

**REPORT OF THE
DEPARTMENT OF CRIMINAL JUSTICE SERVICES ON**

**DEVELOPING A METHODOLOGY
FOR COUNTING CHILDREN OF
INCARCERATED PARENTS**

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



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**Interagency Steering Committee/Study Team
on Children of Incarcerated Parents**

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TABLE OF CONTENTS

I.	Authority for Study	1
II.	Executive Summary	1
III.	Background	2
	A. Concurrent Studies on Children of Incarcerated Parents	4
	B. General Approach to Developing Methodology	5
IV.	Counting the Children of State-Responsible Inmates	6
	A. The Pre/post-Sentence Investigation Report	7
	B. Implementation Issues and Concerns	9
V.	Counting the Children of Local-Responsible Inmates	12
	A. Law Enforcement Officials	12
	B. Magistrate's Office	14
	C. Pretrial Release Programs	16
	D. Local Jails	17
	E. Implementation Issues and Concerns	18
VI.	Findings and Recommendations	19
VII.	Acknowledgements	23
	Appendix A. Senate Joint Resolution 204	
	Appendix B. Pre/post-Sentence Investigation Report	
	Family/Environmental Information form	
	Appendix C. Magistrate's Financial Statement form	
	Appendix D. Magistrate's Checklist for Bails Determination form	
	Appendix E. Pretrial Release Interview Worksheet	
	Appendix F. Jail Inmate Classification form	

I. AUTHORITY FOR STUDY

The 1993 General Assembly, through Senate Joint Resolution Number 204 (see Appendix A) directed "That the Department of Criminal Justice Services convene a group of representatives from the relevant agencies to identify the needs for and methodology for accurately gathering information on the number of inmates in prison and jail settings who have minor children." This resolution was patroned by Senator Robert L. Calhoun of Alexandria.

II. EXECUTIVE SUMMARY

Senate Joint Resolution 204 of the 1993 General Assembly directed the Department of Criminal Justice Services to develop a methodology for counting the children of parents incarcerated in jails and prisons. Currently there is no system for identifying and counting these children. The study to develop the methodology was conducted concurrently with several other studies concerning children of incarcerated parents that were directed by the 1993 General Assembly. Major findings of the study directed by SJR 204 are as follows:

1. An exact methodology for counting the children of incarcerated parents should not be recommended until the needs of these children and their caretakers, and those responsible for meeting these needs, have been clearly defined. Initiatives are underway to provide this data, but these initiatives will not be completed until 1994. Until these needs are assessed, only general data collection methodologies should be recommended. When the needs assessment data is available in 1994, the interagency Steering Committee/Study Team on Children of Incarcerated Parents should address the development a specific methodology.
2. The system for counting the children of incarcerated parents should be incorporated into already existing data collection systems. Otherwise, a new system for collecting this data would impose an undue burden on those already responsible for collecting, reporting and maintaining data on a growing number of inmates.
3. There are several points in existing systems for collecting data on inmates in both

local jails and the Department of Corrections (DOC) which could serve as points for collecting data about the number of children with inmate parents. However, the data collection procedures now used at these points will have to be modified to collect this additional data.

4. The Department of Corrections is in a better position than local jails to implement a standardized, statewide methodology for collecting data about the number of children of incarcerated parents. An appropriate method for collecting this data appears to be by modifying the Pre/post-Sentence Investigation (PSI) report.

Modifying the PSI report to collect this additional data would require changing a data collection procedure used throughout the state, as well as the reprogramming of a major state database. Any decision to modify the PSI for this purpose should be made only after the uses of the data and the data reporting requirements have been fully defined.

5. Points for collecting data on the number of children with parents incarcerated in local jails include the magistrate's office, pretrial release program offices, and the local jails themselves. Procedures already used at these locations to collect data about inmates' families could be modified and standardized to collect additional data about the number of children with incarcerated parents. Planning and implementation of these efforts should be conducted in cooperation with statewide representatives of all agencies and organizations affected by these actions.

6. Data collected about the children of inmate parents incarcerated in local jails should be reported to the local human services agencies responsible for delivering services to these children. Specific procedures for reporting this data cannot be developed until the needs of these children have been more fully assessed.

III. BACKGROUND

In 1992 House Joint Resolution 218 directed the Virginia Commission on Youth to "conduct a comprehensive study of the problems faced and associated with children of parents who are incarcerated." The Commission on Youth published its results in the 1993 House Document 32, "The Study of the Needs of Children Whose Parents are Incarcerated." A major finding of this study was that there is currently no information gathered in Virginia on the number of children whose parents are incarcerated. Currently, there is no specific agency that is charged with tracking this population. Law

enforcement and correctional agencies, which are responsible for arresting and incarcerating offenders, are not responsible for identifying or tracking the families of offenders.

The Commission on Youth, using extrapolated estimates from national studies, estimated that there are 30,694 minor children in Virginia with parents under correctional supervision. The Commission on Youth did identify several partial sources of data on children of incarcerated parents. A survey of local departments of human services found that 231 (7%) of the children in foster care had incarcerated parents. The report also examined Aid For Dependent Children (AFDC) data and found 2,496 children on the AFDC roles due to parental incarceration. In both cases above, the numbers provided do not indicate the total number of children in Virginia with incarcerated parents. These numbers are limited to children who are in foster care or who receive AFDC. Neither of these data sources will provide Virginia with a count of all children of incarcerated parents in the state.

The study identified several results of this lack of information on children of incarcerated inmates. These included:

- A general lack of awareness of the prevalence and needs of children whose parents are incarcerated;
- Institutional and community corrections staffs do not routinely share information with educational/human services personnel who have on-going contact with the children and their caretakers; and,
- The absence of reliable data on the prevalence of children with incarcerated parents impairs the Department of Correction's ability to incorporate the role of the family in developing treatment services, visitation policies, and parole services.

Given this lack of information on the prevalence of children with incarcerated parents, the first recommendation of the study was that the Department of Corrections develop a mechanism to accurately gather information on the number of inmates in both prison and jail settings with minor, dependent children. SJR 204, passed during the 1993 General Assembly, modified this recommendation and directed the Department of Criminal Justice Services to develop a methodology for counting these children.

