

# Department of Corrections



“A Balanced Approach”



**2008 Appropriations**

**Act Chapter 879 Item 387-E**

**“Prerelease and Return-to-Custody Facilities”**

**Gene M. Johnson, Director**



# COMMONWEALTH of VIRGINIA

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The Honorable Charles J. Colgan  
Chairman, Senate Finance Committee  
910 Capitol Square  
Richmond, VA 23219

The Honorable Lacey E. Putney  
Chairman, House Appropriations Committee  
910 Capitol Square  
Richmond, VA 23219

Gentlemen,

In accordance with the 2008 Appropriations Act, Chapter 879, Section 387-E, the Department of Corrections (DOC) is reporting on the comparative costs and benefits of state compared to privately operated facilities.

## 1. Minimum Security Prerelease or Transitional Facilities

In FY 2008, more than **13,000** state responsible offenders were released from DOC institutions or jails. Many are ineligible for community-based residential programs due to violent offenses and/or medical or mental health conditions.

Currently, the Department of Corrections contracts with private community-based vendors to provide residential services for probationers, parolees, postreleasees and inmates as follows:

### ***Community Residential Programs (CRP)***

- CRPs are essentially “halfway houses” which serve offenders reentering communities from incarceration or whose behavior or circumstances require a more restrictive environment. The basic services are food, shelter, life skills training, employment assistance, and transition planning.
- CRP participation is limited to offenders under Community Corrections’ supervision and incarcerated offenders are not currently assigned to CRPs. Participation is generally limited to non-violent offenders. Both genders are eligible.
- Have a funded capacity of **136** beds at a per diem range of **\$42** to **\$52**. The average census for FY 2008 was **87** due to budget restraints. The general length of stay is **ninety (90) days**.

- The **seven (7)** CRP's include:
  - Friends of Guest House (Females), Alexandria
  - Stella Residential Services (Females), Richmond
  - Rubicon, Inc. (Females and Males), Richmond
  - Gemeinschaft Home (Females and Males), Harrisonburg
  - Piedmont House (Males), Charlottesville
  - Secor, Inc. (Females and Males), Lebanon
  - The Dorcus House (Males), Roanoke
- The host Probation and Parole Districts provides "courtesy supervision." The affected DOC Regional Directors provide administrative oversight and conduct annual program reviews. The CRPs must comply with Board of Corrections' standards and receive certification audits every three (3) years.

### ***Residential Transition Therapeutic Communities (TTC)***

- TTC's target inmate offenders who have demonstrate satisfactory progress in DOC Therapeutic Communities (TC) and are within six (6) months of release. Participants may enter probation, parole or postrelease supervision prior to completion of this community-based Phase V of the DOC Therapeutic Community Phase Progression program.
- TTC's provide food, shelter, substance abuse treatment based on TC principles, employment assistance and transition planning.
- TTC's have a funded capacity of **121** beds at a time per diem range of **\$70** to **\$107**. The average census for FY 2008 was **97** due to budget restraints. The general length of stay is **one hundred and eighty (180)** days.
- The seven (7) TTC's include:
  - Hope Harbor (Males), Danville
  - Bethany Hall (Females), Roanoke
  - Stellar Residential Services (Females), Richmond (Inactive)
  - Gemeinschaft Home (Females and Males), Harrisonburg
  - Rubicon, Inc. (Females and Males), Richmond
  - Vanguard Services Unlimited (Males), Arlington (Non-inmates only)
  - Bridge Ministry (Males), Buckingham (Inactive)
- Each TTC receives oversight and assistance from a designated host DOC Institution and Probation and Parole District. A DOC Aftercare Specialist has been assigned to help with program administration and adherence to the DOC TC Phase Progression program. The affected Regional Directors provide administrative oversight and address operational issues. The TTC's must comply with Board of Corrections' standards and receive certification audits every three (3) years.

**Note:** Several vendors have both CRP and TTC contracts. In FY 2008, the capacity for both programs was significantly reduced when participants were removed from the Serenity House in Newport News due to failure to meet DOC requirements. The result is the absence of any contractual residential facilities in the Eastern Region.

