

**REPORT OF THE
VIRGINIA STATE
CRIME COMMISSION ON**

Laws Governing Local Jails

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



HOUSE DOCUMENT NO. 24

**COMMONWEALTH OF VIRGINIA
RICHMOND
1991**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

F. L. RUSSELL
EXECUTIVE DIRECTOR

MEMBERS
FROM THE SENATE OF VIRGINIA
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES
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APPOINTMENTS BY THE GOVERNOR
ROBERT C. BOBB
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GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

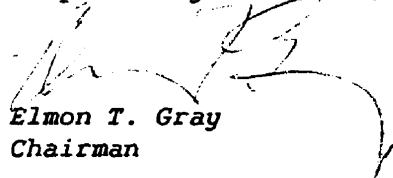
December 11, 1990

**TO: The Honorable L. Douglas Wilder, Governor of Virginia
and Members of the General Assembly**

House Joint Resolution 20, adopted by the 1990 General Assembly, directed the Virginia State Crime Commission to "study portions of the Code of Virginia governing local jails and to recommend amendments as necessary to accurately reflect the authority of the administrators of regional jails."

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission. I have the honor of submitting herewith the study report and recommendations on laws governing the local jails.

Respectfully submitted,



Elmon T. Gray
Chairman

ETG:gf

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION

From the Senate of Virginia:

Elmon T. Gray, Chairman
Howard P. Anderson
Elmo G. Cross, Jr.

From the House of Delegates:

Robert B. Ball, Sr., Vice Chairman
V. Thomas Forehand, Jr.
Raymond R. Guest, Jr.
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Warren G. Stambaugh
Clifton A. Woodrum

Appointments by the Governor:

Robert C. Bobb
Robert F. Horan, Jr.
George F. Ricketts, Sr.

Attorney General's Office:

H. Lane Kneedler

IN COMMEMORATION:

Of the Honorable Warren G. Stambaugh, 1944-1990, member of the House of Delegates and Virginia State Crime Commission. His insight, wit, and dedication to the work of the Commission will be greatly missed.

Jail Issues Subcommittee Studying
LAWS GOVERNING LOCAL JAILS (HJR 20)

Members

Delegate V. Thomas Forehand, Jr, Chairman
Senator Howard P. Anderson
Delegate Robert B. Ball, Sr.
Senator Elmo G. Cross, Jr.
Mr. Robert F. Horan, Jr.
Rev. George F. Ricketts, Sr.
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TABLE OF CONTENTS

I.	Authority for Study	1
II.	Members Appointed to Serve	1
III.	Executive Summary	2
IV.	Background	3
V.	Study Design	3
VI.	Study Issues	4
VII.	Problem Analysis/Discussion.	4
VIII.	Findings	6
IX.	Recommendations	7
X.	Resources/Acknowledgments	10
XI.	Appendices	
	Appendix A: House Joint Resolution 20	A-2
	Appendix B: Letter of Request for Input and Survey of Regional Jails.	B-2
	Appendix C: Recommended Legislative Amendments	C-2

I. Authority for Study

During the 1990 session of the Virginia legislature, Delegate Harry J. Parrish sponsored House Joint Resolution No. 20 (HJR 20), requesting and authorizing the Virginia State Crime Commission to "study laws governing local jails as such laws reflect the authority of regional jail administrators" because "provisions in Title 53.1 of the Code of Virginia relating to administration of jails do not consistently refer to both sheriffs and regional administrators, but in many instances refer inappropriately only to sheriffs." (See, Appendix A.)

Sec. 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission (VSCC) "to study, report, and make recommendations on all areas of public safety and protection." Sec. 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Sec. 9-125, and to formulate its recommendations to the Governor and the General Assembly." Sec. 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of laws governing local jails as requested and authorized by HJR 20.

II. Members Appointed to Serve

Subsequent to the April 18, 1990, meeting of the Crime Commission, Chairman, Senator Elmon T. Gray, of Sussex, selected Delegate V. Thomas Forehand, Jr. to serve as Chairman of the Jail Issues Subcommittee, the subcommittee assigned to study laws governing local jails and pretrial detention issues. The following members of the Crime Commission were selected to serve on the subcommittee:

Delegate V. Thomas Forehand, Jr., Chesapeake
Senator Howard P. Anderson, Halifax
Delegate Robert B. Ball, Sr., Henrico
Senator Elmo G. Cross, Jr., Hanover
Mr. Robert F. Horan, Jr., Fairfax
Rev. George F. Ricketts, Sr., Richmond
Delegate Clifton A. Woodrum, Roanoke

III. Executive Summary

The full Crime Commission met on December 11, 1990, and received the report of the subcommittee. After careful consideration of this report, the findings and recommendations of the subcommittee were adopted by the Commission. Such findings and recommendations reflect the needs of local law enforcement officers and jail officers in the performance of their respective duties, with a view towards providing each adequate authority to perform those duties while limiting any infringement upon the rights and duties of other sectors of the law enforcement community.