A. Concurrent Studies on Children of Incarcerated Parents

The 1993 General Assembly also directed several other concurrent studies of issues related to the children of incarcerated parents. The findings of several of these studies will have implications for any methodology developed to count these children. The other studies directed by the General Assembly included:

House Joint Resolution 413: The Departments of Mental Health, Mental Retardation and Substance Abuse Services, Social Services, Education, and Youth and Family Services, with the cooperation of the Department of Corrections, are requested to develop and deliver in-service training to service professionals which will promote awareness of the impact of parental incarceration on children.

House Joint Resolution 425: The Children's Resource Center of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Departments of Corrections, Social Services, Education, Youth and Family Services, Health, and the Virginia Parole Board and local law-enforcement and prison visitation programs, is requested to develop age-appropriate materials for children of incarcerated parents which explains various phases of the criminal justice system.

House Joint Resolution 427: The Children's Resource Center of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Departments of Corrections, Social Services, Education, Youth and Family Services, and local law-enforcement agencies, is requested to develop information on the various phases of the criminal justice system and sources of public aid for the caretakers of children whose parents are incarcerated.

Senate Joint Resolution 216: The Department of Criminal Justice Services is requested to develop training standards for law enforcement officers to address the following issues: the identification of minor children when arresting a suspect and taking the individual into custody and the facilitation of emergency placement for minor children who are left without a caretaker in the home due to arrest.

Several of these projects have related and overlapping goals, and work developed by some of these projects will affect other projects. Therefore, representatives of several agencies involved in these study projects related to children of incarcerated parents agreed to convene an interagency Steering Committee/Study Team on Children of Incarcerated Parents. This was done to combine efforts and allow all members involved to better understand how the efforts interact with one another. The Steering Committee

members became primary points of contact for examining issues related to counting children of incarcerated parents.

In response to the previously mentioned study directed by HJR 413, the Department of Mental Health, Mental Retardation and Substance Abuse Services awarded a contract to "provide: a) a needs assessment for services to children of incarcerated parents, and b) training to providers of such services."

As part of this needs assessment, the contractor will identify and obtain information about male and female incarcerated parents by interviewing local-responsible inmates in several jails and state-responsible inmates in several state correctional institutions. Following these interviews, the contractor will contact and survey the caretakers of the these inmates' children to assess the physical and emotional needs of the children. The final results of this needs assessment will not be available until mid-1994.

B. General Approach to Developing Methodology

Prior to conducting the current study, discussions were held with the Commission on Youth, the Interagency Steering Committee/Study Team, and other contacts within agencies represented on the Steering Committee/Study Team to identify issues and general requirements for the counting of children of inmates. Based on these meetings, the following general approaches to developing the methodology were identified:

Only general methodologies should be recommended pending results of the assessment of the needs of children of incarcerated parents. Initial discussions with officials who may be involved in collecting and using this data quickly revealed that an exact data collection and reporting methodology cannot be developed until the uses and users of the data are more precisely defined. The ultimate purpose of the data collection and reporting system is to provide information to help meet the needs of children of incarcerated parents and the needs of the caretakers of these children. These needs will determine what data must be collected, to whom it must be reported, and how it must be reported. Therefore, the methodologies described in this report are general in nature, with an emphasis on identifying: a) where the data could be collected, b) relative advantages and disadvantages of collecting data at different points, and c) and general changes that would be required at these points to collect data. These general methodologies should be refined once the more specific data needs have been defined.

The methodology should focus on developing an ongoing system for counting children of incarcerated parents, not just a one-time count. An ongoing system is needed because it would be used to identify children in need of services and enable providers to locate the children. The system therefore must provide reasonably up-to-date counts. Annual counts, for example, may not be timely enough to allow for delivery of services. This system would begin collecting data on children of inmates who come into the system after the system is developed. It would not attempt to collect data on children of inmates already incarcerated.

The methodology should limit its focus to counting children with whom the inmate parent had a substantial relationship prior to being incarcerated. For example, children living with the inmate would be counted, whereas children living out of state with an ex-spouse or distant relative might not be counted.

Two primary groups of children need to be counted: 1) children who have a parent(s) that has been arrested and incarcerated in a local jail, and 2) children who have a parent(s) that has been committed to the Virginia Department of Corrections. Based on a recommendation from the Commission on Youth, this report focused mainly on how to count children of incarcerated parents who have been committed to the DOC. This population is more easily defined and more accessible than the jail populations. DOC inmates are all under the jurisdiction of a single state agency, whereas jail inmates are scattered among many jurisdictions.

IV. COUNTING THE CHILDREN OF STATE-RESPONSIBLE INMATES

State-responsible inmates are under the jurisdiction of the Virginia Department of Corrections. Inmates under DOC jurisdiction are housed in DOC facilities and in local jails. Current procedures for collecting data about DOC inmates were reviewed to identify points at which it would be possible to: a) identify inmates that have children, and b) obtain data from these inmates about their number of children. Based on information provided by the DOC's Division of Institutions and Division of Community Corrections, an appropriate method for counting inmates' children appears to be by modifying the DOC Pre/post-Sentence Investigation report. This report, and issues involved with its use in counting inmates' children, is described below.

A. The Pre/post-Sentence Investigation Report

When the court finds an offender guilty of a felony offense, a DOC probation and parole officer interviews the offender and completes a Pre/post-Sentence Investigation (PSI) report on the individual. A PSI report is usually completed prior to the offender's sentencing, although in some cases the report may be completed following sentencing. The PSI report contains extensive data about the offender's current offense, prior criminal history, and family/social history. This information is provided to the sentencing judge and is used by the judge to guide his or her sentencing decision. It is estimated that a PSI report is completed on about 85% of convicted felons. (DOC inmates are, by definition, convicted felons. Offenders convicted of misdemeanors are not sentenced to DOC incarceration).

The current PSI report includes a Family/Environmental Information form, which contains items about the inmate's marital status, spouse and other family members, living status and residency history, and other information.