The comparative **costs, benefits, and related issues** of DOC operated programs versus privately contracted programs include:

- The risk management of inmates assigned to community-based programs is a primary policy issue. Despite the reality of prisoners returning to their home communities, there is considerable apprehension about program location (not in my backyard – NIMBY) and potential “walk aways.” Generally, assignment to community-based programs is limited to non-violent offenders although about ¾ of the DOC inmate population have violent offenses in their criminal history.
- Distance from home communities is a significant transition problem. Most DOC inmates are from urban and suburban localities whereas most DOC facilities are in more rural locales. This inhibits the encouragement of family and community support, compounds service eligibility issues, and inhibits continuity of care.

Currently, DOC has **no** private facility contracts east of Richmond despite the large number of releasees to Hampton Roads.

- Current per diem costs are generally less than DOC in CRP programs and greater than DOC in TTC programs because of the added treatment services.
- Indirect costs for DOC at 19.2% for FY 2009 would continue even with private contractors. There are not limited to participant identification, transportation, program and contract monitoring, training, financial services, computer linkages, and retake in the event of program violations.
- Managing more violent and sickly offenders could be handled by DOC. If properly funded and staffed, DOC would be better able to work with more serious offenders and those with manageable medical and mental health maladies such as hypertension, insulin dependent diabetes, or clinical depression.
- Transitional housing for violent and sexual offenders is the most urgent need.
- A more consistent delivery of treatment and transition services with a clearer chain of command is likely in DOC operated facilities

## **2. Return to Custody Facilities for Habitual Technical Probation Violators**

The 2008 Appropriations Act also requested the DOC to report on the comparative costs and benefits of state operated versus privately operated Return to Custody (RTC) facilities.

A jail-based RTC and a DOC-based RTC were unsuccessfully piloted in FY 2006. The 2005 Appropriations Act authorized the DOC in collaboration with the Virginia Criminal Sentencing Commission to establish these programs. This was accomplished in partnership with the City of Norfolk Circuit Court, Sheriff’s Office and the DOC Southampton Correctional Center.

Despite considerable work to develop the RTC program design and procedures orientate the Circuit Court judiciary and train staff from the Commonwealth Attorney’s Office, the Public Defender’s Office, members of the defense bar and Probation and Parole District 2, there was not a single referral from the Circuit Court despite several recommendations from District 2.

It is also worth noting that the DOC Diversion and Detention Center Incarceration Programs which offer an alternative sanction for violators are under utilized. The current capacity for both programs is **846** and the utilization rate is about **92%**.

Consequently, no effort was made to replicate the effort in another judicial circuit and the 2006 General Assembly removed the authorizing language from the Appropriations Act.

The potential pool of habitual probation, parole or postrelease technical violators eligible under current criteria for an alternative sanction program is about **628** (CY 2006) of more than **93,000** offenders either closed from supervision or still under active supervision. The primary reason for sentence revocation is continued use of illegal substances.

The **costs, benefits and related issues** to establish and operate RTC facilities include:

- Development of an evidence-based, cognitive behavioral “relapse prevention” program model which targets substance abusers
- Hiring, training, and retaining treatment and transition staff
- Hiring, training, and retraining medical and custodial staff so that more sickly and serious offenders can be included
- Working out transportation to and from local or regional jail to the designated RTC facilities
- Identifying facilities for both men and women
- Orientating and training the judiciary, Commonwealth Attorneys, Public Defenders, defense bar and Probation and Parole staff
- Addressing many of the same items listed above under **1. Minimum Security Prerelease or Transitional Facilities**
- The current per diem cost (FY 2007) for DOC institutions is **\$62.55** plus **19.2%** for Indirect Costs. Capital outlay and major maintenance are separate costs. The Therapeutic Community (TC) programs add about **\$7** per diem to added costs for credentialed treatment staff and program materials.

