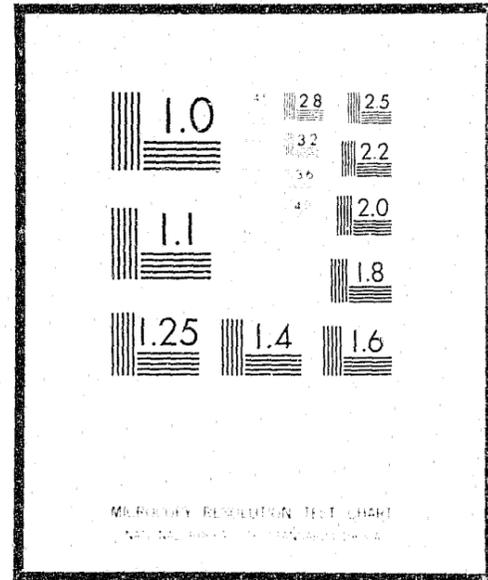


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REPORT
 OF
 ADVISORY TASK FORCE
 TO STUDY
 LOCAL JAILS
 FOR
 VIRGINIA STATE CRIME COMMISSION

32426

December 15, 1975

Suite 905, 701 E. Franklin Street
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The various sheriffs and members of their staffs, the jurisdictional officers, including the various mayors and city council members, members of the boards of supervisors, local legislators, and private citizens are to be commended for their concern over conditions existing in local jails and for their desire to improve them. The use of public buildings for nine hearings in various localities is appreciated.

Although the list of names is endless, the Commission is appreciative of the contributions of many, especially the Council on Criminal Justice and its Division of Justice and Crime Prevention, for making Federal Law Enforcement Administration Assistance funds available for the study as well as certain personnel to assist from time to time during the course of the undertaking.

The Commission also wants to make note of the assistance rendered by the researchers who visited the various jails and the

leadership given the study by the project director. The cooperation given to them and to Task Force members in on-sight visits also should be mentioned.

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INTRODUCTION

In recent years, the Virginia State Crime Commission has made a number of studies related to the criminal justice system in Virginia. The Commission believes that a complete evaluation of the system cannot be made without a thorough examination of the part played by our local jails. A 33-member Advisory Task Force chaired by Delegate L. Ray Ashworth was named to examine all facets of the jail system, including such subjects as personnel, facilities, programs, relationships with other agencies and alternatives to jails. The Advisory Task Force was composed of sheriffs, commonwealth's attorneys, judges, members of the General Assembly and other interested citizens. The Advisory Task Force held nine public hearings at various locations around the state, visited 29 local jails, held numerous meetings and secured information from many agencies interested in the operation of jails in Virginia. The staff visited 74 jails.

PURPOSE OF JAILS

In order to make an accurate evaluation or develop plans for any improvements, it is important that we define the purpose of the jail system. Jails have traditionally been temporary holding facilities where persons could be detained prior to trial or while awaiting transfer to the prison system for long term incarceration. In the past, jails have been considered primarily the responsibility of the various localities although the state has had a significant role in financing the operation of jails and in more recent years has taken a greater interest in the administration of jails.

The traditional holding facility approach in the operation of jails has failed to consider sufficiently the different types of offenders and their needs. In recent years, a more informed public has called for some

changes in our jail system, including improved facilities for the confinement of youth and women and greater emphasis on constructive programs. Most of these changes have been good, but they are also frequently expensive. Because of the expense involved, some of the smaller localities have simply closed their jails and entered into agreements with other jurisdictions for the handling of their prisoners. Other localities have examined the possibility of joint or regional jails. Even though the number of jails has been reduced from 119 to 91 since 1938, there are still about 15 jails in Virginia with an average daily population under 20. It is increasingly apparent that the facilities, trained personnel and programs now required by statute, court decisions and good practice make it less feasible to operate the smaller jails.

At this particular point in our history we are faced with a number of problems in our system of handling those involved in violations of the criminal laws. At the same time our citizens have shown a greater interest in improving the system, there is a greater demand on the system. The penal facilities operated by the Department of Corrections are designed to handle about 5,400 inmates, but contain a population of almost 6,000. For many months there have been between 500-1,000 persons in our jails waiting for transfer to the penal system. This includes only those for whom transfer orders have been written. Those not processed have run the total above 1,900. It has been necessary in certain instances to transfer prisoners from the corrections system to local jails.

We should at this time re-examine the purpose of the jail system. We should see it, not as a self-contained system, but as a part of the entire criminal justice system. This is true not only because of the present overcrowding in the penal system, but also because greater coordination between the jail system and the prison system is necessary if the

criminal justice system is to function efficiently.

The jail will continue to be the place where persons are held while awaiting trial. It also seems that a number of convicted misdemeanants and perhaps some convicted felons might be handled in a local or regional jail to better advantage than in the penal system. Such a plan could allow for more effective use of such programs as work release and aid in the reintegration of the inmate into society. Under such a plan the jail becomes more than a temporary holding facility. It becomes a place where it is economically feasible to hire adequately trained personnel, provide the variety of facilities needed and maintain constructive programs.

STUDY METHODOLOGY

The study began with the selection of an Advisory Task Force including legislators, judges, sheriffs experienced in jail administration, jurisdictional officials and citizens interested in aid to inmates and their rehabilitation. A project director and two researchers were engaged. In the summer of 1974, the researchers also worked in cooperation with Dr. Thomas A. Vocino, who was conducting a study for the Division of Justice and Crime Prevention.

The researchers visited a total of 74 of Virginia's jails to gather desired information that would be helpful not only in present jail operations but in future planning. They gathered information relating to the sheriff and jail staff that included sex, age, race, education and background of employees, salaries, operational expenses, the furnishings of guards' uniforms and equipment and who furnishes them; the work shifts, number of hours each employee puts in weekly, training available and the utilization of it, the ratio of inmates to guards, the areas in which the staff operates, and many other duties correctional officers may perform. They checked the

location, age, construction and condition of the jails, office space and any living quarters guards may have there. They also checked the operation of radio dispatching equipment; the security of points of entry, the operation of the doors, both electric and manual; visiting area and its privacy or lack of same; the waiting rooms, outside contact areas, if any; possibility of contact visitation; kitchen, food preparation, including the quality and freshness of food and storage areas. They checked for the posting of menus, adherence to the nutritional guidelines prescribed by the Department of Corrections; where they were employed, the researchers checked with the dietician, the food supervisor or in the case of smaller jails, with the cook to ascertain their experience and their method of operation. They checked for cleanliness both in food preparation and the serving area to see how often tables were cleaned, and where cell areas used were suitable for eating. They also checked the cell areas for cleanliness, toilet and shower facilities, dormitory space, separation of sexes and juveniles. In the intake area they noted how the inmates' property, including money and personal records, was stored and the condition of clothing to be issued. Adherence to state law in each jail is necessary with female correctional officers searching women and to be certain that females and juveniles are placed in separate areas. They looked for the separation of misdemeanants, felons, drug addicts and recidivists. In overcrowded facilities they checked the actual and legal capacity, the size of cell blocks and number of inmates per cell block, double bunking and whether the cell doors were closed and locked during the day. There was concern for the housing of mentally ill, how soon they were processed and where they were sent for treatment. They checked the building safety and security, fire escapes and the emergency exits and the condition of the elevators or use of

any sally port entrances. They noted the ventilation, use of fans and the existence of any air conditioning as well as the use of television and radio. They also checked on the laundry, whether handled in jail or through an outside service, and the frequency with which clothing and linens were changed. They observed operation of the canteen, how it is handled, its profits or losses, and compared prices with outside sources.

In the area of treatment they noted programs, existence of a library, the type and number of volumes, including law books, or the possible use of a public library; the availability of General Education Development (GED) courses, vocational rehabilitation, work and study release programs, cooperation with outside civic or volunteer organizations, including Alcoholics Anonymous, Offender Aid and Restoration, Citizens Association for Justice in Virginia and religious programs.

Where work release was conducted they checked the kind of employment, the pay, and how the inmates' pay is handled. They checked religious programs to be sure there was no restriction against any faith. They also checked to see if any special privileges and living conditions were given to trustees. In the area of medical treatment the frequency of sick call and doctors' visits were noted along with the doctors' fees, infirmary and hospital facilities and their availability. They checked in-house drug use to be certain of security. Those inmates with venereal disease, diabetes and in need of special diets (both health and religious) were given special attention. They also checked for counseling--personal, psychological, financial, marital and social work. They noted if outdoor and indoor recreation was available, the equipment and the extent of the programs along with the hours inmates are allowed or permitted such exercise.

They also checked qualifications of the personnel handling all type programs, and made various other checks hopeful of covering the full scope

of each jail's operation and handling and treatment of inmates.

In all, hundreds of personal interviews were conducted. Hundreds of inmates were interviewed and scores of interviews were conducted with administrators and correctional staff and other individuals in an effort to gain as much input as possible that would be helpful to the study.

SUMMARY

Early in its operation, the Advisory Task Force to Study Local Jails learned through on-site visits and through public hearings that the jail system is greatly overcrowded.

This overcrowding is the result of similar conditions within the Department of Corrections, and the increase in crime generally. Its facilities are bulging. Thus, the problem of dangerous conditions that exist within the corrections system becomes doubly dangerous. The jail system is similarly overcrowded.

Conditions grew worse during the course of the study. A check of the total jail population was made January 24, 1975. At that time, 385 convicted misdemeanants and 523 felons were awaiting transfer, according to information received from the various jails. Four spot checks were made of jail populations. With each, the felon population showed increases. The misdemeanant population declined to 115 for the second check June 5, 1975, but subsequently showed increases. There were 318 misdemeanants awaiting transfer August 11, 1975, and that figure had grown to 652 by September 17. Meanwhile, felons increased to 640 on June 5, to 931 on August 11 and to 1,085 on September 17. It should be noted that jail figures and those kept by the Department of Corrections are not identical because of the method of records keeping. The figures of the Department of Corrections indicate only those for whom transfer orders have been written. Jail figures obtained by the Commission staff include those awaiting transfer.

Through cooperation of those jails not operating at or near capacity, the Department of Corrections, on September 23, 1975, was able to start reducing the population, particularly among the misdemeanants. This was

especially true in the heavily overpopulated Richmond City jail. In early September, Richmond's jail reached a peak of 821 inmates, thus bringing a plea for relief. On September 23, 1975, when the Department of Corrections began moving inmates from overcrowded facilities into those less crowded, there were 820 in the Richmond jail. Within two weeks the department had moved 110 misdemeanants out and Richmond, in turn, had accepted 16 felon transfers from Chesapeake.

Between September 23 and October 3, 1975, the Department of Corrections moved or made arrangements to move a total of 185, approximately 75 being felons. This included transfers from six jails to 23 other facilities. This shuffling continued and by October 14 a total of 217 had been moved.

In an effort to verify certain information on inmates in jails, the Crime Commission made a thorough check of records in the jails section of the Department of Corrections. Jails were chosen according to size and location. The information sought was for the year 1974 and was to include nine jails. Information desired was the total number of inmate days, percentage of inmates by sex, the percentage bonded, the total number of inmates committed, the average length of stay for all committed, the average number of days from committal to date of trial, the average number of days from date of trial to date of release and the average wait for transfer of those inmates who were to go into the state system. Because of the lack of detail and the various manners of reporting, it was not possible to obtain an accurate picture.

This clearly underlines the need for uniform records keeping starting at the local jails and going through the entire corrections system in order to have accurate and complete information on each inmate.

This study shows that lack of uniform records keeping, poor, incomplete and often late transfer of records is as large a problem within the jail system and corrections system as is the problem of overcrowding.

In nine public hearings and during the course of visits to a majority of the 74 jails visited, the sheriffs pointed out the same problem of overcrowded conditions along with understaffing, long hours and inadequate salaries and the detention of juveniles as the major woes that beset the system.

In carrying out a mandate of the General Assembly, the Crime Commission's Advisory Task Force to Study Local Jails actually visited 29 of the 91 jails in the Commonwealth in a period of less than a year. The Advisory Task Force began its activities in July, 1974. While the Advisory Task Force visited 29 jails, researchers and staff personnel were visiting an additional 45 jails of the 91 now operating in Virginia. Additionally, they visited four jail farms, juvenile detention centers at Lynchburg, Danville, and Bristol and seven out-of-state jails. The out-of-state jails were visited in order to provide a basis for comparison.

The Advisory Task Force, functioning on behalf of the Virginia State Crime Commission, is composed of sheriffs, commonwealth's attorneys, members of the General Assembly, judges, jurisdictional officials and citizen members who represent the League of Women Voters, the Junior League, Offender Aid and Restoration, Citizen's Association for Justice, a union representative and the media.

Sheriffs pointed out that the overcrowded conditions created problems in morale, discipline and security. In some jails conditions were so bad that inmates were sleeping on mattresses on the floor. Heavy court dockets

helped to compound this problem.

A number of sheriffs in small departments were found to have multiple duties.

Juveniles and women incarcerated in the system helped to create the overcrowded conditions. In a number of the jails it is necessary to tie up a complete cell block in order to house one or two female inmates, or juveniles, some for extended periods. Often these cell blocks were those built to house six or seven inmates.

Programs were found to be noticeably lacking in a majority of the jails. In all of Virginia's jails there are 28 with any form of work release, 54 have libraries or library affiliations. Two have legal aid programs.

Researchers and staff had a number of questions concerning programs. According to the Stinnie¹ survey, 40 jails had television available, 29 had record or tape players and 72 had radios available. Forty-one jails had recreation facilities available, seven of which had outdoor areas. The jail in Arlington County, which opened late in 1974, has a gymnasium.

The new Danville jail which opened after the Stinnie survey was taken also has a gymnasium.

There was a general lack of remedial education, alcohol, drug, vocational rehabilitation and other programs of this type.

There were 138,607 persons committed to jails and jail farms in Virginia in 1974. This is an increase of eight percent compared with 1965 when 127,993 were committed. In the interim, the low figure was reached in 1968 when 128,828 were committed.

¹John Charles Stinnie, et al., v. Walther Fidler, et al., April 30, 1975. Civil action number 554-70-R. In the U.S. District Court of Virginia, Richmond Division.

Four of the jails now in use were built prior to 1900. These are Alexandria, Bath, Charlotte and Henrico Counties. Henrico is planning a new jail. Although it is no longer in use, the Albemarle County jail was built prior to 1900. The Albemarle County jail was closed late in 1974 when the new Charlottesville-Albemarle Joint Security Complex began serving that area.

The condition of the jails' physical structure as observed by the Advisory Task Force and staff ranged from good to bad. Conditions at one jail, Hopewell, had deteriorated at the time of the Advisory Task Force's visit to the extent that shortly thereafter the jurisdictional officials closed the jail. Hopewell uses its jail as a lockup and incarcerates its prisoners at Petersburg.

Sheriffs complained--and an inspection of their facilities supported it--that they had limited space and often not enough space to house the necessary records keeping in order to comply with the Code of Virginia. During public hearings by the Advisory Task Force, several sheriffs complained that when they took over, the outgoing sheriff took the records with him. Additionally, they must store other equipment necessary for competent operation of the facility. One sheriff said that there was no more than a day's food supply on hand when he took office. Aware of these conditions, the Crime Commission, in the 1975 Session of the General Assembly, introduced successful legislation requiring an outgoing sheriff to turn over the records to the incoming sheriff.