The first page of the Family/Environmental Information form contains the item "Number of Dependents." (see Appendix B). The Pre-Sentence Investigation Manual, prepared by the DOC PSI Receiving Unit, instructs probation and parole officers to enter for this item the number of legal dependents, not counting the inmate him/herself. A dependent is defined as "one who receives consistent and demonstrable monetary support from the offender. To include children, spouses, ex-spouses, and other family members that the offender is supporting." Because all dependents are counted together, this item provides no data on the number of dependents that are children.

Following the inmate's sentencing, copies of the PSI report are mailed to the PSI Receiving unit at the DOC central office in Richmond. Many, but not all, of the data items contained on the PSI report are then keyed into an automated PSI database maintained by DOC. The "Number of Dependents" item data is not keyed into the database.

DOC officials stated that it would be possible to modify the current PSI report to collect data about the number of children of state-responsible inmates. This could be done by revising the current "Number of Dependents" item on the Family/Environmental Information form to include an additional item "Number of Minor Children (under 18 years of age)." Furthermore, this additional data item could be keyed into the automated PSI database with some programming modifications.

There are several characteristics of the PSI report that make it an appropriate point for counting the children of state-responsible inmates. These characteristics include:

- A question about inmates' number of dependent children could be integrated into the existing procedure for interviewing inmates and recording data about their families. A separate interview and data collection form would not be required to collect this information.
- The family data now reported by inmates during the PSI interview is usually verified by the interviewing officer. Typically, the officer verifies this data by interviewing other family members or relatives of the inmate. These interviews may be conducted in person, by telephone, or by letter. DOC officials cautioned that unverified inmate self-report data can be unreliable. Data about number of children reported by inmates could be verified along with other family data.
- The PSI interview occurs early in the processing of state-responsible offenders. DOC officials pointed out that inmates are more likely to reveal information about minor children at the PSI interview than at interviews conducted later in their DOC "careers." For example, at the DOC reception center interviews (conducted after sentencing) inmates are likely to be more suspicious and reluctant to divulge information about minor children, possibly fearing that any wages or inmate earnings would be docked to compensate for state child support payments. Conversely, some inmates greatly exaggerate the number of children they have.
- A centralized, statewide automated database for PSI data already exists. Although the PSI database would have to be modified, there would be no need to create an entirely new database to contain data about the number of children of inmates.
- Once entered into the automated PSI database, data about children could potentially be matched with other PSI data about inmate parents. This capability would allow DOC or other agencies with access to automated PSI data to examine and analyze characteristics of DOC's population of inmates with children. Such data may be useful for developing programs aimed at inmates with children (or programs aimed at the children of these inmates).

Modifying the PSI system to collect data about the children of inmates would have a number of effects on the current data collection and reporting process. These effects include:

- **New PSI report forms would have to be printed and distributed to probation and parole offices throughout the state. The PSI manual, which contains instructions for completing the PSI report form, also would have to be updated to reflect any changes made in the PSI reporting procedure.**
- **Collecting and verifying data about inmates' number of children would increase the workload of the probation and parole officers who interview inmates and complete the PSI reports. However, if incorporated into the existing procedure for collecting and verifying current inmate family data, this increase should be minimal.**
- **Collecting data about children during the pre-sentence PSI interview will result in probation and parole officers unnecessarily collecting data about the children of some offenders who are not sentenced to incarceration. Figures from the PSI database for calendar year 1992 showed that about 30% of offenders with a PSI completed were not sentenced to incarceration.**
- **The current automated PSI database would have to be modified. The batch mode data entry programs would have to be rewritten to accept additional data. Existing record layouts and edit reports would have to be changed.**
- **Keying this additional data into the PSI database would increase the workload of the PSI Receiving Unit staff responsible for maintaining the PSI database. Currently, the PSI unit keys in about 25,000 PSI reports annually.**

Reporting of data collected about the number of children with incarcerated parents could be accomplished by extracting from the automated PSI database a listing of all PSI reports indicating that the inmate has dependent children. Depending on the requirements of the report recipients, a copy of this data could be provided as an automated file or in the form of a printed report.

B. Implementation Issues and Concerns

If data is to be collected about the number of children with parents who are

state-responsible inmates, the PSI report appears to be an appropriate point to collect the data. However, it also appears that a recommendation to designate the PSI for this purpose or to proceed with the PSI modifications described above would be premature at this time.

DOC officials stressed that they are reticent to recommend any modification of the PSI for this purpose until the uses of the data to be collected have been fully identified and the data reporting requirements have been fully defined. Among the reasons DOC expressed for this reticence are:

- Collection of data about the children of incarcerated parents should come earlier in the processing through the criminal justice system than at the point when a PSI report is completed. The PSI report is completed only after an adult offender has been arrested, arraigned, tried and convicted. In the case of a post-sentence report, this occurs after the offender is incarcerated in an adult institution. Children in need of services because an adult parent has been incarcerated will require these services long before the parent has been convicted and sentenced.
- Most of the adults incarcerated annually in Virginia are held in local jails rather than in state institutions. According to DOC, there are at least 300,000 adults incarcerated in Virginia jails each year. Because DOC prepares about 25,000 PSIs each year on only convicted offenders, the PSI covers only about eight percent of these individuals.
- Modifying the PSI report to collect and report data about the number of children of DOC inmates may require a substantial effort. Data collection procedures and forms now used by probation and parole officers throughout the state would have to be changed, and a major database would have to be reprogrammed. Therefore, DOC recommends that any modification made be limited to collecting only the data element "Number of Minor Children (under 18 years of age)."

A major concern to DOC is the possibility that modifications to the PSI would not remain limited to adding a single variable for counting children with state-responsible inmate parents. As the needs of these children are further defined, it may be determined that there is a need for additional information about the children (or their inmate parents). If it is determined that additional data items must be collected, modifying the PSI report to accommodate a greater number of additional data items could greatly

increase the impact on the DOC staff that must collect, key and maintain the PSI data.

Although the uses and users of this data have not been fully identified, it does seem likely that collecting data about only the number of children of incarcerated parents would have limited value. Once the number of children has been identified, the next logical step is to identify what data is needed to act on this knowledge. For example:

- What, if any, information must be collected and reported in addition to the number children with parents incarcerated by DOC? For example, it may be necessary to provide data about:
 - Child's name;
 - Child's legal relationship to inmate;
 - Child's age or sex;
 - Child's current residence(s);
 - Child's current caretaker(s).