This study was necessitated by the relatively new phenomenon of regional jails, which are established to house jail inmates of multiple jurisdictions. Unlike local jails, which are generally run by the sheriff (and sheriff's deputies) from the jurisdiction in which the jail is located, regional jails are supervised by a superintendent, who is appointed by the jail board for the jurisdictions which such regional jail serves. Because the many Code sections relating to local correctional facilities, passed prior to the establishment of regional jails, did not envision the existence of jail superintendents there arose confusion as to the authority of such superintendents and those officers serving under them.

The Crime Commission was charged with identifying portions of the *Code of Virginia* which failed to adequately reflect the proper authority of regional jail superintendents. The subcommittee recommended certain amendments to Title 53.1 of the *Code of Virginia*, relating to the operation of correctional institutions, consistent with the obligations of regional jail superintendents and jail officers. The recommendations included a statutory definition for local correctional officers, application of that definition in various Code sections, the inclusion of superintendents in record keeping and reporting requirements in Code sections already mandating such action by sheriffs, expansion of sanctions to include superintendents as well as sheriffs and the inclusion of superintendents in certain sections granting authority to sheriffs in the operation of jails.

The substance of these recommendations was to achieve uniformity in Code sections relating exclusively to jail administration so that superintendents and sheriffs alike would possess the appropriate authority, and be held accountable, the proper administration of their respective institutions. A comprehensive list of the recommendations made by the subcommittee may be found in this report, beginning on page 7.

IV. Background

As cited in HJR 20 (See, Appendix A.), the impetus for this study, the Virginia Legislature has provided an economic incentive for the construction of regional jails as opposed to local jails. There are currently six regional jails and the number will rise. As the number of such facilities grows, the responsibility of jail administration will increasingly fall upon regional superintendents, not sheriffs. Currently, the Virginia Code makes reference only to "sheriffs" in sections relating to the administration of jails where the rights and responsibilities of regional jail superintendents are identical. This study was authorized to determine which sections of the Code require amendment and to develop and recommend such amendments to accurately reflect the authority of regional jail superintendents.

V. Study Design

In accordance with HJR 20, the Subcommittee conferred with representatives of Virginia's six regional jails and sought input from the Board of Corrections. The Subcommittee also conferred with sheriffs in those localities in which such regional jails are located, with representatives of jail farms, and with other state and local agencies concerned with the operation and administration of regional jail facilities. The Commission carefully reviewed, with the full advice of those persons listed above, the discrepancies in Title 53.1 of the Code and made recommendations, as necessary and appropriate, to the full Commission.

Meetings:

First subcommittee meeting	September 19, 1990
Second subcommittee meeting	October 16, 1990
Third subcommittee meeting	November 13, 1990

Reports:

Initial staff study	September 19, 1990
First update	October 16, 1990
Update & proposed recommendations	November 13, 1990

VI. Study Issues

The singular issue presented in the resolution was to determine which, if any, sections of the Code needed amendment in order to allocate the appropriate powers and duties to jail administrators whether they be sheriffs or regional jail superintendents. The subsidiary issues presented were:

- A. Whether the Code grants the necessary authority needed to operate a regional jail.
- B. Whether expansion of the powers and duties of regional jail superintendents would infringe upon the domain of sheriffs in their role as law enforcement officers.
- C. Whether the expansion of the powers and duties of regional jail superintendents would confer upon them law enforcement powers for which they may not be properly trained.
- D. Whether amending the Code to eliminate discrepancies and inequities would create an overlap of powers and duties and cloud the lines of authority between sheriffs and jail administrators.

VII. Problem Analysis/Discussion

The Commission staff, in accordance with the direction given it, contacted all six regional jails, all of Virginia's jail farms, the Board of Corrections and the Virginia Sheriffs' Association, soliciting input from each regarding the necessity for adjustment to the Code to reflect the actual necessary authority for regional jail superintendents. Each was sent a letter requesting input (See, Appendix B.) and subsequently sent a survey for responses to specific questions identified by the Commission as of particular significance in determining the needs of administrators and existing limits on jail superintendents (See, Appendix C.). The staff also spoke with Delegate Parrish, the patron of the resolution, and many of the above jail officers, while the subcommittee received personal input from representatives of the regional jails at its meetings.