**Recommendations** include:

- Authorizing and funding the DOC to develop and implement pilot RTC facilities for men and women which targets violators returning for continued substance abuse

**Note:** The pilot RTC program proposed above could be designed to include inmates within 12 months of release who offenses, medical, or mental health conditions render them ineligible for offender reentry, contract work release, or residential transition therapeutic community (TTC) participation.

- Providing sufficient funding to employ or contract for credentialed substance abuse service staff, transitional case managers, Department of Correctional Education (DCE) teachers, and nursing services to cover two shifts for seven days

- Consider revising Code Section 19.2-306 to enable judges to reduce active incarceration sentences imposed for “technical violations” for good cause, e.g., successful program completion
- Allowing the supervising Probation and Parole Officer and Parole Violation Hearing Officer to seek “voluntary participation” by the alleged violator and complete a program evaluation prior to the violation without awaiting Court or Parole Board approval by revising Code Sections 19.2-316.2 and 19.2-316.3

Additional references are to reports on **“Assisted Living and Nursing Facilities” (Item 387-B)** and **“Prison-Bound Violators” (Item 387-D)**.



Submitted by: \_\_\_\_\_  
Director

Date: September 1, 2008

cc: The Honorable John Marshall, Secretary of Public Safety  
Mr. James Camache, Deputy Director, Community Corrections  
Mr. John Jabe, Deputy Director, Operations

**§ 1-111. DEPARTMENT OF CORRECTIONS (799)**

**Item 387.**

	Item Details (\$)		Appropriations (\$)	
	First Year FY2009	Second Year FY2010	First Year FY2009	Second Year FY2010
Supervision of Offender and Re-Entry Services (35100) .....			\$ 86,981,259	\$ 86,981,259
Probation and Parole Services (35106).....	\$ 78,825,738	\$ 78,825,738		
Day Reporting Centers (35107).....	\$ 4,679,052	\$ 4,679,052		
Community Residential Programs (35108).....	\$ 1,115,107	\$ 1,115,107		
Administrative Services (35109).....	\$ 2,361,362	\$ 2,361,362		
Fund Sources: General.....	\$ 85,538,779	\$ 85,538,779		
Special.....	\$ 115,000	\$ 115,000		
Dedicated Special Revenue .....	\$ 1,327,480	\$ 1,327,480		

Authority: §§ 53.167.2 through 53.167.6 and 12 §§ 53.1140 through 53.1176.3, Code of Virginia.

- A. By September 1 of each year, the Department of Corrections shall provide a status report on the Statewide Community Based Corrections System for State Responsible Offenders to the Chairmen of the House Courts of Justice; Health, Welfare and Institutions; and Appropriations Committees and the Senate Courts of Justice; Rehabilitation and Social Services; and Finance Committees.
- B. The Department of Corrections and the Virginia Parole Board shall analyze the comparative costs and benefits of state operation compared to contracting for privately operated minimum security assisted living or nursing facilities, or other appropriate facilities or programs for lower risk geriatric offenders. Copies of the analysis shall be provided to the Chairmen of the Senate Finance & House Appropriations Committees by September 1, 2008.
- C. The Department of Corrections shall report on its progress in implementing evidence based practices in selected probation and parole districts, and recommend steps to expand this initiative into additional districts. The report shall place particular emphasis on measuring the effectiveness of these practices in reducing recidivism. Copies of the report shall be provided to the Chairmen of the Senate Finance & House Appropriations Com. by September 1, 2008.
- D. The Department of Corrections shall report on the potential costs and benefits of steps which would be required to divert up to 50 percent of prison bound, nonviolent offenders who have scored no more than 38 points on the risk assessment instrument of the Virginia Criminal Sentencing Commission. The department shall consult with the commission on developing appropriate steps to secure the input of the Judicial Department in conducting this report. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008.
- E. The Department of Corrections shall report on the comparative costs and benefits of state operation compared to contracting for privately operated minimum security prerelease or transitional facilities for offenders who are leaving prison, and Return to custody facilities for habitual technical probation violators. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008.