- What, if any, data must be collected and reported about the incarcerated parent of each child? For example, it may be necessary to provide data about:
 - Inmate parent's name or other identifier;
 - Inmate parent's age or sex;
 - Inmate parent's location (i.e., DOC institution);
 - Inmate parent's projected release date;
 - Inmate parents' plans/intentions following release concerning his or her children.

- To what agencies and/or organizations will the data be provided?

- In what form (written report, automated data file, etc.) must the data be provided to the users?

- On what schedule (daily, monthly, semi-annually, etc.) must the data be provided to the users?

Whether or not this or other additional data will be required will depend on what action will be planned or taken to meet the needs of children of incarcerated inmates. These actions, in turn, cannot be identified until the previously described needs assessment has been completed in mid-1994.

If it is determined that these or other additional data items must be collected, it may be necessary to identify a data collection process other than a modified PSI report.

V. COUNTING THE CHILDREN OF LOCAL-RESPONSIBLE INMATES

Although the major focus of this study was on counting the children of parents incarcerated by the Department of Corrections, the study also examined potential sources for collecting data about the number of children with parents who are local-responsible inmates, i.e., parents incarcerated in local jails.

For a variety of reasons, identifying and counting the children of parents incarcerated in local jails is a more difficult task than counting the children of DOC inmates. DOC inmates are under the jurisdiction of a single state agency. By contrast, jail inmates are held in about 100 locally-operated jails throughout Virginia. Also, turnover among jail inmates is much faster than turnover among DOC inmates, given the relatively short time jail inmates are incarcerated.

Major points at which personal information is collected about persons arrested and incarcerated in local jails were identified. The data collection practices at each of these points were examined to determine what, if any, data is collected about the families of these individuals. Officials involved in the data collection process at each of these points were interviewed to determine how the data collection processes might be modified to collect data about children, and to identify the potential advantages and disadvantages of collecting such data at each of these points.

Four major potential points for collecting data were identified. Findings concerning each of these points are discussed in the following sections.

A. Law Enforcement Officials

For any parent who becomes incarcerated in a local jail, the first point of contact with the criminal justice system is usually the arresting law enforcement officer. To explore the possibility of obtaining data on the number of children of incarcerated parents at this point, meetings were held with the committee established (under SJR 216) to develop training standards to address law enforcement officers' involvement and contact with children of incarcerated parents.

Currently there is no uniform, statewide process for law enforcement personnel in dealing with children of parents who are arrested or incarcerated. Procedures for these situations have been developed by each law enforcement agency according to its own circumstances and resources. Therefore, there is no process by which law enforcement officers now collect data that would identify the number of children whose parents are arrested or incarcerated.

Based on the information provided by the standards committee, the point of arrest does not appear to be a suitable point for the formal collection of data for counting children with incarcerated parents. This point appears unsuitable for several reasons:

- There is no existing data collection process that could readily be modified to provide for the accurate counting and reporting of children at arrest;
- Arresting officers will not always be aware of whether or not the individual being arrested has children, particularly if the arrest is made in a location away from the home;
- At the time of arrest, the individuals being placed under arrest may not be capable of providing information about their children. They may be under the influence of alcohol or other drugs, they may be injured, or they may be too angry or belligerent to do so;
- In some cases, depending on the nature of the arrest, the arresting officer may not be in contact with the arrested individual long enough to accurately determine if the individual has children;
- The arresting officer will not always know whether or not the individual arrested will be incarcerated following arrest. In many cases, the individual may be released (on bond, own recognizance, etc.) rather than be incarcerated.

The standards committee recognized that law enforcement officers frequently come into contact with parents and children while making arrests, and that these officers' actions can have a significant impact on the well being of children in these situations. Therefore, the committee recommended training standards for determining whether minor children are involved, basic courses of intervention available, and basic procedures on how to access local resources. The committee recommended that local law enforcement, human services and other affected agencies establish and enter into

interagency agreements to coordinate the responsibilities and procedures that each agency will follow in the event of a parent's arrest. The standards are not designed to address procedures whereby arresting officers would be responsible for producing and reporting accurate counts of children whose parents are arrested and incarcerated.

The standards committee did address the need for a method of reporting the number of children involved when parents are arrested. It recommended that such reporting could be incorporated into the magistrate's report or at the jail intake process. It further recommended that any process for tracking children of incarcerated parents should not create any additional paperwork or forms, but should be incorporated into existing reporting procedures.

B. Magistrate's Office

Following arrest, an individual is typically brought before a magistrate who determines whether the person will be incarcerated or released prior to trial. As part of this decision-making process, the magistrate may ask the arrested individual to provide information about his or her family ties, employment and financial resources, and other factors.

Currently, there is no statewide, uniform procedure by which magistrates collect information about the children of individuals who will be incarcerated. There are, however, two state forms available to magistrates that collect limited information on the family of some individuals brought before them.

If the arrested individual requests a court-appointed attorney, the magistrate has the individual complete a "Financial Statement-Eligibility Determination for Indigent Services" (Form DC-333) (see Appendix C). The Financial Statement form contains the item "Number of dependents (spouse/children) whom you support." The instructions for completing the form state that this number is the "Total number of dependents the applicant supports, whether or not these dependents live with the applicant."

This form is not completed on all individuals who appear before a magistrate. Only those who request a court-appointed attorney complete the form. One local magistrate estimated that 40% to 50% of the individuals who appear before him complete the Financial Statement form.

When the magistrate sets bail for an arrested individual, the magistrate may complete a "Checklist For Bail Determinations" (Form DC-327) (see Appendix D). This form contains the item "Family Ties," which is used to document the individual's family ties in the community. Like the Financial Eligibility form, this form is not completed on all individuals who appear before a magistrate. Rather, it is used to provide the court with information about the relatively few individuals for which there are unusual circumstances that may affect their bail.

There is no requirement for magistrates to independently verify the information provided by the arrestee on the Financial Statement or the Bail Determinations form. However, individuals completing the form are advised that statements made on the forms are made under oath and any false statements made on the forms can subject the individual to perjury charges.

