

**REPORT OF THE
VIRGINIA DEPARTMENT OF CORRECTIONS**

Plan to Expand the Usage of Jail Contract Beds in Local Jails

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



HOUSE DOCUMENT NO. 56

**COMMONWEALTH OF VIRGINIA
RICHMOND
2004**



COMMONWEALTH of VIRGINIA

Department of Corrections

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DIRECTOR

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September 7, 2004

Governor Mark Warner
State Capital, 3rd Floor
Richmond, Virginia 23219

Re: Transmittal of Jail Contract Bed Program Proposal

Dear Governor Warner:

In accordance with Item 420 D.3 of Chapter 4 of the 2004 Virginia Acts of Assembly (Special Session 1), I am transmitting to you a report on the plan to expand the usage of Jail Contract Beds in local jails. Language in this Item provides, "The Department shall prepare a plan to house a total of 1,000 state-responsible offenders in such local and regional jails as it may deem appropriate, pursuant to the jail contract bed program, during the 2004-06 biennium. The plan shall include an analysis of potential impediments to the expansion of the contract bed program, including, but not limited to, the extent to which current arrangements for housing federal prisoners may be absorbing jail capacity which could otherwise be used for this program. As a companion to this plan, the Department shall submit a budget amendment to the Department of Planning and Budget requesting the anticipated funds required to implement this plan, either in full or in part. As approved by the Secretary of Public Safety, the plan and associated request for funding shall be presented to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by September 15, 2004."

The housing of federal inmates in local jails is an issue that has both financial and bed capacity implications. While the Commonwealth receives revenues from this practice, those federal inmates assigned take up valuable bed space, which would otherwise be available for state or local inmates. On the most recent count there were a total of one thousand seven hundred and five (1705) federal inmates housed in local jails. Of that number, five hundred and eighty (580) were housed in beds built or partially funded with federal funds. It should be noted that the jails holding federal inmates do so voluntarily and have a strong inclination to continue the practice.

Currently appropriation for the State Compensation Board contains funds for up to three hundred (300) jail contract beds. At present these beds are used exclusively for state responsible inmates to participate in work release programs operated by local jails. Additional funding, provided in Chapter 4, will increase the number of allowable contract beds incrementally, between November 2004 and August 2005, until it reaches an amount sufficient to cover five hundred (500) beds.

Traditionally the Department has maintained an average of fewer than two hundred (200) inmates in the work release program. However, due to the implementation of Pre-Release Transition Programs this number has risen and is projected to continue to rise. Currently there are 231 state responsible inmates assigned to work release with 141 pending final processing.

Due to concerns for the number of offenders being returned to jail and prison as a result of technical violations of probation and parole, the Department is developing a program to provide an additional alternative placement for those who have exhausted other community programs, but do not represent a threat to recidivate. Discussions are underway with sheriffs and regional jail administrators to create a "Return to Custody Program." Under this program, a probation officer who would otherwise issue a *capias* for a violator, pending hearing by a judge to determine whether his supervision should be revoked, would, with the agreement of both the offender and the judge, place him into a jail based program where he would be housed in the jail but be allowed to leave to participate in work, treatment, education or other beneficial programs in his community. Program detail is still being developed and the number of offenders who might be placed into such a program is to be determined. While the terms and funding for this proposal may differ from the standard Jail Contract Bed program, it may none-the-less fit under it.

One additional effort to expand utilization of JCB beds would be to return to the traditional usage of such beds for non-work release purposes. Previously, under this program, jails housed state responsible inmates for up to three years. These inmates participated in available jail programs, work force projects or served as jail work cadre. Such inmates were under the jurisdiction of local jail rules but by contract were considered as part of DOC and therefore were not in out-of-compliance status.

Local jails have been surveyed and have expressed great interest in this program. One benefit of this program would be to assist jails in holding those inmates, although state responsible, who sentencing judges have remanded to remain in the local jail. A computer survey of all state responsible inmates in local jails reveals that four hundred thirty two (432) currently meet the basic criteria to remain in local jails. This criteria being less than three years to serve with no convictions for sexual or violent crimes. However, the Department anticipates that many of these inmates will not meet the actual screening for this program due to medical, mental health or disciplinary reasons or records of prior escape or escape attempts. Of the 432 potential inmates, the Department projects approximately 250 to 300 inmates would actually be eligible.