The responses from sheriffs and jail administrators alike indicated that there was a significant problem with those references in the Code which spoke only to sheriffs as to the administration of jails, remaining silent on the duties and authority of superintendents. All respondents, however, stated that the Code grants sufficient authority to regional jail superintendents in the administration of their facility, and to the officers in fulfilling their duties. Specifically, the broad grant of authority given superintendents by *Code of Virginia* §53.1-109 was viewed as adequate. The primary problem was seen in the failure of the Code to adequately articulate this authority in various other sections relating to supervision of jails, thereby leading to some ambiguous and apparently inconsistent statutory provisions.

Additionally, respondents suggested that sections of the Code relating to the responsibilities of sheriffs failed to cover jail superintendents when circumstances indicated that such sections should apply to administrators of all jails (sheriffs and superintendents alike).

A careful review of the *Code of Virginia* made evident that many sections reflected a time in the Commonwealth when all jails were administered by sheriffs, and statutes therefore were drafted to speak only to sheriffs in the administration of jails. In considering amendment to these sections, however, a differentiation had to be made in the role of a sheriff as law enforcement officer and jail administrator. While it may be appropriate to grant equal authority and responsibility to sheriffs and regional jail superintendents in the administration of jails (and, in fact, the authority may already exist in §53.1-109), law enforcement duties are essentially the domain of the sheriff and his deputies. Code sections which refer both to aspects of jail administration and law enforcement had to be approached with this distinction in mind.

In determining the extent to which statutory revision might be necessary, the Commission staff noted that, in addition to regional jails, jail farms may be administered by a superintendent. Such facilities are not typically constrained by the multi-jurisdictional authority (the Regional Jail Board) which is a necessary element of any regional jail. Rather, jail farms are typically run exclusively by a single jurisdiction (city or county) to serve that particular jurisdiction.

Any county or city in Virginia is authorized to establish a jail farm under *Code of Virginia* §53.1-96, and to confine there any prisoners sentenced either to jail within that jurisdiction or to a "state correctional institution." The regional jail, in contrast, is authorized to "hold or confine any person who could lawfully be held or confined in a jail operated and maintained separately," *Code of Virginia* §653.1-105, meaning that it may be used to

hold pretrial prisoners, as well as those who have been convicted of a crime and sentenced to incarceration.

Though *Code of Virginia* §53.1-102 permits a jurisdiction possessing a jail farm to enter into an agreement with one that doesn't, in order to accept prisoners from the latter, the only authority for operation of a multijurisdictional jail farm is that which also authorizes regional jails. *Code of Virginia* §53.1-105. Under such circumstances, the regional jail farm is simply a jail farm organized under the auspices of a regional jail. Consequently, any problems associated with such institutions can be dealt with according to the law governing regional jails generally. In fact, jail farm administrators did not indicate encountering problems associated with statutory authority and responsibility in jail administration.

VIII. Findings

A. Regional jail superintendents and sheriffs are satisfied with the authority presently granted them by the *Code of Virginia*.

Superintendents of regional jails recognize that statutory authority for administration within the facility is equal to that already possessed by sheriffs, and the superintendents find this authority to be adequate for proper administration of their institutions. Virginia's sheriffs also find the authority adequate, both for sheriffs and superintendents, and see no need to curtail existing authority.

B. Many sections within Title 53.1 of the *Code of Virginia* have confusing or inconsistent provisions relating to jail administration.

Notwithstanding the fact that the Code grants adequate authority to jail superintendents, not all sections reflect this authority, thus leading to some confusion. Indeed, the failure by these sections to specifically recognize jail superintendents would appear to make them inconsistent with the broader grant of authority found in §53.1-109.

C. Sections of the *Code of Virginia* relating to duties and liabilities of sheriffs should encompass jail superintendents as well.

While jail superintendents possess adequate statutory authority, there are other sections involving jail administration which should apply equally to sheriffs and jail superintendents, but which are presently silent as to superintendents.

D. Sections within Title 53.1 of the Code of Virginia may relate to both jail administration and law enforcement duties so that such sections may be applicable to sheriffs only.