Other complaints concerned unsanitary conditions, lack of medical care and occasional abuse of the inmate. The latter, however, were in a minority. In those instances where serious complaints were lodged, the chairman of the Crime Commission and the chairman of the Advisory Task

Force requested that either Task Force members or staff members, make subsequent, unannounced visits to the particular jail in order to provide an indepth check into the allegations. This was also true on occasions where there were inferences that relationships between local government, the Department of Corrections and other agencies of the Commonwealth were involved. Also, there were countless complaints of shortages of adequately trained personnel and the difficulty in employing and holding correctional officers in local jails because of inadequate salaries.

As a result, there were numerous meetings with members of the staff of the Department of Corrections, conferences with members of the Compensation Board, the Criminal Justice Officers Training and Standards Commission and other state agencies.

A new salary scale, administered by the Compensation Board, is in effect. Those correctional officers who have completed the prescribed training of 120 hours now have a minimum pay of \$8,040. The training tempo of the Criminal Justice Officers Training and Standards Commission has increased and the Department of Corrections has assisted in improving medical conditions through the employment of paramedics. The Department also is attempting to alleviate some of the overcrowding by more rapid pick up of felons and misdemeanants confined to the local jails.

Of much concern is the care of inmates with problems of mental health. The Advisory Task Force chairman and staff had several conferences with the chairman of the Board of Mental Health and Mental Retardation. Additionally, the Advisory Task Force chairman, some of the members and staff personnel visited mental health facilities and discussed the problems and the expense that the Department of Mental Health and Mental Retardation has with inmates who are either confined to the local jail or within units in the correctional system.

Throughout the study, the Advisory Task Force chairman worked closely with other members of the Advisory Task Force and staff personnel. There have been four work sessions of the entire Advisory Task Force and numerous meetings of subcommittees. The Advisory Task Force was divided into six subcommittees. Five of these worked on reports covering individual areas: Facilities and Local Government; Administration and State Agencies; Citizens, Judiciary, and Bar Association; Juveniles, Women and Mental Patients; and Treatment, Leisure and Community-Based Programs. The sixth was charged with the final preparation of the report.

Early in the study the chairman of the Advisory Task Force, speaking at a meeting of the Virginia Association of Sheriffs, advocated regional jails and the use of the local jail for incarceration of persons who had committed certain offenses such as non-support. During this study, the Advisory Task Force found the majority of the regional or consolidated jails operating with apparently fewer problems. This impressed members of the Advisory Task Force.

Subsequently, members of the Advisory Task Force have given considerable thought and study to regional jails, the financing of them, the staffing and equipping of them. Consideration also has been given to consolidation. Such a plan would utilize three jails within a radius of 50 miles, utilizing one for males, another for females and the third for juveniles.

Recent transfers of inmates to reduce overcrowding has created some additional expense. The Department of Corrections used its own buses and said the additional expense, which also would include a bus ticket back home for those inmates released elsewhere, would be added to the sum sufficient.

Because of the current monetary shortage within the Commonwealth, new programs are not being approved within the jails and new equipment is not being purchased.

Already there have been efforts of cooperation in many areas in an attempt to improve conditions within the local jails. The charge to the Advisory Task Force was to conduct a study and to come up with recommendations designed to bring about closer working relationships with state agencies and local government, hopeful that Virginia will rise to the challenge of general improvement in the local jails and rehabilitation of those incarcerated within these facilities in order to have a model jail system.

In order to achieve this goal, the Advisory Task Force believes that the jails should be utilized to the fullest extent but inmates should not be permitted to stagnate in those jails. The local jails and the Department of Corrections need to become coordinated. The Advisory Task Force feels the local jails should be the basis of all penal facilities and that the relationship between local jails and the Department of Corrections should be more clearly spelled out, explaining the role of each. We should endeavor to find short and long range solutions to the problems of overcrowding experienced in the local jails and the Department of Corrections. Some inmates should be held locally and Virginia should build greater flexibility into the correctional system.

RECOMMENDATIONS

Following its indepth study of the local jails the Advisory Task Force of the Virginia State Crime Commission has considered many recommendations designed to increase security of the facilities, to operate them more economically without sacrifice of services to the public, to better safeguard public safety, reduce the time inmates should remain in local jails before transfer to the Department of Corrections and to improve conditions for both correctional personnel and for inmates. The recommendations follow:

- Immediate attention should be given to relieving the jails of prisoners, particularly the hard-core offenders who belong in the Department of Corrections. The legislature should provide the funds so that those who belong in the corrections system are removed from the local jails so the jails can perform their function in the proper manner as recommended in this report. This will require that the legislature give high priority to short range solutions. Community-based programs can provide some of the space to help relieve the overcrowding.
- The Commonwealth should give close attention to its participation in the planning and construction of new jail facilities. Construction of jails with less than 50 beds should be discouraged. Regional jails are recommended where feasible. They should include maximum security facilities separate from medium security. The medium security area should be made more secure by an outside perimeter. Adequate physical space should be provided for all necessary supports such as classification, counseling, health care, recreation, education, libraries, work release, drug and alcohol education, communication procedures and religious services. Electrical power, as well as a comprehensive emergency plan, must be incorporated in the planning.
- Where possible, regional jail arrangements should be utilized, e.g., three existing facilities within a 50-mile area - one for males, one for females and a third facility for juveniles.
- The state should remove specific dollar amounts from funding of regional jails and should not require that any such facilities be erected on state-owned land. Instead, a formula should be devised to be based upon the population of the area or region to be served, the size of the facility, the cost of the facility and the

relative ability of the localities to pay.

- In areas where regional jails are operated the existing local jails should be utilized as lockups. Lockups should house an inmate no longer than 72 hours unless no other facilities are available.
- A lack of sufficient staffing is apparent within the Bureau of Institutional Services. The Advisory Task Force feels that this adds to existing problems and recommends that the staffing be increased immediately.
- The Parole Board should hear cases of inmates eligible for parole consideration who are incarcerated in local jails. The current practice of the Parole Board is to often consider only those inmates confined in state institutions. We have been advised that while the law permits the Parole Board to consider prisoners who have served sufficient time in local jails to meet parole eligibility, the Parole Board in fact insists that the prisoner be processed through classification with the corrections system before giving consideration for parole. We feel the local probation officer should forward a copy to the Parole Board of his complete report on the prisoner immediately after sentencing. The Parole Board should then request of the local sheriff and Parole Board a supplemental report if the prisoner had been detained in local jails a sufficient length of time to meet parole eligibility. The prisoner should then be produced before the representative of the Parole Board for interview at the nearest correctional unit. (This is intended to give the prisoner some incentive during his incarceration in jail after sentence and also to assure that all prisoners are treated equally.)
- The Code of Virginia should be changed so that those incarcerated in the corrections system for non-support serve time in local facilities and thus free space in correctional facilities. Work release should be utilized where possible to provide support for the inmates' dependents.
- The court sentencing persons under the Habitual Offender Act shall have the option to permit that such offenders serve sentence in the local jails.
- The Code should be changed so that the commonwealth's attorneys or the city attorneys who prosecute shall also receive a report from the sheriff at the beginning of each court term showing the number of prisoners in jail, their date of commitment, the offense and the sentence. The report now goes only to the judges.

- All presentence and postsentence reports should be transmitted by the clerk of the court at the time the inmate is transferred. Felon inmates who are to be transferred to the Department of Corrections' Receiving Center shall be transferred, if at all possible, within 30 days after sentencing unless the sheriff or jailer requests retention and such retention is approved by the Department.
- Personnel staffing should be certified by the Department of Corrections following a survey by the Department and once these recommendations are made they should be followed by the Compensation Board and binding on the local jurisdictions.
- Jailers should be required to report daily to the Juvenile and Domestic Relations Court the identity and number of juveniles incarcerated and the length of incarceration for each.
- The State should amend Section 37.1-67.1 to allow for temporary detention for up to at least 72 hours when necessary for possible civil commitment of the mentally ill.
- Specialized units in the Department of Mental Health and Retardation should be developed with medical and psychiatric capabilities designed to meet the needs of and to cope with mentally or emotionally disturbed or retarded inmates who constitute behavioral or management problems. Such units could serve the needs of the state system as well as the local jails. These units should be allowed to receive and temporarily hold prisoners for local jails at the request of the sheriff, even when the person is awaiting trial.
- The state should encourage expanded local usage of community mental health and mental retardation services. (Section 37.1-104 et. seq. Chapter 10).
- Juveniles, who are not sentenced as adults, should not be detained in local jails unless other alternatives are unavailable.
- The state should provide the primary share of revenue for the operations of treatment/rehabilitation programs.
- Arresting officers, jailers, and the juvenile court system must adhere to statutory requirements and the spirit of the Juvenile Code regarding the detention of juveniles.

- All custodial personnel should receive some training to properly handle juvenile cases, however, special training should be available for persons working regularly with jailed juveniles.
- All localities should have access to secure, pretrial juvenile detention facilities. Emphasis should be placed on community development and use of alternatives to secure detention. Secure detention should be used solely for those children who pose a threat to themselves, their family or their community.
- Alternatives to be considered for juveniles include:
 - a. Diversion units programmed to handle the bulk of status offenders
 - b. Less secure detention homes
 - c. Outreach and/or home detention programs
 - d. Crisis intervention centers
 - e. Crisis runaway homes
 - f. Boarding homes
 - g. Volunteer homes
- The state should encourage the establishment and use of community-based, less secure residential facilities, either regionally or locally, to which the juvenile court could directly sentence juvenile offenders.
- Where it becomes necessary to transfer an inmate to another local facility away from the local community jail, comprehensive screening shall be conducted with due consideration given to the individual inmate's distance from his/her home, special needs, and those programs available in the receiving facility.
- The Compensation Board should take steps as necessary to provide a cost-of-living differential to jail personnel in those areas where cost of living is out of line with the remainder of the state.
- The Virginia Supplemental Retirement System should include retirement for correctional officers at age 60.
- Standard classification and bookkeeping forms furnished by the Department of Corrections should be utilized throughout the jail system in order that proper information on each inmate is sent to the Department of Corrections at the time of the inmate's transferral.

- Those who have committed violent or aggressive crimes should be separated from those who have committed non-aggressive crimes.
- The Board of Corrections should consider more effective use of its power to close facilities that do not meet minimum standards.
- The Commonwealth should make greater use of alternatives to incarceration by using proper classification and follow-up. Alternatives should include release on recognizance, street supervision pending trial, weekend sentences, utilization of halfway houses and realistic bonding procedures.
- Anyone suspected of drug or alcohol addiction should be given a medical examination as soon as practicable in order to diagnose and treat symptoms.
- The common holding section or drunk tank and sleeping dormitories should be eliminated in the planning of future jails.
- The rated capacity of any jail should not exceed 150 persons. Jails should have a rated capacity of at least 50 inmates. (It is understood that some jails in the state must of necessity be larger due to a greater population density.)
- Classification and rehabilitation programs should be established in the local jail. All programs in the jail should be made available to both male and female inmates.
- Work release, recreation, study and library programs should be provided. The courts should be encouraged to utilize the work release concept.
- Tables of organization should be developed for jails of various sizes. (Suggested tables of organization are included within this report.)
- Communities should be invited to develop a model system of in-jail and post-jail programs as well as a system of alternatives to incarceration. It is important that such models incorporate local evaluation components.
- The Board of Corrections should establish and monitor minimum standards for treatment programs and guidelines for community involvement and technical assistance.

- Establishment of broadly based community advisory boards for each jail in the state should be encouraged along with volunteer programs and other work within the jails. Volunteers should be covered by appropriate insurance.
- Community volunteers or the advisory board should develop a catalog of community services available to the inmate during the in-jail and post-jail period. This would include both public and private agencies. It is further recommended that there be utilization of community resources by criminal justice agencies.
- Programs of recreation, libraries and vocational rehabilitation should be closely related to community agency programs. The sheriff should make every effort to involve various agencies in local government in appropriate jail programs.
- The state should seek more discretionary federal funds from the Law Enforcement Assistance Administration to be used toward construction of new jails, additions to jails or correctional facilities.

VIRGINIA JAILS

- *Accomack County Jail
- *Alleghany County Jail
- *Appomattox County Jail
- *Augusta County Jail
- *Bedford County Jail
- *Brunswick County Jail
- Campbell County Jail
- *Garroll County Jail
- *Chesterfield County Jail
- *Culpeper County Jail
- *Dinwiddie County Jail
- *Fairfax County Jail
- *Floyd County Jail
- Frederick County Jail
- Grayson County Jail
- *Halifax County Jail
- *Henrico County Jail
- Highland County Jail
- *Lee County Jail
- Louisa County Jail
- *Mecklenburg County Jail
- *Montgomery County Jail
- *Northampton County Jail
- *Nottoway County Jail
- Page County Jail
- *Pittsylvania County Jail
- *Albemarle-Charlottesville Joint Security Complex
- *Amherst County Jail
- *Arlington County Jail
- *Bath County Jail
- *Botetourt County Jail
- Buchanan County Jail
- *Caroline County Jail
- *Charlotte County Jail
- Clarke County Jail
- Dickenson County Jail
- *Essex County Jail
- *Fauquier County Jail
- Franklin County Jail
- Giles County Jail
- *Greensville County Jail
- *Hanover County Jail
- *Henry County Jail
- *Lancaster County Jail
- *Loudoun County Jail
- *Lunenburg County Jail
- *Middlesex County Jail
- *Nelson County Jail
- *Northumberland County Jail
- Orange County Jail
- *Patrick County Jail
- *Prince Edward County Jail

*Prince William County
 Richmond County Jail
 *Rockbridge County Jail
 Russell County Jail
 Shenandoah County Jail
 *Southampton County Jail
 *Sussex County Jail
 Warren County Jail
 *Westmoreland County Jail
 *Wythe County Jail

*Pulaski County Jail
 *Roanoke County Jail
 *Rockingham County Jail
 Scott County Jail
 Smyth County Jail
 *Stafford County Jail
 *Tazewell County Jail
 *Washington County Jail
 *Wise County Jail
 *York County Jail

*Alexandria City Jail
 *Chesapeake City Jail
 *Danville City Jail
 *Hampton City Jail
 *Lynchburg City Jail
 *Martinsville City Prison Farm
 *Newport News City Prison Farm
 *Petersburg City Jail
 *Portsmouth City Jail
 *Rappahannock Security Center
 *Roanoke City Jail
 *Virginia Beach City Jail

*Bristol City Jail
 *Clifton Forge City Jail
 *Danville City Prison Farm
 *Hopewell City Jail (now closed)
 *Martinsville City Jail
 *Newport News City Jail
 *Norfolk City Municipal Jail
 *Petersburg City Jail Farm and Annex
 *Radford City Jail
 *Richmond City Jail
 *Suffolk City Jail
 *Williamsburg City Jail

*Indicates Jails Visited During Study

POPULATION SURVEY

In order to determine the inmate population of Virginia jails and the extent to which the jails are overcrowded, the Commission conducted a series of telephone surveys, January 24, June 5, and August 11. Each jail was contacted to obtain the total population figure as well as a breakdown of males, females and juveniles being held. In addition, the number of felons and misdemeanants waiting transfer to the state system was obtained as well as the number of females and juveniles in these categories. The rated capacity of each facility was obtained from jail staff and from the Department of Corrections since the figures often varied.

The results of the surveys show an increase in the total inmate population from January to August: in August there were 234 more inmates being held than in June and 388 more inmates than were shown in January. The number of felons waiting transfer to the state system also increased from January to August: the August survey showed an increase of 291 felons over June and 408 felons over January waiting transfer. The number of misdemeanants waiting transfer to the state system, however, declined during the period the surveys were conducted. The June survey showed 270 fewer misdemeanants being held for transfer than shown in January. The number of females and juveniles in both the felon and misdemeanor categories waiting transfer did not significantly change from January to August.