The chart below summarizes the Department's projection of possible JCB bed utilization by the end of 2006 if the listed programs are initiated and expanded.

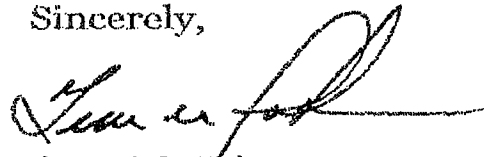
JCB Bed Projection 2004-2006

Work Release:	DOC/JCB	250
	DOC Pre-Release Work Release	120
	Local Court Ordered	<u>100</u>
		470
Return to Custody: (Technical Parole/Probation Violation)		100
Traditional JCB Housing:		<u>280</u>
	TOTAL	850

While it may yet be determined that additional state responsible inmates might be housed in jails under the JCB program, the Department believes at this time that a total of 1,000 contract beds may be difficult to attain during this biennium, although depending upon the success of these new programs that number may be reachable in the next biennium. Costs for increasing the program from 500 to 850 beds are yet to be determined, as a specific structure for the return-to-custody center concept is still being developed.

Please let me know if you have any questions or would like additional information.

Sincerely,



Gene M. Johnson
Director

GMJ/glb/dlc

Attachments 4

From: deSocio, Robyn [robyn.desocio@scb.virginia.gov]
Sent: Wednesday, July 14, 2004 8:39 AM
To: Dick Hall-Sizemore; bgreen@gov.state.va.us; Matthews, Jim
Cc: John Crooks; Michael Maul; Bass, Gary L.; Elliott, Ronald
Subject: RE: FW: Contract bed program

Dick - we are not using funds budgeted for contract beds to restore cuts. The funding amounts I gave Jim before are based on the bonus piece only - the extra \$14 (in addition to the standard per diem of \$14, for a total of \$28/day), and that verbiage was from a narrative used in describing per diem funding in our budget estimates. What is relevant to this discussion (from what I can gather from these emails), is the number of contract beds we are prepared to fund, and that is based on the information you provided to me regarding what was funded in the Governor's budget. That is a base of 300 beds previously funded, and growth of beds as follows: additional 20 in November, 2004, with an increase of 20 each month until the total reaches 500

JCB Beds by Month:

July, 2004	300
August, 2004	300
September, 2004	300
October, 2004	300
November, 2004	320
December, 2004	340
January, 2005	360
February, 2005	380
March, 2005	400
April, 2005	420
May, 2005	440
June, 2005	460
July, 2005	480
August, 2005	500

One thing to keep in mind is that the funding for these beds can be potentially impacted by budget shortfalls in funding for per diems. Budget language requires that we pro-rate per diem payments when funding is insufficient, so if we did not have enough funding to cover total per diem payments (including jcb) because growth was higher than anticipated, or simply not funded, then payments for jcb would be pro-rated along with all other per diem categories.

Please let me know if you have any other questions.

thanks

Robyn.

JCB WORK RELEASE - FY 2004

9/7/2004

JCB WORK RELEASE - August 31, 2004				
	PARTICIPATING JAIL	JCBWR BEDS CONTRACTED	JCBWR BEDS FILLED	Pre-Rel. WR
1	Albemarle-Charlottesville Regional	20	6	4
2	BRRJ - Campbell	2	0	0
3	BRRJ - Halifax	5	2	0
4	BRRJ - Lynchburg	38	18	0
5	BRRJ - Moneta	32	8	0
6	Central Virginia Regional Jail	8	1	0
7	Charlotte County Jail	36	30	0
8	Chesapeake City Jail	20	8	0
9	Clark-Frederick-Winchester Reg. Jail	12	2	0
10	Danville City Jail Farm	50	0	0
11	Fairfax County Pre-Release	20	0	0
12	Hampton Correctional Facility	60	26	8
13	Loudoun County Jail	14	7	0
14	Middle Peninsula Regional Jail	50	21	0
15	New River Valley Regional Jail	50	0	0
16	Norfolk City Jail	35	0	0
17	Northern Neck Regional Jail	12	0	0
18	Pamunkey Regional Jail	1	0	0
19	Piedmont Regional Jail	10	0	0
20	Portsmouth City Jail	15	3	0
21	Prince William Adult Detention Ctr.	20	3	0
22	Rappahannock Regional Jail	10	11	0
23	Riverside Regional Jail	60	11	14
24	Rockbridge Regional Jail	15	2	0
25	Scott County Jail	4	0	0
26	Southampton County Jail Farm	45	1	0
27	Southside Regional	47	18	0
28	Virginia Peninsula Regional Jail	35	1	0
29	Warren County Jail	10	13	0
30	Western Tidewater Regional Jail	50	13	0
31	Wise County Jail	30	0	0
		816	205	26
			141	
		Total Assigned to JCBWR & PRWR		372