While Title 53.1 concerns itself with methods of correction, many provisions within this title directed towards sheriffs and their deputies entail not only duties related to administration of jails, but also law enforcement duties outside the jails. Where this is the case, it is often inappropriate to extend such provisions to jail superintendents and their officers.

E. Amending the Code to eliminate discrepancies and inequities in the duties, rights and liabilities between sheriffs and superintendents of jails can be accomplished without impinging on the proper authority and duties of sheriffs.

The existence of some provisions within Title 53.1 which relate to law enforcement duties does not prevent the amendment of other sections which presently create ambiguities in the Code. Amendment of these sections of the *Code of Virginia* will effectively eliminate the confusion in the Code as it presently exists, articulate appropriate statutory duties, rights and liabilities for jail superintendents and retain the distinction between jail superintendents and law enforcement officers which should properly exist.

IX. Recommendations

- 1.) Amend §53.1-1, *Code of Virginia* to add a statutory definition for an officer of a local correctional facility. This distinguishes local jail officers from other correctional officers, and from deputy sheriffs who may have other duties in addition to their responsibilities as officers of a local correctional facility.
- 2.) Amend §53.1-68, §53.1-109 and §53.1-110 of the *Code of Virginia* to include jail officers as defined in the proposed amendment to §53.1-1. These sections presently employ various terms, such as "jailer," "custodial officer" or "guard," to refer to the same individual. This amendment will eliminate confusion which may be associated with use of multiple terms and will definitively delineate the person to whom the respective Code section is directed.

- 3.) Amend §53.1-75 of the *Code of Virginia* to encompass regional jail superintendents, as well as sheriffs, in formally recognizing their authority over the jails which they supervise. This section is an example of Code language which required amendment merely to reflect the recent creation of the regional jails, and the superintendents who run them.
- 4.) Amend §53.1-79 of the *Code of Virginia* to encompass regional jail superintendents, as well as sheriffs, in formally recognizing their authority to receive prisoners of the United States into their jails, and to permit the appropriate entity to receive funds from the United States government in compensation for holding such prisoners. This represents another example of Code language which required amendment to reflect the recent creation of the regional jails, and the superintendents who run them, granting them the authority that local jails are intended to possess.
- 5.) Amend §§53.1-90 and 53.1-91 of the *Code of Virginia* to permit the reimbursement to the jail superintendent for the expenses of holding prisoners, just as this section presently permits reimbursement to sheriffs for such expenses.
- 6.) Amend §53.1-92 of the *Code of Virginia* to dictate the proper disposition of all funds collected by the jail superintendent, requiring payment of such funds to the appropriate entity representing the regional jail.
- 7.) Amend §53.1-118 of the *Code of Virginia* to allow the circuit court having jurisdiction over a regional jail superintendent to fine such superintendent, as well as sheriffs (which this section presently authorizes), where it finds that the superintendent has failed to perform his duties.
- 8.) Amend §53.1-122 of the *Code of Virginia* to encompass jail superintendents, as well as sheriffs, in the requirement to maintain daily records on prisoners being held in their facilities.
- 9.) Amend §53.1-123 of the *Code of Virginia* to encompass jail superintendents, as well as sheriffs, in record keeping requirements for, and as provided by, the Department of Corrections.
- 10.) Amend §53.1-124 of the *Code of Virginia* to encompass jail superintendents, as well as sheriffs, in reporting requirements to courts having jurisdiction over the area such jail serves.

- 11.) Amend §53.1-125 of the *Code of Virginia* to permit the State Board of Corrections to withhold the salary of a jail superintendent, as well as a sheriff, where the State Board of Corrections finds a negligent failure to comply with Board requirements.
- 12.) Amend §53.1-126 to extend to jail superintendents the authority which this section presently grants to sheriffs for the purchase of food, clothing and medicine for prisoners, and to require the submission of receipts for such purchases to the appropriate entity for the regional jail.
- 13.) Amend §53.1-130 to include jail superintendents and jail officers in the prohibition against use of prisoners, by sheriffs or deputies, for work on property in which the sheriff or deputy has a personal interest.