The male population in local jails increased in each survey showing an

overall increase of 483 during the survey period. The female population dipped slightly in June as compared to the January figure but increased by 39 in August as compared to January. The juvenile population decreased progressively from January to August showing an overall decline of 26 juvenile inmates during the survey period.

A comparison of the total inmate population in each of the surveys to the total rated capacity figure, indicates that the number of beds available exceeded the number of inmates incarcerated in local jails on the survey dates. A comparison of these figures also indicates that: on January 24, one jail had no inmates incarcerated while 18 jails were at or exceeded rated capacity;* on June 5, three jails were not holding any inmates while 18 jails were at or above rated capacity; and on August 11, four jails had no inmates incarcerated while 12 were at or above rated capacity.

In analyzing such population figures, however, it must be remembered that a comparison of total population to rated capacity does not accurately reflect overcrowded conditions which may exist in local jails. Rated capacity indicates the total number of bed spaces available in a jail according to design; it does not indicate special cases such as women and juveniles who are required by law to be segregated from the adult male population by sight and sound. If females and juveniles are being housed in a jail, this provision necessitates the maintenance of three separate living areas for inmates. For instance, if a jail is holding only one juvenile an entire cell block which might accommodate up to 10 adult males must be utilized for this one juvenile displacing 10 adult males who must be housed elsewhere in the jail. This in turn may require double-

*Due to the discrepancies in the rated capacity figures obtained from the Department of Corrections and sheriffs or jail staff queried, the lowest number has been used to determine which jails were at or above rated capacity on the survey dates.

bunking of the remaining cell blocks. Therefore, a jail, which in population figures may appear to be below rated capacity, might in reality be overcrowded due to uneven distribution.

When contacted January 24, the Augusta County jail was holding 66 inmates, 28 below the rated capacity figure supplied by the Department of Corrections. However, three females were being housed in living quarters designed to hold 10 persons, displacing seven beds. One juvenile was also being held in an area designed for 12 inmates, displacing 11 beds. Thus, 18 beds were not being utilized while adult males were being doubled-bunked in cells originally designed for one person.

When contacted for the August 11 survey, the Augusta County jail had 63 inmates incarcerated including six women and one juvenile. However, in order to alleviate overcrowded conditions other inmates had been contracted to the Shenandoah and Rockbridge County jails and the Petersburg City Farm.

In January the Hanover County jail was housing 35 inmates, eight below rated capacity. Six of these inmates were juveniles living in a five-man cell block, forcing one to sleep on a mattress on the floor. This was done so that another entire cell block would not have to be used for one juvenile thus requiring males to be moved elsewhere.

On August 11, the Roanoke County jail which has a rated capacity of 28, had 13 adult males incarcerated. Because of overcrowded conditions in the facility the county had contracted inmates to five other institutions - the county jails in Botetourt, Montgomery and Pulaski, Southwestern State Hospital and the Roanoke City jail.

Also on August 11, the inmate population at the Fairfax County jail equalled rated capacity; however, the Arlington County jail was housing all of Fairfax

County's female inmates on a contractual arrangement. Chesapeake City, whose inmate population exceeded rated capacity on the August survey date, contracts its female inmates to Portsmouth.

Rated capacity when compared to population figures, then, does not reflect overcrowded conditions which may exist when special persons such as women and juveniles are being held or when special situations such as contractual arrangements occur. Additionally, these figures do not indicate other problems which may occur when an overcrowded situation exists. For instance, personnel needed to staff double-bunked quarters must be diverted to care for the lone juvenile in a cell block. Matrons, who often serve as dispatchers, are required to care for the women. Many sheriffs stated in public hearings held by the Commission that their jails were understaffed. Overpopulation places an increased burden on personnel in order to maintain proper security and often necessitates overlapping of duties. Overcrowding prevents the initiation and operation of programs in local jails. It particularly hampers effectively implementing classification programs.

In reviewing the results of the population surveys consideration must be given to these factors. It is particularly important to recognize that overcrowding in local jails is not always the result of excessive inmate population; that a jail whose population appears to be sufficiently below rated capacity may indeed be overcrowded.

Charts for the survey dates appear in the Appendix.

Crime Commission's Population Survey

	Rated Capacity	POP	SEX		JUV	A W A I T I N G T R A N S F E R					
			M	F		MSD	FEMALES	JUV	FEL	FEMALES	JUV
January 24	5934 (6493)	4286	3906	177	192	385	1	4	523	6	17
June 5	6129 (5947)	4440	4148	168	185	115	10	9	640	9	9
August 11	6125 (6341)	4674	4389	216	166	318	5	10	931	7	18

PERSONNEL AND FACILITIES

I. Introduction

Personnel is the most important aspect in the operation of any correctional institution in a modern society. In its indepth study of the local jails in the Commonwealth the Advisory Task Force of the Virginia State Crime Commission has determined that the majority of jails are woefully understaffed. Therefore, in order of priorities with limited funds the primary task is to staff the local jails with adequately trained and adequately paid professional personnel who meet local and state standards.

First of all the Advisory Task Force, the Crime Commission, local authorities, representatives of the Department of Corrections and the General Assembly have to determine whether or not the local jail is a holding facility, a correctional institution or both. Personnel should be assigned in conformity with the criteria developed by the Department of Corrections. The study clearly shows that all local facilities used for correctional work do not now have sufficiently trained personnel employed. More personnel are needed in those jails that have only security personnel involved. The guidelines noted in this report should be followed. Those institutions designated upon application as correctional institutions should have personnel and facilities to fully carry out their assignments.

At the present time Virginia has a salary scale spelled out in the Code of Virginia for correctional personnel with an adjustment for those who have received the basic training course. Although it was not spelled out in the charge to the Advisory Task Force, it is evident that serious consideration should be given to this law for supplementary cost of living increases and

for supervisory personnel. Supervisory officers cannot be expected to accept added responsibility without means of compensating them for their willingness and ability to assume these positions. They are responsible for the health and welfare of incarcerated persons as well as the performance of other employees.

Second in order of importance in the local institutions are facilities. Because of money problems and other reasons it is frustrating to attempt to define local jails, their problems and their functions. It is evident that there must be some questions answered, goals set and standards promulgated. Added to these three must be incentives for local communities, the knowledge that local communities will have some input as well as some control over regional institutions, policies and operations and that greater participation and funding by the state and federal government is necessary. The Advisory Task Force believes that some of the local facilities within the Commonwealth could be used as a basis for community correctional institutions.

First, however, there are two major changes in the construction of local jails that should be mandatory. The common holding section, or drunk tank for incoming persons, should be eliminated. The jail should be constructed to hold medium, as well as maximum security prisoners. Not only is this type construction more economical but experience proves it to be more satisfactory. All inmates coming into the local jail do not need maximum security. Experience in various operations have proved conclusively that medium security individuals are subjected to threats and possible coercion by maximum security facility prisoners. Such coercion and/or fear of physical harm has led medium security individuals to rebel against the rules and regulations of the jail merely because of fear of consequences when officers are not present.

II. Personnel

The number of personnel necessary to competently staff a jail depends on the capacity, the physical size of the facility and facilities or programs that are maintained as well as types of inmates - adult males, and females, and juveniles, both misdemeanants and felons. With two exceptions the chief administrator in each Virginia jail is a sheriff. They are a city sergeant in Richmond and an appointed administrator at the Albemarle-Charlottesville Joint Security Complex.

Ideally there should be one correctional officer on duty for each 10 inmates. (The National Advisory Commission on Standards and Goals recommends one correctional officer for every six inmates.) This ratio does not prevail in Virginia where a majority of the jails are understaffed. Statistics show that the average number of inmates per personnel employed as correctional officers in Virginia jails is 14.4. The 14.4 officers must be divided in order to maintain supervisory control 24 hours a day seven days a week. This means that as few as three may be on duty in a larger jail at one time. In those jails where women prisoners are held a female correctional officer must be on duty at all times, irrespective of the number of female inmates being held.

Regardless of the size of the jail or the number of inmates, there is a need for medical help. A doctor should be employed for regular, if warranted full-time, medical service. Additionally, one or more paramedics are needed. Anyone suspected of drug or alcohol addiction should be given a medical examination as soon as practicable in order to diagnose and treat symptoms. There must also be a food supervisor and transportation officer as well as a secretary and records clerk. Depending upon the size of the jail and its programs, part-time help should include the teacher-librarian, a work release programmer

a recreation supervisor and someone capable of laundry operation, house cleaning and general maintenance, especially in the smaller facilities. In a number of smaller jails correctional officers now do double or triple duty and assist with these programs.

In the larger jails, four to six paramedics are necessary to insure that trained medical help is available around the clock. Full-time persons should be employed for teaching and library work, recreation, work release, laundry and maintenance. Because of the records keeping necessary in work release some jails now have a full-time work release program supervisor.

Classification is important in all facilities. Because of lack of funds and space, however, a number of jails do not have classification specialists. On the other hand, some have as many as three classification specialists. It is suggested that a standard classification form be utilized throughout the jail system in order that proper information on each inmate is sent to the Department of Corrections at the time of the inmate's transfer. This would be invaluable from a standpoint of efficient classification as well as both money and time saved.

Jails operate on a 24-hour day and on a seven-day a week basis. Thus, there is a need for a relief or swing shift. This shift works on weekends, holidays, and other time off, such as in the case of illness, vacation and deaths, or other reasons. Replacements are necessary when a correctional officer attends training programs.

During the day when inmates are up and active there is a necessity for more correctional personnel. This is when the inmates are fed, sick call is being held, the laundry is in operation, clothing is being issued and exchanged, facilities are being cleaned, maintenance is underway and other chores have to be done and inmates have to be taken to and from the court

or otherwise moved or transferred. Therefore, the staff has to be beefed up. A more skeletonized crew would function at night. There also is an additional need for more staff personnel during visiting hours, generally two days a week.

As a guideline for the future, recommended staffing for minimum personnel required for the operation of the jail has been suggested. (Recommended Tables of Organization are attached.)

At no time should any jail have only one correctional officer on duty. Requiring correctional officers to approach felon blocks inside a security section with keys to the outside door on his person is extremely dangerous to him as well as to other inmates. If an officer approaches a maximum security section of the jail with keys to the outside door or a weapon on his person, he assumes the risk of assault or a possible murder by some inmates desperate for their freedom. In several on-sight visits the Advisory Task Force found instances where correctional officers, on duty alone, doubled as dispatchers and were unable to properly monitor the cell areas. In one jail the correctional officer had additional chores -- apportioning the food and serving the inmates on weekends and helping with visiting.

The Advisory Task Force found at Highland County an eight-cell jail with a capacity of 16 to have only two employees. It had 31 prisoners last year. Richmond County had three employees, including one part-time, for an eight-cell jail that had 302 inmates last year. Lee County has three employees, two part-time, for 28 cells. There were 796 inmates in 1974. Essex County also has three employees, but they are full-time. This four-cell jail had 294 inmates in 1974. Campbell County is one of several with four employees. It has 32 cells and had 1,209 inmates last year. Clarke, Grayson, Floyd, Lunenburg, Northumberland and Shenandoah Counties all have only four jail

employees. Five others--Bath, Botetourt, Caroline, Halifax and Lancaster Counties--have five employees. Halifax has 40 cells and had 1,021 inmates last year. Eight other jails have six employees.

Jails with such small staffs and those overcrowded like the cities of Richmond, Norfolk, Portsmouth, and Augusta and Roanoke Counties are potential trouble spots. Richmond County had three inmates escape in September, 1975; Portsmouth, Norfolk and Richmond also have had escapes. Augusta and Roanoke counties are boarding prisoners in five other jurisdictions. Thus they tie up valuable correctional personnel providing transportation.

In the jail where there are between 100 and 150 inmates seven correctional officers are proposed for the 7:00 a.m. to 3:00 p.m. shift and three during the normal sleeping period from 11:00 p.m. to 7:00 a.m. Seven correctional officers are recommended for the relief shift. At least one female correctional officer is required at night and two or more on other shifts. This would increase with each 12 1/2 inmates.

Ideally the staff for the larger jail in addition to the sheriff would include a captain or major who is also chief correctional officer, three lieutenants, one each for treatment, security and female inmates; four sergeants, one for each of the three shifts and one for swing shifts in order to cover the seven-day work period each week, three persons who are charged with the responsibility of food preparation, three classifications specialists, two records clerks, four paramedics, one of whom would work a swing shift (some paramedics now work a 24-hour schedule and have their bunks in the space designated for medical services), two chaplains, one of whom would assist with General Educational Development program (GED), if necessary, a recreation supervisor, a combination teacher-librarian and a combination laundry-maintenance person. In the larger jails full-time teachers and librarians are recommended if funds are available.

Medical, paramedic treatment and a secretary-records clerk are funded through the Department of Corrections. Other jail personnel are funded through the State Compensation Board.

Work release, recreation and study and library programs fit into the future community correctional programs. They should provide improved programs for all misdemeanants, and selected felons.

In the local areas many judges, sheriffs, classification and probation officers know the inmates and their degree of reliability. Thus they are in a position to determine those qualified for viable work release programs, enabling an inmate to maintain a family life and keep him in an environment familiar to him and where he can function.

Records keeping is of prime importance in each jail. The 1975 Session of the General Assembly made it mandatory that out-going sheriffs leave their records in proper order for their successors. In this jail study it was brought out early that this was not being done. Thus the legislation was prompted. Inmate and staff personnel records, all purchases, travel, maintenance and operation records must be safeguarded and clerical personnel trained to properly maintain them. Many of the records are being kept on microfilm.

Standard bookkeeping procedures and forms supplied by the Department of Corrections should be developed for all jails.

Some sheriffs have difficulty employing and retaining qualified deputies and other correctional personnel. Minimum starting pay is \$7,032. Upon completion of the prescribed training program deputies now receive \$8,040 per year statewide. A subcommittee of the Virginia Advisory Legislative Council has for some time been making a study on pay differentials in certain areas. In recent years the State authorized cost of living differentials through the

Division of Personnel on a statewide basis, the increases being related directly to competition for employment. A number of counties are supplementing pay for employees of several departments. Pending the results of the forthcoming VALC subcommittee's final report, the Advisory Task Force recommends that the Compensation Board take such steps as necessary to provide cost of living increases to jail personnel in those areas where cost of living is out of line with the remainder of the state.

Because of the danger in their work, the Advisory Task Force proposes that older correctional officers should be retired and that there should be uniform retirement. Some localities now have their own retirement program. The State should use the state police retirement system as a guide for retiring correctional officers at age 60.

In order to reduce trouble and problems in correctional institutions competent people are essential. It is imperative that they have adequate training. The training should be updated at intervals. With short staffs, however, the smaller jails have problems in replacing personnel who are taken off duty for training, vacations, holidays, and in other absences. Ideally a regional training officer should be made available. Correctional personnel should be kept abreast of changes in the Code and techniques as well as innovations in jail management and operations.

The well-trained officer has an understanding of the inmate with whom he is working and the physical facilities where he is working. He must exercise proper control and the ability to say no when necessary. There is a fine line in the proper exercise of authority. The officer must be able to face up to the problems at hand and show mutual respect for the inmate. As one seasoned sheriff says, "Common sense is essential in law enforcement."

The Crime Commission places great emphasis on the common sense concept.