Both the Financial Statement and Bail Determinations forms are included in the court file on the individual maintained by the court of jurisdiction. Information collected on these forms is not automated, and there is no central, statewide repository for these forms.

Potentially, the family data components of either one of these forms could be modified to collect information about the number of children for each arrested individual who the magistrate chooses not to release. Magistrates advised that it would be preferable to modify one of these existing forms rather than develop a new form for the sole purpose of collecting this data. One magistrate advised that the Financial Statement would be better suited for this task than the Bails Determination form because the Financial Statement form is used more frequently.

The major disadvantage to this approach is that currently neither one of these forms is completed on every individual who appears before a magistrate. To ensure that all of the target children are counted, any modified version of these forms would have to be completed for all individuals whom the magistrate determines will be incarcerated.

Magistrates also pointed out several other possible problems concerning the completeness and accuracy of the data provided by individuals brought before them. As is the case at the point of arrest, some individuals brought before a magistrate may be unable or unwilling to provide information about their children because they are under the influence of alcohol or drugs, or because they are too angry or belligerent to do so.

One magistrate also cautioned that, despite penalties for doing so, individuals brought before him often do not provide honest answers to questions about children. He advised that arrestees often falsely claim to have dependent children in an attempt to convince the magistrate not to lock them up. On the other hand, arrestees are sometimes reluctant to report having children out of fear that their arrest may trigger proceedings to take away their custody of the children.

C. Pretrial Release Programs

In a few selected localities, pre-trial release programs have been established. These programs are designed to examine the circumstances of individuals and make recommendations to the court concerning the defendant's eligibility for release prior to trial. Pretrial release workers interview arrested individuals after they have come before a magistrate and typically collect more detailed information on these individuals than magistrates collect. Information is collected on the individual's residency, employment, education, criminal record, and family situation.

A copy of the "Pretrial Release Interview Worksheet" used by one pretrial release program is shown in Appendix E. Among the family history information collected on the worksheet are marital status, spouse, and dependents. The "Dependents" item collects data on only the total number of dependents, and makes no distinction by age or relationship of the dependents.

Data collected on the interview worksheet is not automated or reported to a central repository. Copies of the worksheet are maintained by the local court, the pretrial release program, and the prosecuting and defense attorneys involved.

Potentially, the dependents information currently collected on the interview worksheet could be modified to collect data on the individual's number of children.

Discussions with a local pretrial release program interviewer and magistrates identified several advantages to collecting data on children at the pretrial release interview rather than at the magistrate's interview. One advantage is that the pretrial release interview usually occurs after the arrested person has had a chance to "cool down" following arrest. Often, the interview occurs after the arrested individual has spend a night in jail. This also allows the individual some time to "recover" from the influence of alcohol or drugs.

Another advantage is that the pretrial release interview may provide more time for obtaining and accessing information about the arrestee's children than the magistrate's interview. Information collected about the individual's residency, employment, and family may be verified by the interviewer. It also appears that the pretrial release program staff have more contact with human services agencies than magistrates, which could afford a better opportunity for forwarding information about children to service providers.

The major drawback to this approach is that there are currently only eleven pretrial release programs in Virginia. Most localities do not have such a program. However, it has been reported that the number of pretrial release programs is expected to increase in the future. If pretrial release programs are established in more localities, they may provide appropriate points for collecting and reporting data about children of incarcerated parents.

D. Local Jails

Most Virginia jails ask inmates in their custody to provide some information on their family status. This information is typically collected and recorded on "Family History" or "Classification" forms. Family data collected on these forms may include the inmate's marital status, number of dependents, and the names of the inmate's parents and children. Jails may use this information when assigning inmate quarters within the jail, and as a means of "verifying" inmates' reports of illnesses or deaths among family members at home.

The type and amount of information collected on jail classification forms varies widely among jails. Urban jails with large inmate populations may collect more detailed data than rural jails with smaller inmate populations. Jails with large inmate populations may automate this data, whereas smaller jails simply maintain the forms on which the data is recorded. There is no standardized form for collecting this information, nor is there a standardized list of data elements that are collected on jail classification forms.

Appendix F provides an example of one such form used by the jail in a large suburban county in Central Virginia. Interestingly, this form already contains an item for collecting data about the inmate's number of children.

Using jails as a point for collecting data about the children of incarcerated parents has several obvious advantages, the major one being that the entire population of locally

incarcerated parents is defined at this point. A process for interviewing inmates and collecting at least some family data already exists. Additionally, after spending some time in jail, inmates may be in a better physical and emotional condition to answer questions about their children than at points closer to their arrest.

Discussions with the staff of one local jail indicated that a history/classification form may not be completed on all inmates entering the jail. Typically, a form is completed only on inmates who will be held in the jail for three days or more. The jail staff reported that the information collected on these forms has little use for them in dealing with inmates being held for shorter periods.

E. Implementation Issues and Concerns

There are several points at which data may be collected about the number of children of parents incarcerated in local jails: magistrates' offices, pretrial release programs, and local jails. Because conditions and resources at each of these points vary from one locality to another, the point most appropriate for collecting this data may also vary from one locality to another. It may be that in some localities pretrial release program staff are more able and willing to collect this data than local jail staff, whereas in other localities the jail staff may be the only available source of this data.

Although the points at which this data is collected may vary among localities, procedures for collecting the data should be standardized as much as possible throughout Virginia. However, as is the case with data concerning the children of state-responsible inmates, a more specific methodology for collecting and reporting this data cannot be recommended at this time. A more specific methodology must incorporate the findings of ongoing initiatives to assess the needs of children whose parents are incarcerated.

As stated earlier, it is assumed that data collected about children of local-responsible inmates will be reported to local human services agencies. A formal, standardized procedure for transmitting this information from local criminal justice agencies to these agencies must also be developed. Currently, there are often informal communications between the two when criminal justice officials identify situations which require intervention by human services personnel. However, these informal procedures would not be suitable for a formal process of counting children whose parents are incarcerated. Formal procedures for reporting this data may also have to be tailored somewhat depending on the circumstances of the criminal justice and human services

agencies available in each locality.

