dangerous offenders, and this joint subcommittee provides a legislative forum to continue deliberations in this area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on the Corrections System is continued. The members of the joint subcommittee shall continue to serve and any vacancies in the membership shall be filled through appointments made by the Chairmen of the House Committee for Courts of Justice and House Committee on Health, Welfare and Institutions for House members and the Senate Committee for Courts of Justice and Senate Committee on Rehabilitation and Social Services for Senate members.

The joint subcommittee shall focus its attention on these matters:

1. Alternatives to the incarceration of offenders in state and local correctional facilities which provide appropriate punishment but permit reimbursement of the victims of crime and less expense to the Commonwealth;
2. Short and long-range solutions to prison overcrowding;
3. Development of a consistent comprehensive approach to addressing corrections issues through legislative policy;

The joint subcommittee shall conclude its work and submit any recommendations it deems appropriate to the 1983 Session of the General Assembly.

The cost of this study shall not exceed \$8,000.

APPENDIX B

LD0921566

HOUSE JOINT RESOLUTION NO. 152

Offered January 24, 1984

Requesting that the Department of Corrections develop a five-year projection of the population in state correctional institutions.

WHEREAS, effective and efficient planning for construction and renovation of corrections facilities depends upon the development of a comprehensive master plan to guide the Department of Corrections and the legislature; and

WHEREAS, the Department must have accurate data on its projected needs in order to develop such a master plan; and

WHEREAS, population projections are speculative and, therefore, only reasonably accurate when projecting circumstances expected to exist within five years; and

WHEREAS, recent longer-term projections of need have proven to be inaccurate because of changes in corrections law and practice; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Corrections develop a five-year population projection for the purpose of providing data to allow the preparation of a master plan for prison construction and renovation; and, be it

RESOLVED FURTHER, That the Department report the results of its population study to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by July 1, 1984; and, be it

RESOLVED FINALLY, That the Department include in its report a description of the methodology used in reaching its conclusions, in order to assist the legislature in determining the usefulness of such population projections.

APPENDIX C

LD0922566

HOUSE JOINT RESOLUTION NO. 120

Offered January 24, 1984

Establishing the sense of the General Assembly on the policy of the Commonwealth regarding the corrections system.

WHEREAS, the Joint Subcommittee on the Corrections System was established pursuant to House Joint Resolution No. 89 in 1980; and

WHEREAS, the Joint Subcommittee represents many standing committees having a direct interest in the corrections system, has visited many state and local correctional facilities and has heard in-depth presentations from governmental officials and recognized authorities concerning the operation of the corrections system; and

WHEREAS, the cost of operating the corrections system continues to increase as the number of adults and children for whom the system is responsible grows, thus making it imperative that the Commonwealth utilize its financial resources in the most effective manner; and

WHEREAS, the vast majority of the persons entrusted to the custody of the Department of Corrections ultimately return to society; and

WHEREAS, the operation of the criminal justice system is complex and requires a sound, consistent and comprehensive approach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That it is the sense of this General Assembly that the following is the policy of the Commonwealth regarding corrections:

1. That the primary purpose of the corrections system should be the protection of the people of the Commonwealth from those who have committed criminal offenses, with emphasis on efforts to ensure that an offender will not return to crime after release;

2. That the corrections system should be established and operated by properly trained personnel on principles which recognize the goal of maintaining a sound, effective and humane system;

3. That in funding the corrections system, the needs of the system must be balanced against the need to provide public services other than corrections.

4. That conditions of confinement are important to an effective corrections system, and the system should provide a humane environment for those confined;

5. That appropriate sentencing options, including restitution, and classification should be utilized to provide the most appropriate program consistent with the interest of the public and the correctional needs of the offender, thereby providing secure confinement for those presenting a danger of violence to society and less expensive confinement or alternative means of punishment for those who do not present such a risk;

6. That the corrections system should provide adequate opportunities to work, to gain academic and vocational skills and to promote socially acceptable behavior and individual growth;

7. That the primary concern in the treatment of juveniles should be the welfare of the child and the family when consistent with the protection of the public;

8. That treatment of children in need of services, as defined in § 16.1-228, should be based on the presumption that they are neither deserving of punishment nor a threat to society;

9. That cost-effective design and construction methods should be followed in building corrections facilities, to allow operation in an efficient, sound, effective and humane manner;

10. That parole is an integral and essential part of the corrections system, and no offender should be released sooner nor held longer than the public interest requires;

11. That the release and return of prisoners to the community should be supported with supervision and access to services for finding employment and housing in order to increase the likelihood that such persons will successfully reenter society;

12. That communities should share with the Commonwealth the responsibility for the corrections system by such actions as (i) providing support for the criminal justice system and those directly involved in its operation, (ii) developing appropriate alternatives to incarceration, including work release, restitution, community service programs and intensive supervision and (iii) developing programs designed to help former prisoners return successfully to society; and

13. That an effective corrections system requires that the public be informed as to the cost and the effect of policies and legislation governing the system.

APPENDIX D

LD4041566

HOUSE JOINT RESOLUTION NO. 153

Offered January 24, 1984

Continuing the Joint Subcommittee on the corrections system.

WHEREAS, the Joint Subcommittee on the corrections system was established in 1980 and continued through 1983 by House Joint Resolution No. 113 in 1983; and

WHEREAS, during the four years of the study the Joint Subcommittee has provided an effective forum for approaching corrections issues; and

WHEREAS, the Joint Subcommittee has involved a cross-section of legislators from all legislative committees concerned with the varied aspects of the corrections system, ranging from arrest to post-release programs; and

WHEREAS, the study has further informed the General Assembly on corrections issues so that legislative decisions will be made on the basis of a sound understanding of their short-term and long-range effects; and

WHEREAS, issues remain which can best be approached through this collaboration between the corrections system and the legislature; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on the Corrections System is continued. The membership shall continue to serve; senate vacancies shall be filled by the Senate Committee on Privileges and Elections from the Senate Committees on Rehabilitation and Social Services and for Courts of Justice and House vacancies by the Speaker of the House of Delegates, from the House Committees on Health, Welfare and Institutions and Courts of Justice.

The Joint Subcommittee shall submit any recommendations it deems appropriate to the 1985 Session of the General Assembly.

The direct and indirect costs of the study shall not exceed \$13,835.