Citizen volunteers are now assisting in a number of jails not only in programs but in jail operation. Some sheriffs have been able to relieve some of the personnel problems by utilizing qualified selective volunteers.

On the theory that a number of persons are interested in doing volunteer work, sheriffs should be encouraged to utilize such talents and outline the volunteer's role so that he or she can be an asset. This has been proved in the treatment section in a number of jails. Many jails in Virginia have the availability of volunteer chaplain services. In a number of jails chaplains are the only treatment people available. They work on church support, no government funds. Librarians also are helping. Others are serving on disciplinary boards and in records keeping. Remedial teachers to work with those who have reading and writing problems and athletes and coaches should be encouraged to participate in inmate-help programs.

In urban areas auxiliary correctional personnel may also be developed. Such personnel are given in-service training in report writing, firearms, safety precautions, testifying, demeanor towards the public, use of restraint and other security precautions. They should be prepared for emergencies. Many jails do not have emergency or disaster programs. Where possible a volunteer coordinator should be considered by the sheriff to direct this type function, and coordinate this with the State Office on Volunteerism, structured within the Office of Administration and Finance. Citizens' participation should be encouraged. Appropriate insurance should cover them.

The Advisory Task Force strongly urges that a uniformly developed emergency or disaster plan be applied to all jails; training exercises be-

tween jail personnel, police officers and fire officials are strongly recommended to meet future emergency situations.

III. Facilities

This section is devoted both to the security as well as program facilities and institutions.

In planning, full consideration should be given to the average inmate population over a prescribed period of years, to the population and potential growth of areas to be served as well as a number of other factors. Prescribed guidelines should be followed so that both enough space and locale availability will be served.

In planning regional jails mileage is imperative. Ideally no jail should have to serve a radius greater than 50 miles. When as much as an hour and a half is required for two officers to transport an inmate, at least six man hours are tied up and public safety in the abandoned location is reduced.

By combining inmates in specific regions it may be possible to utilize existing facilities in a regional complex. In a 50-mile radius, for instance, one facility could be used for adult males, another for females and a third for juveniles. In planning, no new facility should be more than 30 miles from any courthouse it serves.

No more small jails should be erected. The Commonwealth should give close attention to its participation in the planning and construction of facilities. (The financial participation is covered elsewhere in this report.)

In any new construction certain things should be mandatory. It is more economical to build medium security facilities than maximum security. In the medium security facility inmates have a common bath and shower for each

six or seven people while each inmate has his private cubicle that can be locked for his protection; in the maximum facilities there is a need for a toilet and bowl in each cell. Because of the heavy use of steel, maximum security construction costs are many times greater than the cement block used in the medium security facility.

Records indicate that only approximately one-third of the inmates are maximum security persons.

Thus, new jails may well be built in two parts, the larger portion for the medium security and a smaller area for maximum security. The medium security area is made more secure by an outside perimeter.

New jails should have day rooms and recreation areas. Requirements are 35 square feet of living space and 35 square feet of sleeping space per inmate. Thus, a six-man dormitory would have 420 square feet and would include one toilet and shower. Cost factors being what they are maximum security beds now run upwards at \$40,000 per bed. Consequently, it is less expensive and safer to separate the inmates, emphasizing medium security.

In new jails, dormitories should not be planned for more than seven or eight people. There should be individual cubicals for each inmate. This should be a secure sleeping area.

Classification is of primary importance in the larger jail where there may be a number of cell blocks. The young offender should be in an area separate from the hardened prisoner. Those who have committed violent or aggressive crimes should be separated from those who have committed non-aggressive crimes.

Emergency electrical power must be incorporated in the planning of any new facility to supplement the normal commercial power. In a time of disaster the jail becomes the focal point of the area for radio communications

and assistance. This emergency power is needed even though the electrical gates are also manually controlled.

Where possible radio and television should be included in the jails and in jail planning. Most jails now allow radio and television with certain restrictions. In some facilities loss of such privilege is used as a disciplinary measure.

As security measures some jails now use closed-circuit television for surveillance. Sally ports are used in the larger and more modern jails for incoming prisoners and for transfers. Some facilities also have a monitor or operations room as control points for both inmates and visitors.

Because of overcrowding some facilities have been forced to use double bunking. This should be done only through dire necessity. It is detrimental to successful programs.

For safety and morale purposes separate quarters are recommended for work release inmates.

Consideration should be given to providing live-in facilities for use by correctional officers as situations may require, or for using such space for any overflow of misdemeanor housing caused by overcrowding, or for programs or other use.

Food service is a problem in some jails. The smaller ones serve the inmates in the cell block or day room. Others have dining facilities. Some dining areas, however, are too small. Some jails prepare their own food; others have it catered. New jails should carefully plan food service, as it is important to the inmate morale and the security of the jail.

Secure visiting and consultation facilities are imperative. Some of the smaller jails lack adequate physical space for both. Attorneys dis-

cussing cases with clients must be afforded a degree of privacy. In jail visits it was noted that there was a lack of restroom facilities for visitors. Adequate physical space is needed for food storage, preparation and service; for classification, counseling, health care, recreation, education, libraries, work release, drug and alcohol education, communication procedures and religious services. These are essential for certification of a jail to keep sentenced prisoners.

Virginia's first problem is to determine the use of the jail. Is it a holding area for 10 or 12 individuals or is it a correctional center or is it both?

RECOMMENDED STAFFING
MINIMUM PERSONNEL SUGGESTED FOR OPERATION OF A JAIL
(0 TO 25 AND 25 TO 50 INMATES)

The following figures are based on maximum capacity. Recommended correctional officers are one (1) per twelve and one-half (12 1/2) inmates, per shift. Jails with zero (0) to 25 inmates would use the following tables while jails with 25 to 38 inmates would need one (1) additional officer per shift; jails with 38 to 50 inmates would need still another correctional officer:

SHERIFF Chief Jailer or Captain			
<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>	<u>Relief Shift</u>
2 Correctional Officers 1 Female Officer			

Additional staff would be needed and compensated by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 1 Paramedic 1 Secretary-Records Clerk	1 Food Supervisor 1 Transportation Officer 1 Laundry, Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Recreation Supervisor

Because some jails successfully operate on a schedule of four days work and two days off the following table is recommended:

SHERIFF Chief Jailer or Captain		
<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>
3 Correctional Officers 2 Female Officers	3 Correctional Officers 1 Female Officer	3 Correctional Officers 1 Female Officer

Additional staff required would also be paid by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 1 Secretary-Records Clerk 1 Paramedic	1 Food Supervisor 1 Transportation Officer 1 Laundry Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Recreation Supervisor

RECOMMENDED STAFFING
MINIMUM PERSONNEL SUGGESTED FOR OPERATION OF A JAIL
(50 TO 100 INMATES)

The following figures are based on maximum capacity. As in the smaller jails recommended correctional officers are one (1) per each twelve and one-half (12 1/2) inmates:

SHERIFF
ONE CHIEF JAILER OR CAPTAIN
ALSO ONE LIEUTENANT AND ONE SERGEANT

<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>	<u>Relief Shift</u>
6 Correctional Officers 2 Female Officers	5 Correctional Officers 2 Female Officers	4 Correctional Officers 2 Female Officers	5 Correctional Officers 2 Female Officers

Additional staff would be needed and compensated by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 4 Paramedics 1 Secretary-Records Clerk	2 Food Supervisors 1 Transportation Officer 1 Laundry, Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Recreation Supervisor

Because some jails successfully operate on a schedule of four days on and two days off the following table also is recommended:

SHERIFF
CHIEF JAILER OR CAPTAIN
ALSO ONE LIEUTENANT AND ONE SERGEANT

<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>
7 Correctional Officers 3 Female Officers	7 Correctional Officers 3 Female Officers	6 Correctional Officers 2 Female Officers

Additional staff required would also be paid by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 4 Paramedics 1 Secretary-Records Clerk	2 Food Supervisors 1 Transportation Officer 1 Laundry, Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Recreation Supervisor

RECOMMENDED STAFFING
MINIMUM PERSONNEL REQUIRED FOR OPERATION OF A JAIL
(100 TO 150 INMATES)

SHERIFF
CHIEF JAILER OR CAPTAIN
(ALSO THREE LIEUTENANTS AND FOUR SERGEANTS)

<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>	<u>Relief Shift</u>
7 Correctional Officers 2 Female Officers	7 Correctional Officers 2 Female Officers	3 Correctional Officers 1 Female Officer	7 Correctional Officers 2 Female Officers

Additional staff would be needed and compensated by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 4 Paramedics 3 Classification 2 Secretaries-Records Clerks	3 Food Supervisors 1 Transportation Officer 1 Laundry, Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Recreation Supervisor 2 Chaplains 1 Librarian

Because some jails successfully operate on a schedule of four days work and two days off the following table also is recommended:

SHERIFF
CHIEF JAILER OR CAPTAIN
(ALSO THREE LIEUTENANTS AND FOUR SERGEANTS)

<u>7-3 Shift</u>	<u>3-11 Shift</u>	<u>11-7 Shift</u>
7 Correctional Officers 3 Female Officers	7 Correctional Officers 3 Female Officers	6 Correctional Officers 2 Female Officers

Additional staff would be needed and compensated by:

CORRECTIONS	COMPENSATION BOARD	PART TIME IF REQUIRED
1 Doctor 4 Paramedics 2 Secretaries-Records Clerks 3 Classification	3 Food Supervisors 1 Transportation Officer 1 Laundry, Maintenance and Supply Officer	1 Work Release 1 Teacher 1 Librarian 2 Chaplains

OTHER STATE AGENCIES

In the operation of local jails a number of state agencies are involved.

The Board of Corrections is charged with promulgating rules and regulations for the operation of jails. The jails themselves are to be constructed and maintained by the local governing body, in accordance with the minimum standards set forth by the State Board. The State Board, with the approval of the Governor, may reimburse the locality constructing or enlarging a jail in an amount not to exceed \$25,000. In addition, where one or more cities, counties or towns, or a combination thereof, construct a jail on lands owned by the Commonwealth, an amount not to exceed \$100,000 for each participating county or city may be reimbursed, providing that prior approval has been received from the Governor for the construction and that plans and specifications have also been approved by the Governor and the facility is erected on state-owned lands. The consortium of local governing bodies may enter into an agreement with the Department of Corrections to operate such a jail, as well as to bear the costs of maintenance and operation. In these cases, the Department shall operate the jail in such manner as it may prescribe.¹

The Advisory Task Force recommends the removal of the specific dollar amounts and the requirement that the facility be erected on state-owned land. It further recommends that instead a formula should be devised to be based upon the population of the area or region to be served, the size of the facility, the cost of the facility and the relative abilities of the local governing bodies to pay.

The jails of Virginia are presently designated by statute to house those prisoners having a sentence of less than 30 days. Those having a

¹Code of Virginia, Section 53-135.1

sentence of 30 days or more remaining to be served may be transferred to any state or city farm, state training school, or correctional field unit. This section further provides that any jail inmate whose sentence exceeds 12 months shall, in all instances, be transferred.² The present overcrowding of state correctional facilities prohibits compliance with this provision. However, the reassignment (legislative action needed) of those incarcerated in the jail system for non-support or under the Habitual Offender Act could well free space in the correctional facilities. The local governing bodies are reimbursed by the Department of Corrections for the expense of housing state prisoners, but the cost of maintaining those in violation of local ordinances must be borne by the localities.

While the Department of Corrections issues regulations and guidelines for the staffing of a jail facility, the State Compensation Board and the local governing body, at present, have the responsibility for the funding of the personnel requirements. For example, should the Department of Corrections direct that a certain jail provide additional correctional officers and if either the Compensation Board or the local governing body fail to provide for additional personnel, it becomes the responsibility of the court to consider ordering the sheriff to employ temporary personnel.³

A sheriff may, however, appeal the decision of the Compensation Board to the circuit court of the county or city of residence. The judge of that court and two circuit court judges designated by the Chief Justice of the Supreme Court shall hear the appeal and there is no right of further appeal from the decision of this special court.⁴

The courts and the judge thereof in vacation determine the amount of time for which a defendant found guilty is to be incarcerated in a jail.

²Code of Virginia, Section 53-135.1

³Code of Virginia, Section 53-183.2 and 53-183.3

⁴Code of Virginia, Section 14.1-52

The judge may also, by warrant, direct that any person committed to the local jail be transferred to some other jail.⁵ Furthermore, a circuit court judge may, by order, allow sentenced misdemeanants to work on county or city property and to receive credit towards their sentences as the order might prescribe. In this case the county or city shall be responsible for the care and maintenance of the prisoners.⁶ In addition to this, the judge of the court of jurisdiction may provide in the sentencing for a program of work release for that prisoner. The work release order shall provide such conditions as are necessary and the person so working shall be deemed to be in custody of the jail, even though he might be under the supervision of a probation officer.⁷ In addition to these programs, after proper hearing a judge might either suspend the remainder of the sentence or impose a probationary period rather than a continuation of the serving of the sentence imposed.

The judge, the commonwealth's attorney or the city attorneys who prosecute criminal cases should receive from the sheriff at the beginning of each court term a report of the number of prisoners in jail, their date of commitment, the offense and the sentence.⁸ The Advisory Task Force recommends legislative action to include that the commonwealth's attorney or the city attorney who prosecute shall also receive the report from the sheriff.

If, after a hearing, the court, or the judge thereof, finds that a sheriff or sergeant has failed to comply with the requirements of the

⁵Code of Virginia, Section 53-140

⁶Code of Virginia, Section 53-165 (the Code does not state whether the expense is pro-rated by working days or the entire sentence)

⁷Code of Virginia, Section 53-166.1

⁸Code of Virginia, Section 53-172

State Board, the court shall enter an order directing that the Compensation Board withhold further salary until compliance has been achieved.⁹

In addition to the provision of Section 53-173, a court may impose a fine not to exceed \$50 upon a jailer for failure to perform his duties.

Any governmental agency, corporation or other person using methadone in a detoxification program must obtain a license from the State Board of Health prior to engaging in such treatments or rehabilitation.¹⁰ In addition, the State Board of Health may provide for the thorough sanitation and disinfection of all convict camps, penitentiaries, jails and other places open to the public.¹¹

In the area of jails and facilities the Department of Corrections has responsibility of inspection and operation and power to close facilities that do not meet minimum standards.¹² The Department should consider more effective use of this power.

The Board of Vocational Rehabilitation operates the Woodrow Wilson Rehabilitation Center to serve those disabled in industry or otherwise. In this function, the Board acts in cooperation with the Virginia Industrial Commission and other agencies. This appears to be a specialized agency having no application with the jails system.

The Department of Mental Hygiene and Hospitals may make matching grants to counties, cities or counties, and cities in combination, for the establishment and operation of local mental health programs.¹³

⁹Code of Virginia, Section 53-173

¹⁰Code of Virginia, Section 32-6.1

¹¹Code of Virginia, Section 32-7

¹²Code of Virginia, Section 53-134

¹³Code of Virginia, Section 24.1-194

The Office of the Attorney General is responsible for the interpretation of any federal or state court findings affecting the conditions of incarceration. Upon request, it is also the duty of the Attorney General to keep the sheriffs advised of the effects of federal and state law upon the operation of their jail facilities.

Commonwealth's attorneys and city attorneys appear to have a parallel, but less formal, relationship with the jails.