The development of a specific, standardized methodology that can be implemented on a state-wide basis should be done in conjunction with organizations representing all of the affected local criminal justice agencies. These organizations include the Virginia Magistrates Association, the Supreme Court of Virginia, and the Virginia Sheriff's Association.

VI. FINDINGS AND RECOMMENDATIONS

1. An exact methodology for counting the children of incarcerated parents should not be recommended or implemented until initiatives to assess and address the needs of these children are completed. Until these needs are assessed, only general data collection methodologies should be recommended. When the needs assessment data are available in 1994, the interagency Steering Committee/Study Team on Children of Incarcerated Parents should address the development of a specific methodology.

Discussion:

A data collection system which reports only the number of children with incarcerated parents will not provide state or local service providers with the data needed to deliver services to these children. For example, counts of children are likely to be of little use without additional data such as where the children are located, who are their caretakers, etc.

The data needs of service providers cannot be defined until the needs of children of incarcerated parents have been assessed, service delivery models have been developed, and those responsible for delivering these services have been identified. Initiatives to assess these needs and develop service delivery models have not been completed. A specific data collection system should not be recommended until these efforts are completed and their findings can be included in the methodology.

The interagency Steering Committee/Study Team on Children of Incarcerated Parents was formed in 1993 to combine the efforts of several studies of issues related to children of incarcerated parents. The Steering Committee will continue to meet during 1994 to coordinate and monitor work on these issues, including the ongoing study to

assess the needs of children of incarcerated parents and the caretakers of these children. When the results of this needs assessment are available to the Steering Committee, the Committee should address the development of a more specific methodology for counting the children of incarcerated parents. This should be done in cooperation with representatives of all state and local agencies that would be involved in the counting and reporting process.

2. The system for counting the children of incarcerated parents should be incorporated into already existing data collection systems.

Discussion:

Officials at the local and state level stressed the importance of developing a data collection system that would not impose an undue burden on those responsible for collecting and reporting the data. In many cases, those who would likely be responsible for collecting this data are already responsible for collecting and maintaining data on a growing number of inmates. Creating a new system for the sole purpose of collecting data on the children of these inmates would tax existing resources and create demands for new resources. Modifying an existing data collection system will minimize the burden of collecting additional data and enhance participation by those involved.

3. There are several points in existing systems for collecting data on inmates in both local jails and DOC which could serve as points for collecting data about the children of these inmates. However, the data collection procedures now used at these points will have to be modified to collect this additional data.

Discussion:

Some data about the families of inmates is already collected at the local and state level. In some cases, data on children-including the number of children-is already collected. However, the data collected is not suitable for providing precise and uniform counts of these children. Modifying these systems to collect additional data will require adding new items to existing data collection forms (and in some cases possibly the creation of new forms), reprogramming automated data collection systems (at least at the state level), and implementing a procedure for reporting this data to a central source.

4. The Department of Corrections is in a better position than local jails to implement a standardized, statewide methodology for collecting data about the children of incarcerated inmates. An appropriate method for collecting this data would be by modifying the DOC Pre/post-Sentence Investigation report. However, any decision to modify the PSI for this purpose should be made only after the uses of the data and the data reporting requirements have been fully defined.

Discussion:

The main focus of this study was a methodology for counting the children of inmates incarcerated by the DOC. DOC inmates are under the jurisdiction of a single agency, whereas local-responsible inmates are under the control of nearly 100 different jails throughout Virginia. Furthermore, DOC has several fairly uniform system-wide procedures for collecting inmate data that could be modified to collect data about the number of inmates's children.

The DOC Pre/post-Sentence Investigation report already collects data on the number of dependents of inmates in the DOC system. The PSI report form could be modified to collect specific data on the number of children with inmate parents. The data collected on the PSI report is entered into a centralized, automated database. This database also would have to be modified to accept a data element containing the number of children with inmate parents.

Modifying the PSI report to collect additional data will require DOC to change a data collection procedure used by personnel throughout the state. The PSI database would have to be reprogrammed to accept, edit and store additional data. Although the PSI appears to be a suitable point for collecting data about the number of children with incarcerated parents, it would be premature to recommend this course of action until the purpose, scope and requirements of a data collection system to meet the needs of these children is fully and clearly defined.

5. Data on the number of children with parents incarcerated in local jails could be collected by the magistrates' offices, pretrial release program offices, or the local jails themselves. Procedures already used at these locations to collect data about inmates' families could be modified to collect additional data about inmates' children.

Discussion:

Magistrates, pretrial release programs and jails collect data on inmates' families and, in some cases, inmates' children. The type and extent of data collected at these points varies by locality, and is determined by practices that have evolved in response to the needs, customs and resources in each locality.

In order to implement a statewide, uniform reporting program, procedures for collecting this data would have to be standardized as much as possible. Although forms currently used to collect inmate data might be suitably modified to collect data about children, it is likely that new data collection forms will have to be developed for this purpose. Planning and implementation of these efforts should be conducted in cooperation with statewide representatives of all agencies and organizations affected by these changes.

6. The data about children of local jail inmates should be reported to the local human services agencies responsible for delivering services to these children.

Discussion:

Although local criminal justice officials are in the best position to initially determine that inmates in their custody have dependent children, they do not have the responsibility or resources for providing services to these children. Information concerning the presence and number of these children must be reported to local human services agencies able to act on this information.

Specific procedures for reporting this data cannot be developed until the needs of children of incarcerated parents have been fully assessed. Findings from initiatives to assess these needs will help determine what specific data must be reported to human services agencies, and to what human services agencies the data should be reported.