X. Resources/Acknowledgements

The Crime Commission greatly appreciates the assistance of the following persons and organizations in the conduct of this study:

Albermarle-Charlottesville Joint Security Complex
Warren E. Spratt, Administrator

Central Virginia Regional Jail
Sterling C. Proffitt, Superintendent

Clarke/Fredricksburg/Winchester Regional Jail
Darnley R. Hodge, Administrator

Middle Peninsula Security Center
David Harmon, Superintendent

Piedmont Regional Jail
Arthur L. Lane, Jr., Superintendent

Prince William-Manassas Detention Center
Richard G. Kiekbusch, Superintendent
Captain Dennis Webb

Rappahannock Security Center
Morton J. Leibowitz, Superintendent

Supreme Court of Virginia

Virginia Department of Criminal Justice Services
Anthony Casale, Planning and Technical Assistance Coordinator

Virginia State Sheriffs Association
John Jones, Executive Director

Appendix A

House Joint Resolution Number 20

1990 SESSION
ENGROSSED

HP4000542

HOUSE JOINT RESOLUTION NO. 20

House Amendments in ['] - February 13, 1990

[*Establishing a joint subcommittee Requesting the Virginia State Crime Commission*] to study laws governing local jails as such laws reflect the authority of regional jail administrators.

Patrons--Parrish, Brickley and Rollison; Senator: Colgan

Referred to the Committee on Rules

WHEREAS, Virginia law authorizes the governing boards of several counties and cities to establish and operate a regional jail; and

WHEREAS, there are currently six such regional jails in the Commonwealth; and

WHEREAS, statutes governing reimbursement to localities for construction, enlargement, or renovation of jails provide incentives for construction of regional jails rather than jails serving single jurisdictions and will, therefore, likely result in an increase in the number of regional jails; and

WHEREAS, regional jails are administered by a regional jail board which has appointed a superintendent to manage the regional jail in five of the six existing regional jails; and

WHEREAS, provisions in Title 53.1 of the Code of Virginia relating to administration of jails do not consistently refer to both sheriffs and regional jail administrators, but in many instances refer inappropriately only to sheriffs; and

WHEREAS, these provisions raise questions as to the authority of regional jail administrators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That [a joint subcommittee be established to study portions of the Code of Virginia governing local jails and to recommend amendments as necessary to accurately reflect the authority of the administrators of regional jails. The joint subcommittee shall be composed of five members to be appointed as follows: three members from the House Committee for Courts of Justice to be appointed by the Speaker of the House; and one member of the Senate Committee on Rehabilitation and Social Services and one member of the Senate Committee for Courts of Justice to be appointed by the Senate Committee on Privileges and Elections.

The joint subcommittee shall confer with representatives from regional jails, the Board of Corrections, and other state or local agencies which can provide expertise during the course of its study.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1991 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

The indirect costs of this study are estimated to be \$8,255; the direct costs of this study shall not exceed \$2,700. the Virginia State Crime Commission is requested to study portions of the Code of Virginia governing local jails and to recommend amendments as necessary to accurately reflect the authority of the administrators of regional jails. The Commission shall confer with representatives from regional jails, the Board of Corrections, and other state and local agencies which can provide expertise during the course of its study.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1991 Session of the General Assembly pursuant to the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.]

Appendix B

Letter of Request for Input and Survey Instrument



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

F. L. RUSSELL
EXECUTIVE DIRECTOR

MEMBERS:
FROM THE SENATE OF VIRGINIA:
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APPOINTMENTS BY THE GOVERNOR:
ROBERT C. BOBB
ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

August 10, 1990

Sheriff J. I. Baines
City of Suffolk
P. O. Box 1632
Suffolk, Virginia 23434

RE: Crime Commission Study on Laws Governing Local Jails

Dear Sheriff Baines:

Pursuant to House Joint Resolution No. 20, passed by the 1990 Session of the Virginia General Assembly, the Virginia State Crime Commission is conducting a study of the distinctions between the powers and duties of sheriffs and of regional jail administrators in their role as jailers. A copy of the resolution is enclosed for your review.

Because statutory language in the Code of Virginia apparently treats these officials differently, the Commission is charged with studying the situation and recommending changes to the Code if necessary.

We are interested in the views of those directly affected by this study and would appreciate any comments you may have in this regard. Specifically, we would like to know of any difficulties you perceive may arise by virtue of the present Code language and any suggestions you may have for change.

Any input you can provide would be very helpful to the subcommittee. Thank you for your attention to this very important issue.

Sincerely,



D. Robie Ingram
Staff Attorney

DRI:sc
enclosure

REGIONAL JAIL SURVEY

The purpose of this survey is to determine the nature of problems in the Code of Virginia relating to the authority of regional jail administrators. Space for answers is provided below each question. You should feel free, however, to use additional sheets of paper for your responses wherever necessary.