Suits against sheriffs and deputies are defended by the commonwealth's attorney.¹⁴

The Criminal Justice Officers Training and Standards Commission establishes compulsory minimum training standards for jailers or custodial officers. In addition, it is charged with the establishment of compulsory minimum curriculum for in-service training for such personnel.¹⁵

The Council on Criminal Justice and the Division of Justice and Crime Prevention are the supervisory board and the state planning and coordinating agency, respectively, responsible for the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968, as well as other federal programs for strengthening and improving law enforcement, the administration of criminal justice and delinquency prevention and control.¹⁶

The Division is directed by law to cooperate with, advise and assist all state agencies and units of local governments in planning, developing and conducting programs for strengthening and improving the administration of criminal justice. This is done primarily through the securing of grants to implement and aid local programs for the administration and aid of criminal justice.

¹⁴Code of Virginia, Section 15.1-66.1

¹⁵Code of Virginia, Section 9-109.2

¹⁶Code of Virginia, Section 60.1-39

Through regional criminal justice planning, the Governor's Manpower Council, the Virginia State AFL-CIO and the Human Resources Development Institute, functioning under the Comprehensive Employment Training Act of 1973, along with other interested groups are working closely with the local jails and the Department of Corrections in job training and job development for males. The AFL-CIO operates three such programs in three localities for the males and plans such programs to include females.¹⁷

The Virginia Employment Commission is charged, by law, with employment stabilization¹⁸ through the encouragement and assistance in the adoption of programs for vocational training, retraining and vocational guidance. In the stabilization of employment, the VEC is to promote the reemployment of those without jobs in every other way that might be feasible.

It falls to the Rehabilitative School Authority to provide training for those committed to the correctional system.¹⁹ The Board supervising the RSA has the power and duty "to enter in such agreements with private entities, school districts or divisions, community colleges and universities as it may deem appropriate for the purpose of carrying out its duties and responsibilities."²⁰ This authority, therefore, permits the RSA to contract with existing educational facilities for the provision of such education as the Authority might deem appropriate.

¹⁷The localities are Norfolk, Richmond, and Roanoke

¹⁸Code of Virginia, Section 60.1-39

¹⁹Code of Virginia, Section 22-41.3

²⁰Code of Virginia, Section 22-41.5 (F)

PROGRAMS

Many local jails still adhere to the traditional security and custodial approach to corrections. According to the President's Crime Commission, "In the vast majority of the city and county jails and short term institutions, no significant progress has been made in the past 50 years. Most jails still project the philosophies of an earlier era, that is, 'The prisoner deserves whatever happens to him.'"

In recent years there has been a growing realization that the goal of the judicial and correctional systems is to rehabilitate and return the offender to the community as a responsible citizen. However, the fact remains that there is little in the way of rehabilitative and community treatment programs particularly for misdemeanor offenders.

Institutions isolate offenders from the community, both physically and psychologically, cutting them off from schools, jobs and families, and other supportive influences. Penologists have long recognized that many inmates are poorly educated, ill-prepared for employment and socially deprived.

Since more than 98% of the inmates incarcerated will be released and many will return to their home communities, efforts should be made to rehabilitate the offenders and provide them opportunities to build or rebuild solid ties with their communities, to integrate or reintegrate with the full community, to restore family ties, to help prepare for improved employment capability, to better their education and to acquire a greater sense of self-worth and enhanced acceptance of their social responsibilities. Programs such as jail libraries, work release, study release, recreation, alcohol and drug counseling must be given

consideration if part of the function of the local jail is to offer opportunities for change of life style by the inmate.

Library

Library programs have been developed in a number of jails. In several instances, such as Norfolk, these programs are adjuncts of the local library. Some jail libraries are stocked with mostly donated books such as textbooks and older novels. According to data gathered in May 1975 from the John Charles Stinnie v. Walther Fidler case,¹ at least 29 jails in Virginia have neither a library nor a lending system with a local library. Some 54 jails claim to have either a library or a lending system or both.

The library program, its services and materials, should be geared to all inmates for the purposes of education, information and recreation. According to the Manual of Correctional Standards, correctional institutions cannot afford to operate effective treatment programs without fully developed libraries that are readily accessible, well stocked with sufficient materials, carefully selected up-to-date books, periodicals and other library materials. It also states that a collection should have a minimum of 6,000 well-selected volumes with at least 10 books per inmate. Library materials must be selected with the needs, interests and ability of inmates in mind.

Work Release

Work release programs started in 1913 in Wisconsin when the Huber

¹John Charles Stinnie, et al., v. Walther Fidler, et al., April 30, 1975. Civil action number 554-70-R. In the U.S. District Court for the Eastern District of Virginia, Richmond Division.

Eleven jails either did not reply or their answers could not be found in the files. There were 84 jails answering of the total 95 jails in the state. In this survey there were 64 county jails, 16 city jails, and four farms or security centers.

Most of the answers were received by the court in Richmond during the last two weeks of May 1975 and the first week of June 1975.

Law was passed. It is the most widely accepted and practiced rehabilitative program in Virginia as well as the nation. Selected inmates participating in the program are permitted to work on jobs in the community during business hours and are required to return to jail after working hours. Often, the money earned by inmates on work release is sent to the jail administration as reimbursement for the inmate's room and board. In addition the money is applied toward the support of the inmate's family, thus helping reduce public expenditure both ways.

As a tool to be used in a comprehensive treatment program, work release, when operated properly, can have a psychological uplift for the inmate by relieving idleness and providing opportunities for applying skills already obtained or recently achieved in vocational training projects. Work release can also provide valuable on-the-job training.

All work release participants should be volunteers. All participants must be properly and thoroughly screened through a classification system which might include the sheriff as well as the judge. Newly arrested inmates should be informed of the program and assisted in retaining their current jobs where possible.

Inmates' jobs must be physically safe, and healthy working conditions must be maintained. The proper tools and special clothing needed for the job must be provided. A feasible inmate accounting system should be operated.

Through the Stinnie case it was found that 53 jails in Virginia have no work release programs. Some 28 jails do use this program; four jails which do not have work release as such, do have inmates serving weekend sentences.

Drug Programs

Any drug abuse program must be operated with the realization that abuse of drugs does not occur in a vacuum; drug abuse many times can be both a symptom and cause of other social and personal problems. The user must be dealt with in the context of his complete environment in order to provide meaningful counseling.

The Stinnie survey found 12 jails which specifically stated having a drug abuse counseling program.

Alcohol Programs

In the performance of its intake and maintenance functions, the jails are in an excellent potential position to identify and offer support and assistance to the alcoholic. Most people agree that a very large percentage of the inmate population has acute drinking problems. Despite the usual brief stay, the incarcerated alcoholic could be motivated to break established patterns of drinking through acute treatment programs.

In addition to needs of all inmates, good work programs, planned free time, educational programs, proper food and good medical care, alcoholics need special counseling and access to outside programs such as Alcoholics Anonymous. In addition, referrals to employment agencies, social and mental health agencies should be made upon release. It is recognized that jails cannot solve the problems of alcoholism, but progress can be made. If alcoholics presently confined in local jails could be treated in detoxification centers we could expect to see a decrease in the recidivist rate as well as an improvement in the inmates' morale and lessening of disciplinary problems.

According to the Stinnie information, 15 jails have counseling programs for the alcoholic.

Educational Programs

In several jails in the state, inmates have had the opportunity to complete their high school education by means of the GED test. During the course of the study it was learned from officials of the Department of Education that most of the testing was not being handled properly. Allegations stemmed from the fact that the inmate did not take the test at the proper testing center and that in some cases the test might be administered by persons who had been preparing the inmate for the examination. In an effort to rectify the situation, the Department of Education temporarily halted all GED testing in local jails with the exception of certain selected facilities. This temporary injunction was merely to give the Department time to promulgate new guidelines which would make special arrangement for jail inmates.

According to information gathered from the Stinnie case, 13 jails have educational programs available to inmates. Fifty jails reported having no type of educational, vocational or counseling programs available. Thirty-two jails claim to have some type of program.

Recreation Programs

An effective rehabilitative process must include a sound recreation program. According to the Stinnie statistics, in 1974 forty-one or half of the jails responding had some type of recreation facility (day room, gym, outdoor area, ball court and field)

available for inmate use; 42 of the responding jails had no recreational facilities.

Recreational programs should be designed to meet the needs and interests of the inmate, as well as alleviate boredom and release pent-up energies. There should be active physical sports and less strenuous activities such as crafts and hobby projects offered. The use of televisions or movies might also be considered as recreational tools.

Conclusion

If a function of the local jail is to rehabilitate and restore the offender to a productive law-abiding citizen, he must be given the opportunity to participate in programs that offer the chance to review, discover and reinforce personal and community resources. Although inmate participation in such programs may run counter to the traditional security approach to confinement, there need not be a conflict between treatment and confinement provided the latter is used as one part of the total rehabilitation system. While security is of prime importance it, nevertheless, can be an integral and significant part of the total incentive structure of an effective rehabilitation program. Security may be programmed into the treatment system through measures such as the indeterminate sentence, parole, study and work release and furlough. In such a manner security can become part of the operation focused on the main objective, that of preparing the offender to return to the community better able to cope with the problems of everyday living.

MENTALLY DISTURBED OR RETARDED INMATES

The mentally disturbed or retarded inmate presents considerable difficulties for the local jail. The jails are ill-equipped to cope with those who may be a current or former mental patient, or may have a history of mental instability. Of concern is the inmate who is legally responsible for his criminal act, i.e., not insane, but whose behavioral aberrations create extreme disruption in the peace and order of the jail or render him dangerous to himself or others. The problem is compounded by the length of time the inmate must remain in jail awaiting transfer to the state system after sentencing. Even then, there is no appropriate facility to which he may be assigned.

A solution to the problem is unaffected by the view one takes of the local jail function. It is unrealistic to expect each jail to develop and maintain capabilities for handling these inmates on either a short or long-term basis. Their numbers do not justify economic commitments needed to provide medical services or beneficial programs.

The extent of the problem is difficult to assess in terms of numbers of prisoners and prisoner-days. Statistics are not kept by such categories. However, interviews with various sheriffs, commonwealth's attorneys, and judges tell us the problem is widespread.

In many instances, disturbed persons who should not be in jail end up there. Conversely, other disturbed persons who should be in jail are allowed to go free. For example, except for a serious offense, police may determine not to charge an individual who appears likely to present management difficulties due to mental problems. Alternatively, it is not common for a disturbed defendant to receive repeated suspended sentences (or no sentence) simply because his stay in the local jail, often prolonged by the delay in transfer to the state system, presents considerable

problems for the authorities -- this, in spite of the fact that he may in fact need incarceration to discourage criminal conduct. (Doctors at Central State Hospital and the Southside Virginia Training Center, for example, confirmed to the Advisory Task Force that there are residents there who continue to commit criminal acts when they do so with relative impunity, and penal confinement may be necessary when they resist rehabilitative efforts.)

The Crime Commission has previously recognized the problem as it exists in the state system. In the "Report of Bland Correctional Farm and 13 Field Units in Virginia," compiled November 1, 1973 - May 30, 1974, the Commission recommended that "inmates who are psychotic or suffer from other mental diseases should be taken out of the penal system and incarcerated in a mental hospital." p.9. (It should be observed that the hospitals' forensic units are secure only in the sense that they have bars, walls and locks. They are regarded as hospitals, not prisons, and have no security personnel. If they are to be used more, as suggested, security will have to be improved.)

The Advisory Task Force's recommendation asserts the need to exercise authority which presently exists under Virginia Code Section 37.1-35 for the mental hospitals to accept certain prisoners, but it is seen that, insofar as prisoners are concerned, the section pertains only to "persons declared mentally ill or mentally deficient after conviction of any crime and while serving sentences therefor...; persons in custody charged with crime who prior to trial or sentencing are adjudged mentally ill or mentally deficient; such persons in custody charged with crime as the court in its discretion orders there for proper care and observation pending the determination of their mental condition; persons who have been adjudged mentally ill or mentally deficient at the time, when, but for such

adjudication, they should have been tried." Under Code Section 37.1-1, the terms "mentally ill" and "mentally deficient" are defined as follows:

"Mentally ill" means any person afflicted with mental disease to such an extent that for his own welfare or the welfare of others, or of the community, he requires care and treatment. (portion of definition not applicable to Section 37.1-35 is omitted.)

"Mentally deficient" means any person afflicted with mental defectiveness from birth or early childhood to such an extent that he is incapable of caring for himself or managing his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care.

Unless the inmate can be categorized as mentally ill or mentally deficient, Section 37.1-35 is of no assistance, except where he is committed to the mental hospital to determine his competency. It affords no solution for the behaviorally difficult, disruptive inmate who has mental or emotional problems but who cannot meet the definitional requirements.

A person who is mentally ill may be civilly committed to a state mental hospital under Section 37.1-67.1, which provides that "whenever the alleged mentally ill person cannot be conveniently brought before any justice forthwith, the officer executing the order of temporary detention shall place such person in some convenient and willing institution... for a period not to exceed 48 hours prior to hearing and not a jail or other place of confinement for persons charged with criminal offenses, unless such confinement is specifically authorized by such justice pursuant to regulations duly adopted by the State Mental Health and Mental Retardation Board....".

Although the section goes on to specifically exclude mentally retarded or mentally deficient persons from such temporary detention, it is felt that the section is relevant to a portion of the local jail problem. For example: an individual thought to be mentally ill goes into a rage and commits a misdemeanor assault. This occurs on a Friday night.

Although the arresting officer feels that the assault occurred due to the mental state of the individual, he realizes that it will be difficult, as a practical matter, to hold a civil commitment hearing within 48 hours and that, therefore, the 48-hour temporary detention will be of no avail with regard to the particular case. As a result, charges such as disorderly conduct or assault and battery are preferred, and the person is committed to jail, where he creates continuous disruption. It is seen that if the permissible detention period were expanded to at least 72 hours, this would result in more persons being placed in mental institutions where they can be appropriately cared for, rather than in jail.

(It should be noted, however, that some members of the Attorney General's Office have expressed reservations about the propriety of holding an individual as long as 72 hours without a hearing. Moreover, certain doctors at the mental hospitals are opposed to such an extension, feeling that local officials can reasonably be expected to hold a hearing within 48 hours, regardless of the inconvenience.)

The bulk of the behavioral problems created in local jails by disturbed persons are not necessarily created by persons who are legally "mentally ill". Even if a prisoner were a patient at a mental institution when he committed a crime, this would not perforce mean that he were not criminally responsible for his act, for rather than being mentally ill or mentally deficient, he might have been at the institution due to mental retardation, drug addiction, inebriety, or some other emotional problem.

Although disturbed individuals present problems while being held for trial and sentencing, a greater problem is created by the delay in being removed to the state system if given jail or penitentiary terms. When they are finally transferred, the state has no special units designed

to cope with their particular problems, unless they have become mentally ill or are mentally deficient and can be transferred to a mental hospital under Code Section 37.1-35, supra.

Specialized units with appropriate medical and psychiatric capabilities must be developed upon a cooperative basis between the Department of Corrections and the Department of Mental Health and Retardation. There has been expressed within the Department of Mental Health and Retardation opposition to facilities being located upon the grounds of a mental hospital. If such a position were to be accommodated, a possible solution might be the conversion of an existing field unit facility located near a mental hospital which would permit the usage of the hospital's staff for treatment while at the same time preserving the penal attributes of the facility. This course might be compelled upon economic considerations alone. Such a specialized facility could be used for the temporary holding of disturbed prisoners for local jails, since it would amount to no more than transferring an inmate from one penal facility to another and would thereby create a capability for appropriately caring for such persons. Whether before or after conviction, however, incoming inmates should be screened by the medical staff to determine whether or not they should be incarcerated at the specialized units. Pre and post-conviction detainees should be separated, and, in conformity with the recommendations of the Bland Report (p. 8), misdemeanants and felons should not be held at the same installation. Adequate beds must be made available so as to avoid the transfer delays currently being experienced. The Bureau of Institutional Services for the Department of Corrections estimates there are 40-60 inmates in the state system who need such specialized confinement, but who do not meet the criteria for admission to the criminal wards of the mental hospitals.