VII. ACKNOWLEDGEMENTS

In addition to the members of the Interagency Steering Committee/Study Team on Children of Incarcerated Parents, special thanks are extended to the following individuals who provided information and assistance in this effort to identify a methodology for counting children with incarcerated parents:

*Lieutenant John C. Austin
Chesterfield County Police
Department*

*Ms. Clarice Booker
Probation Administrator
Richmond Juvenile and Domestic
Relations Court*

*Mr. John Campbell
Supreme Court of Virginia*

*Mr. Robert G. Cruikshank
Division of Training and Standards
Department of Criminal Justice
Services*

*Mr. Paige Foster,
Chief Magistrate, 12th Judicial
District*

*Ms. Helen Hinshaw
Research, Evaluation and
Certification Unit
Department of Corrections*

*Ms. Tracey Jenkins,
Division of State and Local Services
Department of Criminal Justice
Services*

*Mr. James W. Mustin
Training Supervisor
Institutions-Treatment Programs
Academy for Staff Development
Department of Corrections*

*Ms. Melba Walker
Chesterfield County Pretrial Release
Program*

*Ms. Susie White,
Executive Director
Prison Visitation Project, Inc.*

APPENDIX A

Senate Joint Resolution 204

SENATE JOINT RESOLUTION NO. 244
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 9, 1993)
(Patron Prior to Substitute—Senator Calhoun)

Requesting the Department of Criminal Justice Services to develop a methodology for the collection of data on the number of inmates with minor dependent children.

WHEREAS, there is currently no mechanism in place in Virginia to accurately determine the number of minor dependent children whose parents are incarcerated in prison or jail settings; and

WHEREAS, pursuant to HJR 218, in conducting a study of the needs of children whose parents are incarcerated, the Commission on Youth had to extrapolate from national research models in order to estimate that there are over 30,000 children in the Commonwealth whose parents are under some form of correctional supervision; and

WHEREAS, the Department of Corrections currently only records data on the number of dependents an inmate has, which may include spouses and parents as well as minor children; and

WHEREAS, the absence of any data on this group of Virginia's children has contributed to the general lack of awareness of the prevalence and needs of children whose parents are incarcerated; and

WHEREAS, the Department of Criminal Justice Services has expertise in both the data collection instruments utilized in correctional settings and involvement with child-serving agencies in a planning capacity; and

WHEREAS, both correctional and child-serving agencies will need to provide input into identifying the needs for data; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Criminal Justice Services be requested to convene a group of representatives from the relevant agencies to identify the needs for and methodology for accurately gathering information on the number of inmates in prison and jail settings who have minor children. All affected agencies shall make available, as appropriate, information on the elements and design of their existing data systems.

The Department shall submit its findings and plan for collecting this information to the Commission on Youth prior to the 1994 Session of the General Assembly.

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Official Use By Clerks	
Agreed to By The Senate	Agreed to By The House of Delegates
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the Senate	Clerk of the House of Delegates

APPENDIX B

**Pre/post-Sentence Investigation Report
Family/Environmental form**

NUMBER OF DEPENDENTS	MARITAL STATUS	SINGLE/NEVER MARRIED []1	MARRIED []2
	SEPARATED []3	DIVORCED []4	WIDOW/WIDOWER []5
	DIVORCED/REMARRIED []6	WIDOWED/REMARRIED []7	OTHER []8 UNKNOWN []
LIVING STATUS	ALONE []1	SINGLE PARENT/HEAD OF HOUSEHOLD []2	
WITH SPOUSE []3	WITH PARENT/OTHER RELATIVE []4		OTHER []5

A. Number of Dependents

Enter the number of legal dependents as defined below. DO NOT COUNT SELF.

Dependents - one who receives consistent and demonstrable monetary support from the offender. To include children, spouses, ex-spouses, and other family members that the offender is supporting.

B. Marital Status

Mark the appropriate category according to the offender's status at the time the report is prepared.

C. Living Status

Mark the appropriate category according to the offender's status at the time the report is prepared.

1. Alone - living by him/herself.
2. Single Parent/Head of Household - offender is residing with his/her children and is divorced or single/never married. Separated spouses living with their children are not considered in this category.
3. With spouse - offender is residing with his/her spouse.
4. With parent/other relative - offender is residing with parents and/or other relatives. This is the appropriate category to mark if the offender is separated and living with his/her children.
5. Other - offender is residing with friends, paramours, or is incarcerated.

APPENDIX C

Magistrate's Financial Statement form

FINANCIAL STATEMENT— ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

File No. _____

Presumptive Eligibility:

- I currently receive the following type(s) of public assistance in _____
City/County
- AFDC \$ _____ Food Stamps \$ _____ Medicaid Supplemental Security Income \$ _____
- Other (specify type and amount) _____

I currently do not receive public assistance.
 Names and addresses of employer(s) for defendant and spouse:

Self _____
 Spouse _____

NET INCOME:	Self	Spouse	
Pay period (weekly, every second week, twice monthly, monthly)	_____	_____	
Net take home pay (salary/wages, minus deductions required by law) ..	\$ _____	_____	
Other income sources (please specify)—see reverse	\$ _____	_____	
TOTAL INCOME	\$ _____	+ _____	= <small>COURT USE ONLY</small> A

ASSETS:	Self	Spouse	
Cash on hand	\$ _____	_____	
Bank Accounts	\$ _____	_____	
Any other assets: (please specify)			
_____ with a			
_____ value of	\$ _____	_____	
Real estate — \$ _____ <small style="margin-left: 100px;">Net Value</small>	\$ _____	_____	
_____ with net			
_____ value of	\$ _____	_____	
Motor Vehicles { _____ with net			
_____ Year and Make			
_____ with net			
_____ Year and Make	\$ _____	_____	
Other Personal Property: (describe)	\$ _____	_____	
TOTAL ASSETS	\$ _____	+ _____	= <small>COURT USE ONLY</small> B

Number in household _____
 Number of dependents (spouse/children)
 whom you support: _____

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)			
Medical Expenses (list only unusual and continuing expenses)	\$ _____		
Court-ordered support payments/alimony	\$ _____		
Child-care payments (e.g. day care)	\$ _____		
Other (describe): _____	\$ _____		
TOTAL EXPENSES	\$ _____	=	 <small>COURT USE ONLY</small> C
COLUMN "A" plus COLUMN "B" minus COLUMN "C" equals available funds		=	

THIS STATEMENT IS MADE UNDER OATH: ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF § 19.2-161 OF THE CODE OF VIRGINIA. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I hereby state that the above information is correct to the best of my knowledge.

Name of defendant (type or print) _____

_____ Date _____ Signature _____

Sworn/affirmed and signed before me this day.