1) In your view, is the Code of Virginia inconsistent, redundant, or confusing in the manner in which it defines the powers and duties of regional jail administrators, versus powers and duties of sheriffs, in their administration of jails? (Please explain your answer.)

2) In light of Code of Virginia §53.1-109, granting superintendents the "same control and authority" over prisoners as sheriffs have over prisoners in their jails, should the Code be amended to refer to sheriffs and superintendents both, regarding jail administration, where it presently refers only to sheriffs? (If the answer is no, please explain why not.)

3) Does the Code of Virginia grant sufficient authority to superintendents of regional jails to enable them to fulfill their duties as administrators? (If the answer is no, please explain what authority is lacking and why it is necessary.)

4) Does the Code of Virginia grant sufficient authority to officers of regional jails to perform their duties? (If the answer is no, please explain what authority is lacking and why it is necessary.)

Any other comments you may have regarding regional jail administration are welcome.

Appendix C

Recommended Legislative Amendments

1 D 11/26/90 Ferguson C 11/28/90 jds

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend and reenact §§ 53.1-1, 53.1-68, 53.1-75, 53.1-79,
4 53.1-90, 53.1-91, 53.1-92, 53.1-109, 53.1-110, 53.1-118, 53.1-122
5 through 53.1-126, and 53.1-130 of the Code of Virginia, relating
6 to jail officers and jail superintendents; penalty.

7

8 Be it enacted by the General Assembly of Virginia:

9 1. That §§ 53.1-1, 53.1-68, 53.1-75, 53.1-79, 53.1-90, 53.1-91,
10 53.1-92, 53.1-109, 53.1-110, 53.1-118, 53.1-122 through 53.1-126, and
11 53.1-130 of the Code of Virginia are amended and reenacted as follows:

12 § 53.1-1. Definitions.--As used in this title unless the context
13 requires otherwise or it is otherwise provided:

14 "Board" or "State Board" means the State Board of Corrections.

15 "Department" means the Department of Corrections.

16 "Director" means the Director of the Department of Corrections.

17 "Community correctional facility" means any group home, halfway
18 house or other physically unrestricting facility used for the housing,
19 treatment or care of adult offenders established or operated with
20 funds appropriated to the Department of Corrections from the state
21 treasury and maintained or operated by any political subdivision,
22 combination of political subdivisions or ~~privately-operated-privately~~
23 operated agency within the Commonwealth.

24 "Correctional officer" means a duly sworn employee of the
25 Department of Corrections whose normal duties relate to maintaining
26 immediate control, supervision and custody of prisoners confined in

1 any state correctional facility.

2 "Jail officer" means a duly sworn employee of a local
3 correctional facility whose normal duties relate to maintaining
4 immediate control, supervision and custody of prisoners confined in
5 any local correctional facility. This definition in no way limits any
6 authority otherwise granted to a duly sworn deputy sheriff whose
7 duties may include those of a jail officer.

8 "Local correctional facility" means any jail, jail farm or other
9 place used for the detention or incarceration of adult offenders,
10 excluding a lock-up, which is owned, maintained or operated by any
11 political subdivision or combination of political subdivisions of the
12 Commonwealth.

13 "Lock-up" means a facility whose primary use is to detain persons
14 for a short period of time as determined by the Board.

15 "State correctional facility" means any correctional center or
16 correctional field unit used for the incarceration of adult offenders
17 established and operated by the Department of Corrections. This term
18 shall include "penitentiary" whenever used in this title or other
19 titles of the Code.

20 § 53.1-68. Minimum standards for local correctional facilities,
21 lock-ups and personnel.--The Board shall establish minimum standards
22 for the construction, equipment, administration and operation of local
23 correctional facilities, whether heretofore or hereafter established.
24 The Board shall also establish minimum standards for the construction,
25 equipment and operation of lock-ups, whether heretofore or hereafter
26 established.

27 The Department of Criminal Justice Services, in accordance with §
28 9-170, shall establish minimum training standards for persons

1 designated to provide courthouse and courtroom security pursuant to
2 the provisions of § 53.1-120 and for persons employed as ~~jailers~~-jail
3 officers or custodial officers under the provisions of this title. The
4 sheriff shall establish minimum performance standards and management
5 practices to govern the employees for whom the sheriff is responsible.

6 § 53.1-75. Procedure after adoption.--The keeper of any jail so
7 adopted for a county or city so designated shall, as to the person so
8 conveyed to such jail, be deemed the jailer of such county or city,
9 until the court thereof shall declare its own jail to be adequate.
10 Thereafter, such persons shall be delivered to the sheriff of such
11 county or city who shall convey them to the jail kept by ~~such sheriff~~-
12 the sheriff or jail superintendent .