If the facilities were available, it appears likely that this figure would increase due to a decreased reluctance on the part of judges to sentence such persons to jail if they knew there were a suitable place to house them.

With regard to the development of these specialized units, the Advisory Task Force notes that separate programs will have to be developed for prisoners who are mentally retarded and for those who are not retarded but who are otherwise mentally or emotionally disturbed. The retarded simply cannot benefit from the same programs as persons with greater mental capacities.

In considering the development of specialized facilities and programs and their costs, the possibility of transferring certain current functions of the mental hospitals to the special facilities may be investigated. At present the hospitals bear a considerable expense for functions that are in fact more appropriately cost related to the penal or criminal justice system. At the Central State Hospital Forensic Unit the cost per day per patient was \$31.44 at the end of 1974. During the year, there were 541 admissions, of which 107 were admitted from the state's penal system. The total number of patient days for 1974 was not available, but in 1973, 310 persons who were later returned to court following evaluation were kept a total of 26,195 patient days, while an additional 153 remained for treatment a total of 20,788 patient days. Of the 463 admissions in 1973, 142 were from the state system. If last year's patient-days equaled those for 1973, the cost for the inmates at the unit would have totaled \$1,477,145.52.

The Advisory Task Force proposes that an expansion of community mental health and mental retardation services under Code Section 37.1-194 et. seq. (the so-called "Chapter 10" provisions) could aid the local jails by assisting in the care and treatment of prisoners at the local level, whether this were handled in the jail or in a local center.

JUVENILES

Several thousand juveniles are detained in local jails each year in Virginia. A report released in April by the Division of Youth Services shows that 6,017 children were held in adult jails in fiscal year 1973-74. Included were 341 below the age of 15. This is illegal. None were contested. The report noted that nearly 25 percent of all those held in jail or secure detention were runaways. The Division recognizes that the classification, runaway, does not constitute a security risk.¹

Section 16.1-196 of the Virginia Code requires that juveniles, if held in a local jail, must be placed "in a room or ward entirely separate from adults." This Advisory Task Force observed few facilities where compliance is possible, and noted violations.

Juveniles are placed in jail while being temporarily held for trial or disposition. Normally, juveniles should be held in detention homes. Sometimes long distance for traveling to them and the overcrowding in detention homes have helped keep many juveniles in jails for long periods.

The juvenile court utilizes two options in disposing of cases, 1) probation; 2) commitment to the Division of Youth Services for transfer to the diagnostic center, or if the court determines that the child should be treated as an adult, commitment to jail. Thus, a second group of children is serving time in local jails.

Because of lack of alternative treatment, the courts often sentence juveniles to the local jails.

¹An Assessment: Jailing and Detention of Juveniles in Virginia from 7-1-73 to 6-30-74, Department of Corrections Division of Youth Services, Richmond, Virginia, Spring, 1975.

Pursuant to the provisions of section 16.1-177.1 of the Code, the Juvenile and Domestic Relations judge can sentence a child 15 years of age or over to jail for a period not to exceed 12 months. In many instances the local jail is not equipped to incarcerate such juveniles at arraignment should he wish to transfer them to another jail that is equipped to handle such juveniles. The jails that incarcerate such juveniles should have properly trained staffs to handle them.

Various reasons are given as to why juveniles are temporarily housed in jails. They include "inadequate community prevention services; ineffective police and court intake services which are not committed to keeping children out of the juvenile justice system and out of residential care. Also, other reasons are inadequate alternatives to jail and secure juvenile detention; a belief by some Juvenile and Domestic Relations District Courts that jail and secure juvenile detention are the proper places for certain, if not all, groups of alleged juvenile offenders before the court. Additionally, there are absence of commitments by many jurisdictions to share existing facilities with neighboring jurisdictions; absence of regional cooperation in developing a system of diversified programs; indifference to the whole program."²

These are logical reasons. However, the Advisory Task Force believes too many juveniles are being placed in jail for too long a time. This is because the police, jailers and the courts themselves are not always abiding by the requirements of the Code regarding incarceration and holding of juveniles. Such personnel

²Ibid.

should receive training to properly and legally screen juvenile cases. Establishment of a mandatory system of communication between the jail and the Juvenile Domestic Relations District Court would provide an adequate check on the number and identity of juveniles incarcerated there.

There are presently sufficient numbers of detention beds in Virginia. The problem is the age, state of repair and size of some of the buildings. The concern is for the individual. Because he needs protection, a child should not necessarily be placed with those who need detention.

Virginia's localities need more alternatives to incarceration for juveniles. Until more diversified treatment is incorporated into Virginia's local juvenile systems, detention centers will remain crowded with misplaced children and jails will subsequently be forced to handle the overflow.

A certain number of juveniles will continue to be detained in local jails if they are being tried as adults and the seriousness of the alleged offense warrants such detention. Placement of juveniles in jails is viewed as inappropriate when it is caused by overcrowded detention facilities or inaccurate diagnosis and placement.

Juvenile court judges, along with detention home staffs, should minimize the need to detain juveniles in jails. When this step appears inevitable, the judge should be contacted concerning the possibility of releasing certain juveniles in detention in order to make space available.

Judges should assure an early hearing so that a situation involving a juvenile will be quickly adjudicated. Unnecessary delays have been noted. Judges should not allow inordinate use of continuances.

Probation officers should be obligated to prepare the necessary pre-hearing social history within the shortest period of time, preferably two weeks or less. The Division of Youth Services should be required by statute to promptly pick up juveniles who have been committed to state facilities in order to reduce the number of days that a juvenile must remain in detention after adjudication of his case. Section 16.1-197 specifies that secure detention facilities should be used only to "hold" or "detain" juveniles and that such facilities should never be used to "punish."

According to the April, 1975, report of the Division of Youth Services, "Virginia has developed nearly enough secure [pretrial] juvenile detention beds to meet its current needs. We have not used what we have wisely." The reason given is "because of misuses and an inability to coordinate what is available." The Advisory Task Force joins the Division of Youth Services in recommending the following changes in the Virginia Code:

"Prohibit the jailing of juveniles who are:

1. Status offenders
2. Transferred because of insufficient secure detention space
3. Held in jail without specific judicial order for jailing.

"Define conditions under which juveniles 15 years and older may be jailed. Such to only include:

1. Certified to grand jury
2. Serving adult sentence
3. Those who represent a serious hazard to the safety of detainees and staff and whose behavior is continually and chronically disruptive of the program of the secure detention home--by judicial review only."³

³Ibid.

The small jail, by virtue of its placement and design, offers little in the way of rehabilitation and treatment. This retards the efforts of those working to help youths. Development of community-based programs and facilities would alleviate not only this problem, but provide the court with an alternative to probation in those cases where the child needs residential supervision and direct control in the community.

With proper use of screening, detention, and alternatives to detention, the necessity to incarcerate juveniles in jail could be minimized. The indelible effect of a jail experience on children cannot be overestimated.

The successful operation of programs dealing in alternatives to secure jailing and/or detention should include:

1. Qualified intake departments which will use all available resources before a petition is filed, if such filing may be avoided
2. Adequate probation and auxiliary court service personnel to handle these programs
3. Active and imaginative volunteer programs to relieve the probation officer, and to offer additional services at little or no cost

While the jail may be used successfully in treating adults, more comprehensive changes should occur before existing facilities will fruitfully deal with the treatment of juvenile delinquency.

SPOT REPORT OF THE VIRGINIA STATE CRIME COMMISSION
 Juveniles in Local Jails on October 9, 1975

Arlington County	7 (awaiting trial)
Alexandria City	10 (3 serving sentence) 7 awaiting sentencing)
Augusta County	1 (awaiting trial)
Bristol City	1 (serving sentence - Circuit Court)
Danville	0
Charlottesville- Albemarle	9 (5 awaiting trial 4 serving sentence)
Norfolk City	11
Fairfax County	5 (2 awaiting trial 3 serving sentence)
Lynchburg City	6 (3 awaiting trial 3 serving sentence)
Martinsville City	0
Newport News City	5 (4 pretrial, 1 awaiting transfer to state institution)
Petersburg City	9 (7 pretrial, 2 presentence reports 3 serving sentence)
Richmond City	48 (20 awaiting transfer to Southampton, 12 pretrial, 8 serving sentence, 8 held for other counties)
Virginia Beach City	10 (2 serving sentence 8 pretrial)
Roanoke City	9 (4 pretrial, 3 serving sentence, 1 awaiting extradition to Maryland, 1 awaiting pick up by Marines)
Williamsburg City	0
Chesapeake City	14 (awaiting trial)

WOMEN

Incarceration of women in local jails creates a number of problems. The facilities are primarily for men. Thus, the jails can only adapt themselves to the needs of women.

A woman's chances of remaining within her community are often very limited. This increases isolation by making visitation difficult, her participation in work release almost impossible, and limits her opportunity to serve a specialized sentence such as weekend confinement. Since all jails do not offer the same programs, contract housing of female inmates to achieve quotas may preclude participation in desirable treatment programs. All city or county farms are not open to women serving misdemeanor sentences.

Regional correctional facilities for women are favored.

The cost factor is often given as the reason why women are not confined locally, and are unable to fully participate in the rehabilitative programs basically instituted for men. When women are jailed the cost factor often increases for the state because of children, if any. If there is no father, the children must be placed with the Department of Welfare. The Advisory Task Force was not charged with determining the placement of children of incarcerated parents. However, concern is evident.

In the year ending June, 1973, the total commitment of women in Virginia numbered 11,785. Of these, 9,889 were misdemeanants. There were 5,317 offenses against "decency, peace and good order," the largest percentage being for drunkenness and disorderly conduct. There were 2,409 offenses "against property," with the three largest categories being "larceny, theft, possession of stolen goods (non-auto),

fraud, bad checks and forgery." The largest category was "driving under the influence of intoxicants." Only 985 offenses "against person" were statistically committed.¹

If jails are only places of detention and not intended to be institutions² women needing to serve sentences should be sent promptly to a state facility when there is no appropriate community alternative available.

¹Department of Welfare and Institutions, Commitments to County and City Jails and City Jail Farms, year ended June 30, 1973; prepared by: Bureau of Research and Reporting.

²Department of Welfare and Institutions, Division of Corrections, 1970; Rules and Regulations for the Administration of Local Jails and Lockups; page 1.

ALTERNATIVES

While jails have served and will continue to serve the Commonwealth we must necessarily concern ourselves with another aspect of corrections in relation to the local jails. Alternatives to incarceration can be utilized both economically and safely by using proper classification and follow-up.

Alternatives may include release on recognizance, street supervision pending trial, weekend sentences, utilization of halfway houses, and realistic bonding procedures.

Further effort should be made to rehabilitate those in the local jails. Many inmates could be released to programs that would not only be more beneficial but would reduce the cost of operating the correctional system. Quality administration of programs of this type is paramount to their success. Their successful operation requires close surveillance by the courts and cooperation with the program administrator and staff. Although 100 percent success can never be achieved because of human factors, programs of this type are necessary not only to reduce current overcrowding, but to gain a greater measure of public confidence and to help the inmate attain more self-respect.

In programs of this type an operating board or screening committee of three to five persons per circuit or district court or groups of courts would review the qualifications of each applicant and make recommendations concerning the suitability of those who are applying for release under these programs. Consideration could be given to having a defendant serve in the planning of programs. Each board would be responsible for the inmate's record during the normal period of review. This period should not exceed 14 days. The board may include volunteers

who could be advanced law students because of their understanding and knowledge. They could work nights, part-time and weekends, thus helping to speed the process. Full-time paid professionals should also be considered. They need to utilize objective testing procedures.

The testing process would include identification of detainees, the conducting of interviews, verification of responses, release and follow-up prior to trial. The processing staff would be in contact with the jail at intervals throughout each working day to ascertain the names of those inmates who may be deemed qualified. Conditions of release would be fully explained. Interviewers on the staff of the pretrial release component would be responsible for identifying potentially eligible defendants. The telephone number of the pretrial release component's office should be posted in a conspicuous location near the booking desk in each detention facility in the jurisdiction. To make certain that every potentially eligible defendant has been interviewed the pretrial release component's staff should compile and review a jail inmate section sheet on a weekly basis.

Information regarding booking charges would be used by the interviewers to determine whether a detainee is eligible to be considered for pretrial release. All people arrested and detained in municipal or county facilities that would otherwise be bailable should be eligible to be considered for release. Traffic offenders, those arrested for uttering, forgery, embezzlement, larceny misdemeanors, misdemeanor drug offenses and material witnesses would be among those eligible. Those who should not be eligible would include those awaiting medical examinations, detainees who pose a threat to the community or themselves, dangerous offenders and those convicted inmates awaiting transfer.

Until the judiciary becomes comfortable with the idea of formal release on recognizance, only those defendants charged with lesser felonies or misdemeanors would be eligible for interviews. As program data is collected and the program proves its worth, a greater number of defendants could be released without jeopardizing the objectives of the project, and the judiciary should become more comfortable with the idea. This evolutionary process has been tried with success in a number of areas.

Alternative programs have proven successful in some metropolitan localities. In the early 1960's, a number of experimental programs sought to alleviate some of the well documented and widely considered excesses of the bail system. One of the pioneer programs was the Vera Institute of Justice Program in New York. Studies show that in 1960, of almost 115,000 people detained before trial in New York, only about 31,000 were later convicted and sentenced to incarceration. It cost the city \$13 to put the defendant through the Vera Process; it cost the city an average of \$120 to confine a defendant pre-trial. (In 1962, 58,000 defendants spent 1,700,000 days in New York City jails pretrial at a cost of \$10,000,000). In this study, Professor Paul B. Wice¹ notes that in most cities with ROR programs, government agencies are the sponsors; about a third are run by private organizations. In St. Louis and Cincinnati the probation departments administer the program; in Des Moines, a private foundation funds citizens' group does the job using law students. In some cities Vista volunteers assume the Vera role; in the District of Columbia, an independent bail agency has been set up under the auspices of the court to conduct the program.

¹Paul B. Wice, doctoral dissertation filed at the library of the University of Illinois.

(In 1970, more than 8,000 suspects were released under its supervision; only about 10 percent were re-arrested); in Tulsa, Oklahoma, a special program of the local bar association provides the local defense lawyers to vouch for the appearance of their clients. In Los Angeles and Chicago, subjective judgements are used, and releases are awarded more often than when objective tests are applied.

In Baltimore, after one year with a Vera-type program, 868 men were approved for ROR; only six failed to appear for trial, and the city saved more than \$500,000, according to a report to the city's courts by the pre-trial release program director. In San Antonio, Texas, only two percent of more than 1,000 prisoners released on personal bond in 1971 failed to appear for trial, which is lower than the forfeiture rate for a prisoner on commercial bond. More than half went back to their jobs or found new ones, saving welfare costs.²

In Milwaukee, in one year there were 780 released on their own recognizance; seven became involved with the law prior to court disposition, one other died; all the remaining 772 prisoners showed up in court. Professor Wice reports that the programs that are the most inclusive appear to have the least forfeiture rates.³

The Des Moines program is among the exemplary programs selected by Law Enforcement Assistance Administration. Special funding through LEAA is available to replicate such programs.

