

**REPORT OF THE  
DEPARTMENT OF CORRECTIONS**

# **Return-To-Custody (RTC) Programs**

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



## **HOUSE DOCUMENT NO. 64**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2005**



## COMMONWEALTH of VIRGINIA

GENE M. JOHNSON  
DIRECTOR

### *Department of Corrections*

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September 27, 2005

The Honorable John H. Chichester  
Chairman, Senate Finance Committee  
P.O. Box 396  
Richmond, Virginia 23218

The Honorable Vincent F. Callahan, Jr.  
Chairman, House Appropriations Committee  
P.O. Box 406  
Richmond, Virginia 23218

Re: Return-To Custody (RTC) Programs  
2005 Appropriations Act, Items 415 C and D

This is in response to the above stated requirement to report on the status of the development of Return-To-Custody (RTC) programs for adult probation and parole and post release technical violators by September 30, 2005.

The specific requirements are attached along with the action plans for the Jail Based RTC and the DOC Based RTC programs. Please note that this report will be cross referenced in the report required by Item 403-B in the 2005 Appropriations Act which addressed the master plan for handling technical violators and lower risk offenders.

As of this date, please note the status of two (2) programs:

#### I. Jail Based Return-To-Custody Program

In cooperation with the Virginia Criminal Sentencing Commission, it was decided to pilot test the proposed Risk Assessment instrument developed by the Commission for use with probation technical violators. The Risk Assessment instrument was designed to identify the lowest risk technical violators who would otherwise be incarcerated. The lower risk violators would be candidates for referral to the RTC programs.

It was further decided to link the jail RTC program with the DOC Offender Re-entry programs sites so that DOC staff would be onsite to work with jail staff. The Norfolk City Jail has an Offender Re-entry Program.

On August 3, 2005, The Norfolk Circuit Court Judges consented to work with the proposed Risk Assessment instrument. Subsequently, the Sheriff Robert McCabe and Norfolk City Jail staff agreed to work with the Department of Corrections to develop a 30 day program for suitable violators. The procedures, forms and expedited referral processes are being developed. Training sessions are in the planning stage with a tentative start date of November 1, 2005.

Some funding (\$ 270,400) was provided to pay for additional services. The State Compensation Board and we agreed that the jail would receive a \$14 per diem for up to 30 days for persons accepted into the program

A second potential site is the City of Hampton. The Commission staff are working with Hampton officials to set a meeting date to discuss their participation. The general plan is attached.

#### RECOMMENDATION

We take the view that the proposed Jail RTC program has potential. However, we recommend that the “thirty (30) day” length of stay be changed to “up to 120 days”. This would allow the revokees to remain in their home communities, participate in treatment activities long enough to have an impact and engage in work release employment.

#### II. Department of Corrections’ Return-To-Custody Program

In coordination with the location of the Risk Assessment pilot site Norfolk Circuit Court and the Norfolk Offender Re-entry Program, it was decided to place the DOC Based RTC Program at the Southampton Correctional Complex in Capron. As this pilot project is just beginning, the potential number of participants is unknown, their suitability for a lower security level facility is unknown and their health and mental health needs are unknown. Nor did we want to reduce the capacity of currently available sanctions. Consequently, the Southampton Complex was chosen as it has the closest Community Corrections Facility – Southampton Men’s Detention Center – which mitigates the rapidly increasing transportation costs. The project expands and, if the number of participants increases, we will then decide which facility to convert to a violator center.

This option is proving to be logistically difficult and is compounded by transportation. No funding was provided.

Planning is underway and the general plan is attached.

#### RECOMMENDATIONS

We believe this proposed alternative should be eliminated. The implementation costs and demands on staff outweigh any proposed benefits. The net effect is to take on existing program off line, shorten it, reduce the impact of treatment services and fail to add any significant facility capacity to handle technical violators.

#### **Signed Copy on File**

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Gene M. Johnson, Director of Corrections

cc: The Honorable John W. Marshall, Secretary of Public Safety  
The Honorable F. Bruce Bach, Chairman,  
Virginia Criminal Sentencing Commission

## **Department of Corrections**

### **Division of Community Corrections**

#### **Division of Operations**

#### **Pilot Jail Based Return to Custody & Offender Re-Entry Program**

#### **Objective:**

Development and implementation of a short-term (30) day pilot program for alleged probation and parole technical violators as authorized in the 2004 – 2006 Appropriations Act, Item 415-c.

This differs from the earlier DOC proposal in that it could take more distressed violators and would be integrated with the expanding Offender Re-Entry Program so that a DOC Transition Specialist would be onsite to assist with program coordination.