JAILS INTERESTED IN JAIL CONTRACT BED EXPANSION

JAIL

RESPONSE

Albemarle/Charlottesville Regional Jail

30 beds

Blue Ridge Regional Jail

15-20 beds

Charlotte County Jail

40 beds

Clarke/Frederick/Winchester Regional Jail

up to 12; beds not used for w/r

Franklin County Jail

20 beds

Hampton Roads Regional Jail

20 beds

Middle Peninsula Regional Jail

25 male 40 female

Newport News City Jail Farm

15-20 beds

Norfolk City Jail

30 male 5 female

Page County Jail

5 beds

Pamunkey Regional Jail

10 beds

Portsmouth City Jail

25 beds

Prince Wm/Manassas Regional Adult Det. Ctr.

10 beds

Roanoke City Jail

25 beds

Rockbridge Regional Jail

5-10 beds

Southside Regional Jail

12 male 3 female

Virginia Peninsula Regional Jail

25 beds

Western Tidewater Regional Jail

50 beds

TOTAL

422 (minimum)

Offender Reentry Program

Current Program Locations

- *Albemarle / Charlottesville Regional Jail*
- *Hampton Community Correctional Center*
- *Henrico County Jail*
- *Riverside Regional Jail*
- *Chesapeake City Jail*

Future Program Locations

- Arlington County Jail*
- Roanoke City Jail*
- Norfolk City Jail*



For additional information contact your
Counselor or Charlene Motley,
Transition Program Manager
804-674-3131 ext. 1505
6900 Atmore Drive
Richmond, Virginia 23225

On April 1, 2002, the Department of Corrections developed a program to initiate pre-release partnerships with local jails to provide re-entry transition services to offenders. Pre-release transition services are provided to offenders from 45 - 90 days prior to their release and continued through their first 45 days following release. Selected offenders leave the prison and return to the local jail in their community to participate in this program.

During phase one of the program, offenders will participate in daily workshops for a period of forty-five days. These sessions will include classes such as Life Skills, Cognitive Thinking, Employability Skills, Substance Abuse, Anger Management, Money Management and Domestic Violence.

During phase two, offenders who meet the required eligibility will participate in the work release component of the program.

During phase three, offenders will be released from the local jail after having served their sentence and will begin their transition back into the community. Offenders will continue to receive transitional services for a period of forty-five days after their release.

Frequently Asked Questions

Is this a voluntary program?

No, the Department will select persons that will participate in the program. Gradually, the program will be expanded to accommodate as many offenders as possible.

Will I be able to smoke in the jail?

The smoking policy of the jail will prevail.

What happens if I violate the program?

You will be brought back into the DOC and face charges for refusal to participate in a treatment program.

Is this an early release program?

No, offenders participating in this program will be released on their scheduled release date.

How will I know if I am eligible for the program?

Offenders with a release home plan to an area where the program is implemented will be screened for possible placement into the program.

How will I know if I am eligible for the work release phase?

Prior and/or current offenses must be non-violent. Inmates serving time for or who have an offense history involving any of the following felony offenses will not be considered for work release:

- Homicide/Murder
- Abduction/Kidnapping
- Sex Related Crimes
- Robbery
- Felonious Assault, Unlawful Wounding, Malicious Wounding, Maiming
- Carjacking