13 § 53.1-79. Jails for United States prisoners; payment by United
14 States.--The sheriff of any county or city or jail superintendent of
15 any regional jail may receive into his jail any person committed
16 thereto under the authority of the United States, and keep him safely
17 according to the warrant or precept of commitment, until he shall be
18 discharged under the laws of the United States. But no person arrested
19 on civil process shall, under this section, be committed to any jail
20 other than that of the county or city within which such person resides
21 or is found.

22 The county or city or regional jail authority or, if none, the
23 body responsible for the fiscal management of the regional jail shall
24 be paid by the United States for the support of any such prisoner.

25 § 53.1-90. Pay for United States prisoners.--Each sheriff or
26 jail superintendent shall collect from the United States, for
27 prisoners of the United States confined in the jail of his county ~~or~~-
28 city-, city or region , such amounts as shall be agreed upon by the

1 governing body of the county or city or, in the case of a regional
2 jail, the regional jail authority or, if none, the body responsible
3 for the fiscal management of the regional jails and the appropriate
4 authorities of the Government of the United States, which amounts
5 shall not be less than the actual cost of feeding, clothing, caring
6 for and furnishing medicine and medical attention for such prisoners.

7 § 53.1-91. Pay for prisoners from other counties, cities or
8 towns.--Each sheriff or jail superintendent shall collect from the
9 counties, cities and towns of the Commonwealth, other than the county
10 ~~or city~~, city or region for which he is elected or appointed, and
11 from any other state or country for which any prisoner is held in such
12 jail, the reasonable costs of guarding, feeding, clothing, caring for
13 and furnishing medicine and medical attention for prisoners held for
14 such county, city, town, state or country, to be determined by
15 agreement with the governmental unit involved, or, in the absence of
16 such agreement, as shall be determined by the governing body of his
17 county ~~or city~~, city or regional jail .

18 The term "reasonable costs," as used in this section, means an
19 amount not to exceed actual costs, including depreciation, less such
20 amounts as may be paid by the Commonwealth pursuant to §§ 14.1-82 and
21 53.1-85.

22 § 53.1-92. Disposition of money collected from United States or
23 other counties, cities or towns.--All moneys so collected by such
24 sheriff from the United States or from any such county, city, town,
25 state or country shall be promptly paid into the treasury of his
26 county or city. The total amount so collected shall be retained by
27 such county or city. All moneys so collected by jail superintendents
28 shall be promptly paid into the treasury of the regional jail

1 authority or, if none, the body responsible for the fiscal management
2 of the regional jail.

3 § 53.1-109. Authority of jail superintendent and jail
4 officers.--The jail superintendent shall have and exercise the same
5 control and authority over the prisoners committed or transferred to
6 ~~such~~-a regional jail or jail farm as the sheriffs of this
7 Commonwealth have by law over the prisoners committed or transferred
8 to ~~their~~-local jails.

9 During the term of their appointment the superintendent and
10 ~~guards~~-jail officers are hereby invested with the powers and
11 authority of a conservator of the peace (i) within the limits of such
12 jail or jail farm and within one mile thereof, whether such jail or
13 jail farm is situated within or beyond the limits of such political
14 subdivisions establishing and maintaining the same, and (ii) in
15 conveying prisoners to and from such jail or jail farm.

16 § 53.1-110. Oath and bond of superintendent and jail
17 officers.--Before entering upon the duties of their office the
18 superintendent and ~~guards~~-jail officers shall take and subscribe the
19 oath prescribed by § 49-1. The board may require the superintendent
20 or ~~guards~~-jail officers or both to give bond in such penalty and with
21 such security as the board may prescribe, conditioned upon the
22 faithful discharge of the duties of their offices.

23 § 53.1-118. Courts to fine sheriffs for failure to perform
24 duties.--If it appears to the circuit court having jurisdiction that
25 the sheriff or jail superintendent has in any respect failed to
26 perform his duties with respect to the operation of the jail, the
27 court may, after summoning him to show cause against it, summarily
28 fine him not more than fifty dollars.

1 § 53.1-122. Daily records of sheriffs and jail superintendents
2 .--Each sheriff and jail superintendent shall keep a daily record
3 showing the total number of prisoners confined in the jail of his
4 county or city, the number of prisoners admitted, the number released
5 and the time of each such admittance and release. Such records shall
6 show such information separately as to the prisoners of the
7 Commonwealth, of each county, city or town, of the United States, and
8 of any other state or country.