#### **Primary Features:**

- Probation violators must score “Incarceration” on violation guidelines
- Open to violators and prerelease inmates returning to jail catchments area
- Includes inmates to ensure full utilization and use existing resources
- Could include offenders who have a violent crime in history
- Could include offenders on mild medications who require 24/7 medical service availability but can carry out activities of daily living such as offenders with co-occurring disorders otherwise ineligible for Diversion/Detention/Re-entry
- Services could be a brief intervention “relapse prevention” program model
- Productive citizenship, remedial education, substance abuse and appointments for follow-up with service providers are other potential services
- Some funding for services
- Length of Stay would be “30 days” from offender acceptance date although if the “30 day wording” were removed, a variety of models could be tested

#### **Primary Target Areas based on Re-Entry program availability and volume of technical violators in Calendar Year 2003 include:**

1. Norfolk City Jail – 267
2. Hampton City Jail - 135
3. Riverside Regional Jail (Petersburg and Chesterfield) - 283
4. Roanoke City Jail - 176
5. Frederick/Winchester/Clarke Regional Jail - 237
6. Danville City Jail Farm – 185
7. Rappahannock Regional Jail (Fredericksburg Area) – 162
8. Portsmouth City Jail - 156

## Pilot Jail Based Return to Custody & Offender Re-Entry Program

### Issues:

- Statutory authority which is in Appropriations Act and COV 53.1 -67.6
- Concurrence of Court, Sentencing Commission, Commonwealth Attorney, Sheriff/Jail Administrator and DOC in pilot site selection
- Role of Commonwealth Attorney, Defense Attorney, Parole Board and Court in approving participation
- Options on Sentencing Revocation Report (SRR)
- Return to community supervision when successful
- Sheriff/Jail Administrator willing to contract to provide security, medical, mental health, food, transport, bookkeeping services for agreed upon per diem
- Coordination on program design and delivery
- Agreement with Compensation Board on per diem

### Key Players:

- Deputy Secretary
- DOC Deputy Directors
- Virginia Criminal Sentencing Commission
- Executive Secretary, State Compensation Board
- Affected Sheriffs/Jail Administrators
- DOC Chiefs of Operations and Regional Directors
- Offender Re-Entry Program Manager and Special Programs Manager
- Affected Chief Probation and Parole Officers
- Assistant Attorney General
- Supreme Court of Virginia
- Commonwealth's Attorney
- Public Defender/Defense Bar

### Action Steps:

- Finalize program concept
- Refine participant criteria
- Create referral, intake and "participation" process and forms
- Define outcome measures
- Identify available funding and other supporting resources
- Decide jail reimbursement rate - \$8 or \$14 per diem
- Agree upon Local Inmate Data System (LIDS) code
- Negotiate with selected jails
- Decide services and providers
- Report to Senate Finance and House Appropriations Committee by September 30, 2005

**Department of Corrections**  
**Division of Community Corrections**  
**Division of Operations**

**Pilot DOC Based Return to Custody Center Program**

**Objective:**

Development and implementation of a short-term (30-60) day pilot program for probation and post release technical violators as authorized in the 2004 – 2006 Appropriations Act, Item 415-d.

**Primary Features:**

- Probation violators must score “Incarceration” on violation guidelines
- Open to male revoked probation and post release technical violators
- Able to carry out activities of daily living and meet program requirements
- Services could be a brief intervention ‘relapse prevention “ program model
- Productive citizenship, remedial education, substance abuse and appointments for follow-up with service providers are other potential services
- Length of Stay would be “49 days” with a possible extra 7 days for rules violations from offender acceptance date
- No additional funding

**Tentative Site:**

- \* Southampton Complex

**Issues:**

- Statutory authority which is in Appropriations Act and COV 53.1 -67.6
- Concurrence of Court, Sentencing Commission, Commonwealth Attorney, Sheriff/Jail Administrator and DOC in pilot Circuit Court site selection - Norfolk
- Role of Commonwealth Attorney, Defense Attorney and Court and DOC in approving participation
- Options on Sentencing Revocation Report (SRR)
- Coordination on program design and delivery
- Return to community supervision when successful

## Pilot DOC Based Return to Custody Center Program

### Key Players:

- Deputy Secretary
- DOC Deputy Directors
- Virginia Criminal Sentencing Commission
- DOC Chiefs of Operations and Regional Directors
- Special Programs Manager
- Affected Chief Probation and Parole Officers
- Assistant Attorney General
- Supreme Court of Virginia
- Commonwealth's Attorney
- Public Defender/Defense Bar

### Action Steps:

- Finalize program concept
- Refine participant criteria
- Finalize site, health services, transportation, offender data base, security and disciplinary issues
- Create referral, intake and "participation" process and forms
- Define outcome measures
- Identify available funding and other supporting resources
- Agree upon DOC computer codes
- Decide services and providers
- Report to Senate Finance and House Appropriations Committee by September 30, 2005