Structured interviews should be used and the form should be designed to measure five basic variables which experience has proven to be directly related to successful release; thus, the person will

²San Antonio News, August 13, 1971

³Wice Report, Chapter 10

appear in court for scheduled appearances. The variables are length of residence in the local area; the nature and extent of local family ties; time in the local area; stability of employment, and the nature and extent of prior criminal record. Four of these variables emphasize the relationship of the defendant to the local community.

Responses to the questions asked in the interview may be scored on an objective scale. Points would be awarded for length of residence, the existence of extensive family ties in the area, employment stability and so forth. Thus, the stronger the defendant's ties to the community, the more points awarded. Points are also awarded - or subtracted - on the basis of the defendant's record of prior convictions. Such a point system would indicate those defendants who would abide by the conditions of release. Extended residence without violations would be a good indicator. A point system could give a specific number of points for no prior convictions and no prior convictions within the past year. By the same token, points would be subtracted for prior convictions for misdemeanors or felonies.

Verification aimed at testing the accuracy and truthfulness of the detainee's responses to the questions is essential. The verification process should begin as soon after the interview as possible. The process of verification should include a series of reference checks (with the family and acquaintances identified in the interview), the criminal record, the National Crime Information Center and others. In order not to jeopardize the defendant's job, the employer should not be called.

Achievement of a specific point score should be sufficient to warrant a recommendation of release. However, there may be instances

where those sufficient points could be a "bad risk" as a result of a past history of non-appearance or because their offense involved dangerous substance abuse.

Once the interview answers have been verified, the board secretary or interviewer would fill out an evaluation code sheet which would be used in the overall evaluation. Such a code sheet would be filled out for each applicant. These would go to an evaluator and would be filed as an information resource if any follow-up contacts become necessary. It is also a backup record that can be used should the detainees ultimately be transferred to any other program, i.e., supervised release or probation.

Should the point score attained qualify a person for release, a pretrial release order would be filled out and signed by the defendant. The release order would then be submitted to the court to obtain authorization for release. The order would then be submitted to the judge who presided at the detainee's arraignment. If the judge accepts the recommendation of the program and authorizes the release of the defendant, he would sign and date the order and return it to the interviewer. The interviewer, as a designated representative of the board, would present the official release order to the clerk of the court's office to obtain an order of discharge, ordering the sheriff or chief jailer to release the defendant. The order of discharge is then given the jailer at the holding facility in order to secure the defendant's release.

At the time the recommendation for release is submitted to the judge, it would not show the defendant's point score. That information would be available, however, should the judge desire to see it.

Those defendants who are released on their own recognizance would be the program's responsibility. The board, therefore, would follow up on defendants and attempt to insure that conditions of release are respected.

A number of steps would be necessary before the defendant's actual release. He would be reminded of the conditions of his release on recognizance, especially that he is not to leave the area of the court's jurisdiction and that failure to abide by the conditions of release makes the defendant liable for bond revocation.

The defendant would also be given a card with the telephone number of the ROR office and the date of his next appearance in court. A reminder would be sent out should the court appearance be changed.

Should the defendant desire to leave the court's jurisdiction temporarily, he would fill out a travel request order, detailing the duration, destination and purpose of the proposed trip. The request would be submitted to the judge for approval. If it is approved, the defendant would be free to leave the jurisdiction so long as the limitations specified in the order are followed.

The other alternatives are more established and less complicated.

Work release, which is operated in a few jails, has been used more than a decade.

Street probation is utilized in many localities and involves those detainees able to rely upon self-discipline. The Advisory Task Force advocates this, but reminds that when responsibility for alternative services falls into the jurisdiction of probation, the capacity of all probation departments must be carefully examined. Probation is under staffed.

Halfway houses offer specialized services for drug addicts, alcoholics and individuals with related personal problems. There are social and professional services required from these persons. Such services are more readily available in these facilities.

Weekend sentences are exactly what the term implies. Judges permit those convicted to serve during specific periods on weekends. This usually enables an individual to retain his employment while serving sentence. The Advisory Task Force proposes that the judge should specify the duty those serving weekend sentences should perform.

Realistic bonding procedures are advocated in fairness to all. Release on bond should not be dependent on ability to pay.

APPENDICES

APPENDIX A

Citizens, Judiciary and Bar Association Questionnaire

CITIZENS, JUDICIARY AND BAR ASSOCIATION QUESTIONNAIRE

Because of the integral connection between the criminal justice system, the judiciary and the legal profession, questionnaires were developed to obtain information and opinions on local jails as they apply to the working relationship with these groups. A third questionnaire was drawn up to develop input from citizen groups involved with the criminal justice system. Such groups included Chambers of Commerce, the Junior League, League of Women Voters, and the National Association for Advancement of Colored People. Each questionnaire was prepared with the cooperation and approval of officials from each group involved.

Of the 629 questionnaires sent to the three groups, 303 or 48.1 percent were returned. Responses to the 110 questionnaires mailed to attorneys numbered 85 (77.2 percent). Of the 124 judges queried, 88 completed the form (70.9 percent). Citizen response was 32.9 percent of the 395 questionnaires sent out, 130 were returned.

Although the questionnaires sought to gather information on the specific relationship between local jails and the particular group queried, several of the same questions were included in each of the questionnaires. Judges, lawyers and citizens were asked to rate the local jail in their area. Of all the respondents, 35 percent rated their jail excellent; 33.7 percent gave a rating of fair; 19.1 percent rated their jail poor; and 8.6 percent rated their jail very poor. Along the same line of questioning, 35.3 percent of the respondents felt the local jail in their area rated among the top 10 in the state; 38.3 percent felt their jail was average; 13.2 percent rated their jail below average; and 6.9 percent gave a rating of poor.

When queried as to whether or not local jails should offer programs

aimed at rehabilitation, 63 percent of those responding replied positively while 32 percent replied in the negative. Interestingly, while both lawyers and citizens overwhelmingly favored rehabilitative programs, judges responding split on the issue: 47.7 percent answering yes to the question and 43.9 percent answering no.

The three groups were also asked if they felt their local jail abides by state standards. Of the respondents, 58.7 percent answered yes; 14.5 percent answered no, and 19.5 percent of the responding judges and citizens answered unknown to the question.

In order to determine the major problem of the local jail as viewed by these three groups, each was asked to indicate the greatest weakness of the institution in their area. All three groups overwhelmingly noted overcrowding as the major problem. Lack of space, inadequate facilities and lack of recreation were other problems most frequently listed in the responses.

By contrast, lawyers and judges were asked to indicate the greatest strength of their local jail. The facility itself, security and the sheriff were among the strengths noted most often. Also included among the most frequently received answers was the response that the facility had no strength whatsoever.

Four charts related to the survey results follow.

OPINION OF JAIL

Should jails offer programs aimed at rehabilitation?

	CITIZENS		JUDGES		LAWYERS		TOTALS	
	#	%	#	%	#	%	#	%
Yes	98	75.4	42	47.7	51	60.0	191	63.0
No	25	19.2	43	48.9	29	34.1	97	32.0
No Response	7	5.4	3	3.4	5	5.9	15	5.0
Total	130	100.0	88	100.0	85	100.0	303	100.0

Does your local jail abide by state standards?

Yes	66	50.8	64	72.7	48	56.5	178	58.7
No	8	6.1	13	14.8	23	27.0	44	14.5
Unknown	50	38.5	9	10.2			59	19.5
No Response	6	4.6	2	2.3	14	16.5	22	7.3
Total	130	100.0	88	100.0	85	100.0	303	100.0

OPINION OF JAIL

My local jail is:

	CITIZENS		JUDGES		LAWYERS		TOTALS	
	#	%	#	%	#	%	#	%
Excellent	34	26.2	44	50.0	28	32.9	106	35.0
Fair	50	38.5	28	31.8	24	40.0	102	33.7
Poor	29	22.3	11	12.5	18	21.2	58	19.1
Very Poor	17	13.1	4	4.5	5	5.9	26	8.6
No Response							11	3.6
Total							303	100.0

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CONTINUED

1 OF 2

OPINION OF JAIL

My local jail is:

	CITIZENS		JUDGES		LAWYERS		TOTALS	
	#	%	#	%	#	%	#	%
Excellent	34	26.2	44	50.0	28	32.9	106	35.0
Fair	50	38.5	28	31.8	24	40.0	102	33.7
Poor	29	22.3	11	12.5	18	21.2	58	19.1
Very Poor	17	13.1	4	4.5	5	5.9	26	8.6
No Response							11	3.6
Total							303	100.0

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OPINION OF JAIL

Rating of Jail:

	CITIZENS		JUDGES		LAWYERS		TOTALS	
	#	%	#	%	#	%	#	%
Top 10	26	20.0	52	59.1	29	34.1	107	35.3
Average	61	46.9	21	23.9	34	40.0	116	38.3
Below Average	19	14.6	12	13.6	9	10.6	40	13.2
Poor	18	13.9	3	3.4			21	6.9
No Response	6	4.6			13	15.3	19	6.3
Total	130	100.0	88	100.0	85	100.0	303	100.0

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APPENDIX B
Population Survey

FACILITY COUNTY	RATED CAPACITY	POP. 1/24	SEX		JUV.	A W A I T I N G T R A N S F E R					
			M	F		MISD.	F	JUV.	FELON	F	JUV.
Accomack	*40 (42)	16	16	0	0	0	0	0	2	0	0
Alleghany	*66 (76)	11	11	0	0	0	0	0	1	0	0
Amherst	*35 (35)	14	13	0	1	0	0	0	7	0	0
Appomattox	*13 (13)	None at present. Inmates in Farmville and Campbell, all of the jailors in school for the next two weeks.									
Arlington	*77 (154)	107	101	5	1	0	0	0	20	0	0
Augusta	*94 (84)	66	62	3	1	7	0	0	5	0	0
Bath	*18 (18)	2	2	0	0	0	0	0	0	0	0
Bedford	*39 (36)	20	17	0	3	4	0	3	7	0	0
Botetourt	*35 (36)	12	9	0	3	0	0	0	1	0	0
Brunswick	*21 (21)	9	8	0	1	0	0	0	7	0	1
Buchanan	*58 (59)	30	29	1	0	0	0	0	8	0	0
Campbell	*32 (35)	27	25	0	2	0	0	0	6	0	2
Caroline	*27 (24)	13	13	0	0	1	0	0	5	0	0
Carroll	*41 (40)	13	13	0	0	2	0	0	3	0	0
Charlotte	*20 (23)	3	3	0	0	0	0	0	0	0	0
Chesterfield	*96 (110)	60	52	1	7	3	0	0	2	0	0
Clarke	*12 (12)	13	13	0	0	2	0	0	2	0	0
Culpeper	*18 (18)	9	9	0	0	1	0	0	2	0	0
Dickenson	*34 *32										
Dinwiddie	*32 (32)	7	7	0	0	0	0	0	0	0	0
Essex	*2 (4)	2	2	0	0	1	0	0	0	0	0
Fairfax	*135 (157)	161	152	3	6	6	0	0	15	0	0
Fauquier	*46 (50)	16	13	1	2	0	0	0	2	0	0
Floyd	*10 (12)	1	1	0	0	0	0	0	0	0	0
Franklin	*34 (34)	20	20	0	0	1	0	0	2	0	0
Frederick	*48 (51)	46	46	0	0	2	0	0	3	0	0

FACILITY COUNTY	RATED CAPACITY	POP. 1/24	SEX		JUW.	A W A I T I N G T R A N S F E R					
			M	F		MISD.	F	JUV.	FELON	F	JUV.
Giles	*42 (42)	25	25	0	0	0	0	0	1	0	0
Grayson	*17 (10)	7	7	0	0	2	0	0	0	0	0
Greensville	*33 (32)	21	20	0	1	3	0	0	2	0	0
Halifax	*40 (40)	25	24	0	1	0	0	0	5	0	0
Hanover	*43 (40)	35	31	0	4	5	0	0	3	0	0
Henrico	*107 (110)	69	68	0	1	1	0	0	0	0	0
Henry	*58	54	54	0	0	0	0	0	18	0	0
Highland	*16 (16)	0	0	0	0	0	0	0	0	0	0
Lancaster	*8 (8)	8	8	0	0	0	0	0	3	0	0
Lee	*38 (38)	4	4	0	0	0	0	0	1	0	0
Loudoun	*52 (70)	32	29	0	3	0	0	0	4	0	0
Lunenburg	*8 (12)	13	13	0	0	0	0	0	1	0	0
Louisa	*23 (24)	12	12	0	0	0	0	0	4	0	0
Mecklenburg	*52	20	16	3	1	1	0	0	0	0	0
Middlesex	*16 (33)	16	15	0	1	1	0	0	7	0	0
Montgomery	(40)	28	26	1	1	0	0	0	9	0	0
Nelson	*16 (16)	7	7	0	0	0	0	0	0	0	0
Northampton	*30 (25)	15	15	0	0	0	0	0	7	0	0
Northumberland	*8	2	2	0	0	0	0	0	2	0	0
Nottoway	*12	8	8	0	0	1	0	0	1	0	0
Orange	*25 (24)	9	9	0	0	0	0	0	0	0	0
Page	*24 (27)	18	17	0	1	0	0	0	3	0	0
Patrick	*16	11	11	0	0	0	0	0	2	0	0
Pittsylvania	*50 (52)	23	23	0	0	2	0	0	2	0	0
Prince Edward	*29	11	11	0	0	0	0	0	1	0	0

FACILITY COUNTY	RATED CAPACITY	POP. 1/24	SEX		JUW.	A W A I T I N G T R A N S F E R					
			M	F		MISD.	F	JUV.	FELON	F	JUV.
Prince William	*62 (62)	60	52	0	8	4	0	1	9	0	1
Pulaski	*62 (60)	36	32	4	0	5	0	0	7	0	0
Richmond	*8	6	6	0	0	0	0	0	2	0	0
Roanoke	*28 (28)	32	32	0	0	1	0	0	8	0	0
Rockbridge	*30 (30)	18	17	1	0	0	0	0	3	0	0
Rockingham	*115 (119)	49	43	1	5	0	0	0	3	0	0
Russell	*36 (36)	20	20	0	0	1	0	0	3	0	0
Scott	*28 (32)	5	5	0	0	0	0	0	0	0	0
Shenandoah	(36)	21	20	0	1	1	0	0	0	0	0
Smyth	*40	17	15	2	0	0	0	0	3	0	0
Southampton	*35 (34)	19	18	0	1	1	0	0	2	0	0
Stafford	*30	30	29	0	1	1	0	0	1	0	0
Sussex	*29	9	9	0	0	0	0	0	2	0	0
Tazewell	*40 (40)	29	27	1	1	0	0	0	0	0	0
Warren	*32 (39)	27	27	0	0	2	0	0	10	0	0
Washington	*40 (39)	19	17	1	1	0	0	0	2	0	0
Westmoreland	*8 (9)	10	10	0	0	2	0	0	2	0	0
Wise	*44 (49)	21	19	0	2	3	0	0	1	0	0
Wythe	*44 (38)	11	11	0	0	0	0	0	2	0	0
York	*3 (30)	33	33	0	0	1	0	0	5	0	0
FACILITY CITY											
Alexandria	*200 (210)	147	133	5	9	0	0	0	7	0	0
Bristol	*70 (12)	34	33	1	0	1	0	0	4	0	0
Buena Vista City Lock Up											
Chesapeake	*106 (104)	89	77	0	12	3	0	0	10	0	0