9 § 53.1-123. Other accounts, information and records as required
10 by Department.--Sheriffs and jail superintendents shall keep such
11 other accounts and records and furnish to the Department such
12 information and reports as may be required by the Department.

13 § 53.1-124. Sheriffs and jail superintendents to report to the
14 courts.--A. If requested by the judge, the sheriffs of ~~the counties-~~
15 ~~and cities-~~all local jails and the jail superintendents of all
16 regional jails of this Commonwealth shall, on the first day of each
17 term of the circuit court, make written reports to the judge thereof,
18 to the attorney for the Commonwealth, and to city attorneys whose
19 duties include prosecuting certain cases, showing the number of
20 prisoners in jail on that day. The report shall show the name, date of
21 commitment, offense and sentence of each prisoner. The judge of such
22 court, after examining the report, shall enter an order directing the
23 clerk to file the same in the clerk's office of such court.

24 B. The sheriffs of ~~the counties-and-cities-~~all local jails and
25 the jail ~~administrators-~~superintendents of all regional jails of the
26 Commonwealth shall report semimonthly to the circuit court, general
27 district court, and juvenile and domestic relations district court, to
28 the attorney for the Commonwealth, and to the public defender, if any,

1 as established in Article 4 (§ 19.2-163.1 et seq.) of Chapter 10 of
2 Title 19.2, showing the number of prisoners in jail on that day
3 awaiting trial. The report shall include the name, offense, date of
4 commitment to jail, and amount of bail established.

5 C. If requested by the judge, the sheriffs of ~~the counties and~~
6 ~~cities~~ all local jails and the jail superintendents of all regional
7 jails shall report weekly to the juvenile and domestic relations
8 district court located within that county ~~or city~~, city or region
9 concerning the identity and number of juveniles kept in their jails
10 and the length of time such juveniles have been incarcerated therein.

11 § 53.1-125. Failure of sheriffs or jail superintendents to
12 comply with requirements of board; filing of complaint; withholding
13 salary.--If any sheriff or jail superintendent through his default or
14 neglect fails to comply with the requirements of the Board in the
15 operation and management of any jail under his control or management,
16 the Board shall file a complaint with the circuit court of the county
17 or city in which such jail is located, giving ten days' notice to the
18 sheriff or jail superintendent that on a date fixed in the notice the
19 court will conduct a hearing on the complaint. If the court is of the
20 opinion that the complaint is justified, it shall enter an order
21 directing the State Compensation Board to withhold approval of the
22 payment of any further salary to the sheriff or jail superintendent
23 until there has been compliance with specified requirements of the
24 Board. If the court is of the opinion that the charges are unfounded,
25 the complaint shall be dismissed.

26 § 53.1-126. Responsibility of sheriffs and jail superintendents
27 for food, clothing and medicine.--The sheriff or jail superintendent
28 shall purchase at prices as low as reasonably possible all foodstuffs

1 and other provisions used in the feeding of jail prisoners and such
2 clothing and medicine as may be necessary. Invoices or itemized
3 statements of account from each vendor of such foodstuffs, provisions,
4 clothing and medicines shall be obtained by the sheriff or jail
5 superintendent and presented to the governing body of the city or
6 county or, in the case of regional jails, the regional jail authority
7 or, if none, that body responsible for the fiscal management of the
8 regional jails . He shall certify on each statement or invoice that
9 the merchandise has been received and that the vendor has complied
10 with the terms of the purchase. Such certification shall be in the
11 following words: "I hereby certify that the merchandise or service
12 has been received and that the terms of the purchase have been
13 complied with on the part of the vendor. The merchandise or service
14 has been or will be used solely for the feeding and care of prisoners
15 confined in jail." If any county or city has a purchasing agent, the
16 local governing body may require all such purchases to be made by or
17 through the purchasing agent.

18 § 53.1-130. Sheriffs, jail superintendents, etc., not to be
19 interested in property where work performed; penalty.--No sheriff ex-
20 deputy-, jail superintendent, deputy or other jail officer shall have
21 any prisoner work on property owned by him or by his relative, or on
22 projects in which he is interested, nor shall any such prisoner be
23 used for the personal gain or convenience of any sheriff or of any
24 other individual. Any person found guilty of a violation of this
25 section shall be guilty of a Class 1 misdemeanor.

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