_____ Date _____ Signature _____ Title _____

APPENDIX D

Magistrate's Checklist for Bails Determination form

CHECKLIST FOR BAIL DETERMINATIONS

NAME OF ACCUSED _____

LENGTH OF TIME IN COMMUNITY _____

PLACE OF EMPLOYMENT _____ HOW LONG _____

FAMILY TIES _____

FINANCIAL RESOURCES _____

PENDING CHARGES _____

WAS A FIREARM ALLEGEDLY USED IN THE OFFENSE?

NO YES

CURRENTLY ON PROBATION OR PAROLE?

NO YES (explain) _____ Check if more information is on back

PRIOR CRIMINAL RECORD _____

PRIOR CHARGES OF FAILING TO APPEAR _____

OTHER INFORMATION CONSIDERED _____

BAIL SET _____

SPECIAL INSTRUCTIONS OR CONDITIONS _____

DATE _____

MAGISTRATE JUDGE

APPENDIX E

Pretrial Release Interview Worksheet

NAME :

PRETRIAL RELEASE INTERVIEW WORKSHEET

ADDRESS:
 Add: _____
 PREV. ADD. _____
 WITH WHOM RESIDE _____ Relation: _____
 LENGTH IN AREA: _____ YRS _____ MO LENGTH AT CURRENT ADD: _____ YRS _____ MO
 HOME PHONE # _____ IN WHOSE NAME _____
 NEXT OF KIN _____ Relation _____ Phone _____
 REFERENCE _____ Relation _____ Phone _____
 VERIFIED BY: _____ Relation _____ Phone _____
 POINTS _____ INTERVIEW () VERIFIED ()

EMPLOYMENT/EDUCATION:
 EMPLOYER: _____ Position _____
 ADD: _____ Phone: _____
 LENGTH ON JOB _____ YRS _____ MOS F/T _____ P/T _____ PAY _____ HR/WK/MO/YR
 PREV. EMP. _____ Position _____
 ADD: _____ Phone: _____
 LENGTH ON JOB _____ YRS _____ MOS F/T _____ P/T _____ PAY _____ HR/WK/MO/YR
 OTHER INCOME _____ PER WK/MO/YR EMP. Contact _____
 EDUCATION: STUDENT Y/N F/T P/T School _____
 VERIFIED BY: _____ Relation _____ Phone _____
 POINTS _____ INTERVIEW () VERIFIED ()

CRIMINAL RECORD:
 MISDEMEANORS _____
 FELONIES _____
 TRAFFIC _____
 PENDING CHARGES Y/N WHERE _____ CHARGE _____ DATE _____
 PREVIOUS FAILURE TO APPEAR Y/N WHERE _____
 PROB/PAROLE/CDI/PRETRIAL Y/N OFFICER _____ Phone _____
 VERIFIED BY: _____ Relation _____ Phone _____
 POINTS _____ INTERVIEW () VERIFIED ()

POINTS: Poor: -3, -2, -1, 0, 1, 2 Fair: 3, 4, 5, 6, 7 Good: 8, 9, 10, 11, 12 COMBINED POINTS ()
 COMMENTS: _____

RELEASE _____ DETAIN _____ OTHER _____

ARREST DATE _____ Mis./Fel.
 CHARGES/BONDS _____

VICTIM RELATIONSHIP:
 ATTORNEY: HIRE: _____ COURT APP: _____ WAIVE: _____

DEFENDANT'S NAME _____

ALIAS _____

STREET _____

CITY/STATE/ZIP _____

RACE	SEX	WGT.	HT.	EYES	HAIR	BORN		
			FT. IN.			MO.	DAY	YR.
SSN.						AGE:		

MARITAL STATUS: S / M / SEP / D / W
 SPOUSE: _____
 ADDRESS: _____

PHONE: _____
 DEPENDENTS: _____ VETERAN: Y/N/A BR _____
 DISABILITY: Y/N _____
 TREATMENT: Y/N Where _____

- COURT ACTION _____ CIRCLE _____
- A. REMAND TO JAIL
 - B. BOND INCREASE/REDUCED/SAME
 - C. RELEASED ON PERSONAL RECOGNIZANCE
 - D. COMMITTED TO JAIL BONDED TO PROGRAM
 - E. RELEASED ON PERSONAL RECOGNIZANCE UNDER SUPERVISION
 - 1. Contacts Calls _____ Visits _____
 - 2. Drug and Alcohol testing
 - 3. Keep peace and be of good behavior. No contact w/victim
 - F. Other _____
 - G. SPECIAL _____

COURT _____ ATTORNEY _____

DATE _____ JUDGE _____

APPENDIX F

Jail Inmate Classification form

FAMILY HISTORY

INMATE'S NAME: _____

HOW LONG HAVE YOU LIVED AT YOUR PRESENT ADDRESS? _____

WHO DO YOU LIVE WITH? _____

SPOUSE'S NAME: _____

NUMBER OF CHILDREN: _____ AGES: _____, _____, _____, _____, _____

RAISED BY: PARENTS _____ MOTHER _____ FATHER _____ GRANDPARENTS _____

FOSTER _____ OTHER _____

FATHER'S NAME: _____

MOTHER'S NAME: _____

NUMBER OF SISTERS: _____ NUMBER OF BROTHERS: _____

INTAKE DATE: _____

TIME COMPUTATION

INMATE SENTENCED TO: (YEARS, _____) (MONTHS, _____) (DAYS, _____)

ACTUAL TIME TO BE SERVED: _____

PREVIOUS CREDIT: _____

SUBTRACT CREDIT FROM TOTAL TIME TO BE SERVED: _____

JULIAN COMMITMENT DATE: _____

ADD TOTAL AND JULIAN COMMITMENT DATE FOR RELEASE: _____

IF FIGURE IS OVER 365, SUBTRACT 365 FROM LARGER NUMBER: _____

JULIAN RELEASE/INMATE RELEASE DATE: _____

TIME COMPUTED BY: _____

CREDIT: JGT: _____

EQT: _____

GED: _____

DETAIL: _____

NEW RELEASE DATE: _____

MAKE NOTE THAT LEAP YEAR MUST BE FIGURED ON A 366 DAY YEAR NOT 365.

COMMENTS: _____