FACILITY CITY	RATED CAPACITY	POP. 1/24	SEX		JUV.	A W A I T I N G T R A N S F E R						
			M	F		MISD.	F	JUV.	FELON	F	JUV.	
Clifton Forge	*20 (24)	3	3	0	0	0	0	0	0	0	0	0
Danville	*47	50	28	15	4	0	0	0	12	3	4	
Hampton	*100 (102)	81	72	3	6	1	0	0	10	0	0	
Lynchburg	*29 (76)	82	76	0	6	20	0	0	24	0	4	
Hopewell	*44 (45)	14	14	0	0	0	0	0	3	0	0	
Martinsville	*19 (18)	14	14	0	0	0	0	0	2	0	0	
Newport News	*131 (45)	94	86	0	8	0	0	0	15	0	0	
Norfolk	*527 (750)	332	311	11	10	He would have to go through 332 sets of papers one at a time. (49 total misd. & fel)						
Petersburg	*130 (165)	99	81	0	10	0	0	0	23	0	0	
Portsmouth	*200 (216)	151	123	15	13	0	0	0	31	juv.	2 female 1 male	
Radford	*9 (16)	2	2	0	0	0	0	0	0	0	0	
Richmond	*568 (675)	660	576	60	24	279	0	0	63	0	0	
Roanoke	*224 (250)	152	138	10	4	6	0	0	10	0	1	
Suffolk	*110	88	75	8	5	0	0	0	14	0	1	
Virginia Beach	(55)	98	83	3	12	0	0	0	15	0	0	
Williamsburg	*20 (35)	27	25	0	2	0	0	0	3	0	0	
Danville City Farm	*250	127	127	0	0	0	0	0	1	0	0	
Martinsville Farm	*60 (60)	48	48	0	0	0	0	0	0	0	0	
Newport News Farm	*150	108	94	12	2	0	0	0	0	0	0	
Petersburg Farm	*80	33	33	0	0	0	0	0	0	0	0	
Albe./Cville-Joint Sec.Com.	*104	98	90	4	4	7	1	0	30	1	0	
Rappahannock Security Cen.	*45 (62)	32	30	2	0	0	0	0	5	0	0	
TOTAL	*5934 (6493)	4286	3906	177	192	385	1	4	523	6	17	

* Indicates rated capacity as provided by the Department of Corrections.
 () Indicates rated capacity as provided by sheriffs or jail administrators.
 NOTE: Norfolk misdemeanants and felons awaiting transfer were not added to the totals.

FACILITY COUNTY	RATED CAPACITY	POP 6/5	SEX		JUV	A W A I T I N G T R A N S F E R						
			M	F		MISD	F	JUV	FELON	F	JUV	
Accomack	*42 (40)	15	14	1	0	0	0	0	6	0	0	
Alleghany	*72 (66)	10	10	0	0	0	0	0	1	0	0	
Amherst	*35 (35)	13	13	0	0	0	0	0	6	0	0	
Appomattox	*13 (13)	7	7	0	0	0	0	0	4	0	0	
Arlington	*121 (77)	105	93	11	1	0	0	0	18	0	0	
Augusta	*94 (94)	54	52	2	0	4	0	0	11	0	0	
Bath	*18 (18)	0	0	0	0	0	0	0	0	0	0	
Bedford	*39 (39)	28	28	0	0	1	0	0	8	0	0	
Botetourt	*18 (35)	5	4	0	1	0	0	0	1	0	0	
Brunswick	*21 (21)	14	14	0	0	3	0	0	1	0	0	
Buchanan	*59 (58)	37	35	2	0	0	0	0	19	0	0	
Campbell	*32 (32)	23	23	0	0	1	0	0	7	0	0	
Caroline	*27 (27)	22	20	0	2	1	0	0	9	0	0	
Carroll	*42 (41)	18	15	2	1	4	1	0	5	0	0	
Charlotte	*20 (20)	10	10	0	0	0	0	0	1	0	0	
Chesterfield	*102 (96)	69	62	4	3	0	0	0	0	0	0	
Clarke	*12 (12)	8	8	0	0	0	0	0	1	0	0	
Culpeper	*22 (18)	17	15	0	2	0	0	0	0	0	0	
Dickenson	*28 (34)	6	6	0	0	0	0	0	2	0	0	
Dinwiddie	*36 (32)	17	17	0	0	0	0	0	8	0	0	
Essex	*4 (2)	0	0	0	0	0	0	0	0	0	0	
Fairfax	*155 (135)	138	130	0	8	3	0	0	17	0	0	

FACILITY COUNTY	RATED CAPAC- ITY	POP 6/5	SEX		JUV	A W A I T I N G T R A N S F E R					
			M	F		MISD	F	JUV	FELON	F	JUV
Fauquier	* 48 (46)	28	26	0	2	1	0	0	9	0	0
Floyd	* 11 (10)	5	5	0	0	1	0	0	0	0	0
Franklin	* 38 (34)	16	16	0	0	0	0	0	3	0	0
Frederick	* 52 (48)	53	51	2	0	0	0	0	6	0	0
Giles	* 42 (42)	15	15	0	0	0	0	0	6	0	0
Grayson	* 12 (17)	2	2	0	0	0	0	0	2	0	0
Greensville	* 33 (33)	18	18	0	0	4	0	0	3	0	0
Halifax	* 42 (40)	27	26	0	1	0	0	0	5	0	0
Hanover	* 40 (43)	34	34	0	0	0	0	0	4	0	0
Henrico	* 105 (107)	97	95	0	2	0	0	0	3	0	0
Henry	* 40 (58)	30	28	0	2	0	0	0	6	0	0
Highland	* 16 (16)	1	1	0	0	0	0	0	1	0	0
Lancaster	* 8 (8)	8	8	0	0	0	0	0	2	0	0
Lee	* 29 (38)	7	6	0	1	0	0	0	0	0	0
Loudoun	* 56 (52)	42	38	1	3	1	0	0	1	0	0
Lunenburg	* 12 (8)	7	7	0	0	0	0	0	2	0	0
Louisa	* 23 (23)	23	20	0	3	0	0	0	2	0	0
Mecklenburg	* 52 (52)	30	28	2	0	0	2	0	4	0	0
Middlesex	* 33 (16)	19	18	0	1	0	0	0	6	0	0
Montgomery	* 53	32	28	4	0	1	0	0	7	0	0
Nelson	* 16 (16)	9	9	0	0	0	0	0	2	0	0
Northampton	* 35 (30)	17	17	0	0	0	0	0	0	0	0

FACILITY COUNTY	RATED CAPAC- ITY	POP 6/5	SEX		JUV	A W A I T I N G T R A N S F E R					
			M	F		MISD	F	JUV	FELON	F	JUV
Northumber- land	* 16 (8)	5	5	0	0	0	0	0	0	0	0
Nottoway	* 12 (12)	8	8	0	0	0	0	0	0	0	0
Orange	* 23 (25)	8	7	0	1	0	0	0	0	0	0
Page	* 24 (24)	19	18	0	1	0	0	0	4	0	0
Patrick	* 17 (16)	15	15	0	0	1	0	0	9	0	0
Pittsylvania	* 48 (50)	20	20	0	0	0	0	0	8	0	0
Prince Edward	* 29 (29)	23	23	0	0	0	0	0	2	0	0
Prince William	* 61 (62)	59	57	2	0	2	0	0	19	0	0
Pulaski	* 40 (62)	21	21	0	0	0	0	0	2	0	0
Richmond	* 8 (8)	9	8	0	1	0	0	0	1	0	0
Roanoke	* 28 (28)	22	21	0	1	0	0	0	2	0	0
Rockbridge	* 20 (30)	14	14	0	0	0	0	0	4	0	0
Rockingham	* 90 (115)	43	41	1	1	0	0	0	7	0	0
Russell	* 36 (36)	17	16	0	1	0	0	4	3	0	0
Scott	* 34 (28)	19	19	0	0	2	0	0	2	0	0
Shenandoah	* 36 (36)	20	20	0	0	0	0	0	10	0	0
Smyth	* 35 (40)	21	20	0	1	0	0	1	2	0	0
Southampton	* 36 (35)	37	26	1	10	0	0	0	5	0	2
Stafford	* 33 (30)	21	20	1	0	0	0	0	5	0	0
Sussex	* 28 (29)	7	7	0	0	0	0	0	0	0	0
Tazewell	* 43 (40)	36	34	0	2	1	0	0	1	0	0
Warren	* 34 (32)	20	18	1	1	0	0	0	10	0	0

FACILITY COUNTY	RATED CAPACITY	POP 8/11	SEX		JUV	A W A I T I N G T R A N S F E R					
			M	F		MISD	F	JUV	FELON	F	JUV
Fauquier	*48 (48)	29	28	1	0	1	0	0	7	0	0
Floyd	*11 (11)	4	4	0	0	0	0	0	2	0	0
Franklin	*38 (50)	20	18	0	2	0	0	0	5	0	0
Frederick	*52 (52)	54	50	1	3	6	0	0	7	0	0
Giles	*42 (42)	18	18	0	0	0	0	0	6	0	0
Grayson	*12 (12)	8	8	0	0	0	0	0	0	0	0
Greensville	*33 (32)	17	17	0	0	3	0	0	2	0	0
Halifax	*42 (40)	28	27	0	1	0	0	0	5	0	1
Hanover	*40 (40)	36	36	0	0	0	0	0	6	0	0
Henrico	*105(105)	105	100	2	3	5	0	0	10	0	0
Henry	*40 (48)	41	39	0	2	0	0	0	17	0	1
Highland	*16 (16)	0	0	0	0	0	0	0	0	0	0
Lancaster	* 8 (8)	8	8	0	0	0	0	0	3	0	0
Lee	*29 (29)	13	12	0	1	0	0	0	5	0	0
Loudoun	*56 (56)	38	36	0	2	0	0	0	1	0	0
Lunenburg	*12 (12)	5	5	0	0	0	0	0	1	0	0
Louisa	*23 (23)	14	13	0	1	1	0	0	4	0	0
Mecklenburg	*52 (52)	40	32	4	4	6	1	2	5	1	2
Middlesex	*33 (33)	16	13	0	3	0	0	0	4	0	0
Montgomery	*53 (53)	35	34	1	0	2	0	0	11	0	0
Nelson	*16 (16)	10	10	0	0	0	0	0	2	0	0
Northampton	*35 (35)	28	27	0	1	0	0	0	4	0	0

FACILITY COUNTY	RATED CAPACITY	POP 8/11	SEX		JUV	A W A I T I N G T R A N S F E R					
			M	F		MISD	F	JUV	FELON	F	JUV
Northumberland	*16(9)	1	1	0	0	0	0	0	0	0	0
Nottoway	*12(12)	13	13	0	0	0	0	0	1	0	0
Orange	*23(23)	8	8	0	0	0	0	0	3	0	0
Page	*24(24)	22	22	0	0	0	0	0	6	0	0
Patrick	*17(17)	8	8	0	0	0	0	0	5	0	0
Pittsylvania	*48(48)	35	35	0	0	1	0	0	17	0	0
Prince Edward	*29(29)	28	28	0	0	0	0	0	2	0	0
Prince William	*61(62)	50	47	0	3	0	0	0	17	0	0
Pulaski	*40(40)	20	18	0	2	0	0	0	0	0	0
Richmond	* 8 (8)	6	6	0	0	0	0	0	2	0	0
Roanoke	*28(28)	13	13	0	0	0	0	0	1	0	0
Rockbridge	*20(30)	15	14	1	0	1	0	0	2	0	0
Rockingham	*90(115)	46	41	1	4	0	0	0	6	0	0
Russell	*36(36)	6	6	0	0	0	0	0	0	0	0
Scott	*34(34)	8	8	0	0	0	0	0	0	0	0
Shenandoah	*36(36)	20	18	0	2	1	0	0	11	0	1
Smyth	*35(35)	17	16	0	1	4	0	0	3	0	0
Southampton	*36(34)	27	20	0	7	0	0	0	7	0	1
Stafford	*33(33)	27	26	1	0	0	0	0	3	0	0
Sussex	*28(28)	8	7	0	1	0	0	0	2	0	0
Tazewell	*43(43)	32	29	2	1	9	0	2	10	0	0
Warren	*34(34)	17	14	2	1	0	0	0	17	2	1

FACILITY COUNTY	RATED CAPACITY	POP. 8/11	SEX			A W A I T I N G T R A N S F E R					
			M	F	JUV.	MISD.	F	JUV.	FELON	F	JUV.
Washington	*44 (44)	31	31	0	0	3	0	0	10	0	0
Westmoreland	*9 (9)	4	4	0	0	0	0	0	1	0	0
Wise	*49 (44)	41	41	0	0	9	0	0	5	0	0
Wythe	*44 (44)	28	28	0	0	5	0	0	1	0	0
York	*40 (40)	28	28	0	0	0	0	0	11	0	0
FACILITY CITY											
Alexandria	*104 (210)	132	129	3	8	0	0	0	26	0	0
Bristol	*75 (70)	31	25	6	0	0	0	0	6	0	0
Chesapeake	*106 (105)	107	107	0	10	1	0	0	26	0	2
Clifton Forge	*20 (20)	4	4	0	0	0	0	0	0	0	0
Danville	*70 (75)	49	35	14	0	0	0	0	16	2	0
Hampton	*100 (100)	82	75	7	4	2	0	2	10	0	1
Lynchburg	*76 (76)	65	63	2	4	13	1	1	17	0	0
Hopewell					Now serving as a lock up.						
Martinsville	*18 (18)	16	16	0	0	1	0	0	7	0	0
Newport News	*45 (45)	78	75	3	3	1	0	0	24	0	0
Norfolk	*528 (527)	430	410	20	10	0	0	0	59	1	2
Petersburg	*151 (156)	112	100	12	9	13	2	2	41	0	0
Portsmouth	*209 (206)	164	152	12	2	0	0	0	54	1	0
Radford	*13 (9)	4	4	0	0	0	0	0	0	0	0
Richmond	*720 (720)	781	716	65	26	189	0	0	104	0	0
Roanoke	*254 (200)	172	166	6	8	7	1	1	18	0	0
Suffolk	*109 (107)	76	72	4	0	2	0	0	16	0	0
Virginia Beach	*55 (147)	111	106	5	3	0	0	0	28	0	1
Williamsburg	*32 (33)	23	23	0	1	0	0	0	1	0	0

FACILITY CITY	RATED CAPACITY	POP. 8/11	SEX			A W A I T I N G T R A N S F E R								
			M	F	JUV.	MISD.	F	JUV.	FELON	F	JUV.			
Danville	*250													
City Farm	(250)	99	99	0	0	0	0	0	0	0	0	0	0	0
Newport News Farm	*150 (150)	101	92	9	3	0	0	0	0	0	0	0	0	0
Petersburg Farm	*80 (86)	65	65	0	0	0	0	0	29	0	0	0	0	0
Albemarle/ Charlottes- ville Joint Sec. Comp.	*125 (125)	109	107	2	6	19	0	0	23	0	0	0	0	0
Rappahannock Sec. Center	*50 (45)	0	0	0	0	0	0	0	0	0	0	0	0	0
Martinsville Farm	*60 (60)	43	43	0	0	0	0	0	3	0	0	0	0	0
Total	*6125 (6341)	4674	4389	216	166	318	5	10	931	7	18	0	0	0

* Indicates rated capacity as provided by the Department of Corrections.

() Indicates rated capacity as provided by the sheriffs or jail administrators.

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