

Joint Legislative Audit and Review Commission

The Virginia General Assembly

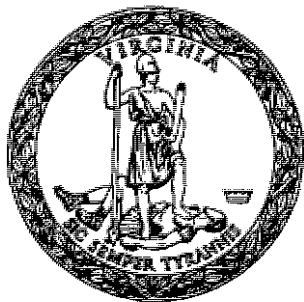
**CORRECTIONAL ISSUES  
IN VIRGINIA:**

**Final Summary Report**

**REPORT OF THE  
JOINT LEGISLATIVE  
AUDIT AND REVIEW COMMISSION ON**

# **Correctional Issues in Virginia: Final Summary Report**

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



## **House Document No. 18**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1987**

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## PREFACE

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In response to a mandate in the 1983 Appropriations Act, JLARC began a series of studies on correctional issues in Virginia. These studies also addressed the mandate of SJR 35 of the 1982 session, which directed JLARC to assess agencies and activities under the functional area of Administration of Justice. This is the ninth and final report in the series. In addition to this summary report, studies have been performed in the areas of staffing, forecasting, security procedures, community corrections, and the Department of Corrections' capital outlay program.

The summary report focuses on "the big picture" in corrections. And, despite the notoriety of the area, there are some very positive developments. Escapes are at an all-time low. The system experienced only one "perimeter" escape in FY 1986. The Virginia correctional system is not under court order, as are those in many other states. Rehabilitative and educational programs, while needing further improvement, seem to be receiving increased attention. On the other hand, leadership discontinuity in the department has created some problems and exacerbated others.

Major findings of the report series on these topics are included in this summary report. In addition, several recommendations have been added which did not fit neatly into any of the other reports. For example, a separate Public Safety Secretariat is recommended.

During the past two years the Department of Corrections has implemented a number of the recommendations made in earlier reports. The development and use of a system-wide security procedures manual is particularly noteworthy.

Much remains to be done. Expanded capacity is especially needed. Improved services and staffing in field units is necessary. And the department needs to further develop written policies and procedures to promote consistency and to protect itself against the potential effects of future staff turnovers.

I would like to thank all the State and local correctional staff who have helped the JLARC staff in preparing these reports. Without their interest and cooperation, this study series could not have been completed.



Philip A. Leone  
Director

December 24, 1986

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# Chapter One: INTRODUCTION

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Virginia has provided for confinement of lawbreakers since early colonial times. Legislation establishing a penal system was adopted as early as 1635. The "publick gaol" constructed in 1701 at Williamsburg was later used to confine prisoners who could not be held safely in other jails throughout the new colony. When Richmond became the capital of the Commonwealth in 1779, the Henrico County jail was enlarged for State use. The need for a larger, more secure State facility soon became clear. In 1796 the General Assembly established the Penitentiary at the location which is still in use. Construction of the facility, based on a solitary confinement approach recommended by Thomas Jefferson, began in 1797. This building remained in use until the 1900s.

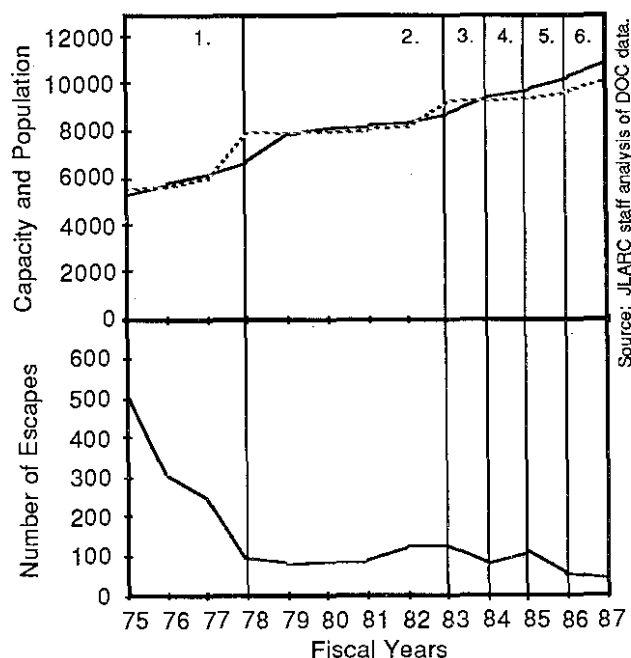
During the 20th century, the State prison system has alternated between being an independent agency and being housed within a larger organization. This trend began with the 1908 establishment of the Board of Charities and Corrections, and continued in the 1920s when the Board of Public Welfare was granted budgetary authority over the penal facilities.

A major realignment of correctional activities occurred in 1942 when the Department of Corrections was established and assigned administrative control and supervision of the prison system. The independence of the corrections function lasted only until 1948, when it was again merged into a single Department of Welfare and Institutions. This arrangement lasted until 1974, when the welfare and corrections functions were again separated into independent departments.

## DOC -- Since 1974

Creation of the Department of Corrections in 1974 marked the beginning of a new era for the corrections function. Figure 1 summarizes the major trends involving the tenure of six department directors, the capacity and population of the adult incarcerated

Figure 1  
**Major Trends in Corrections  
FY 1975 - FY 1987**



**KEY:**

----- Capacity

—— Population

**DOC DIRECTORS**

1. Jack F. Davis

2. T. Don Hutto

3. Raymond Procnier

4. Robert M. Landon

5. Allyn R. Siefert

6. Edward M. Murray

## *Introduction*

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population, and the number of inmate escapes since 1974.

As illustrated, the department's first director, Mr. Jack F. Davis, was appointed in 1974. At that time DOC operated six major institutions and 28 field units with an operational capacity of 5,521, while the inmate population was approximately 5,300. The number of escapes was at its highest point (513) for the 12-year period in 1974. Mr. Davis made many administrative reforms and improvements in the department's operation, including bringing in new staff, implementing modern management practices, and asserting more central office control over institutions, before his resignation in 1977. By this time the number of escapes was dramatically reduced to 94.

When Mr. T. Don Hutto, the second DOC director, took over in 1977, the department had added four major institutions (Deep Meadow, Deerfield, Staunton, and St. Brides) and was preparing to open Mecklenburg. The adult system capacity was increased to 7,996 with the addition of these five institutions. During this same period the inmate population increased to 6,709. The department was reorganized in 1978, decentralizing operational authority over all institutions and community services through the creation of five regional offices. DOC continues to operate four of the regional offices, as one was closed in 1984.

When the third director, Mr. Raymond Procunier, was appointed, Marion Correctional Center had been operating for two years and Brunswick and Buckingham would open within the year. The inmate population had increased to 8,788 and the system capacity was 9,256 during 1982. The number of escapes, which had hovered around 85 for several years, increased to 123 in both fiscal years 1981 and 1982. Mr. Procunier reorganized the top levels of DOC before resigning after 13 months as director.

Mr. Robert M. Landon served as the deputy director for adult services prior to his appointment as DOC's fourth director. In 1983, the adult inmate population stood at 9,463, which was about 200 over the

operational capacity of the system (9,256). In fiscal year 1983 the total number of escapes had been reduced to 80. In 1984, however, the much-publicized death-row escape of six inmates and the subsequent escapes and prison uprisings brought the department under intense scrutiny. There were a total of 108 escapes in fiscal year 1984. Mr. Landon resigned 18 months after his appointment.

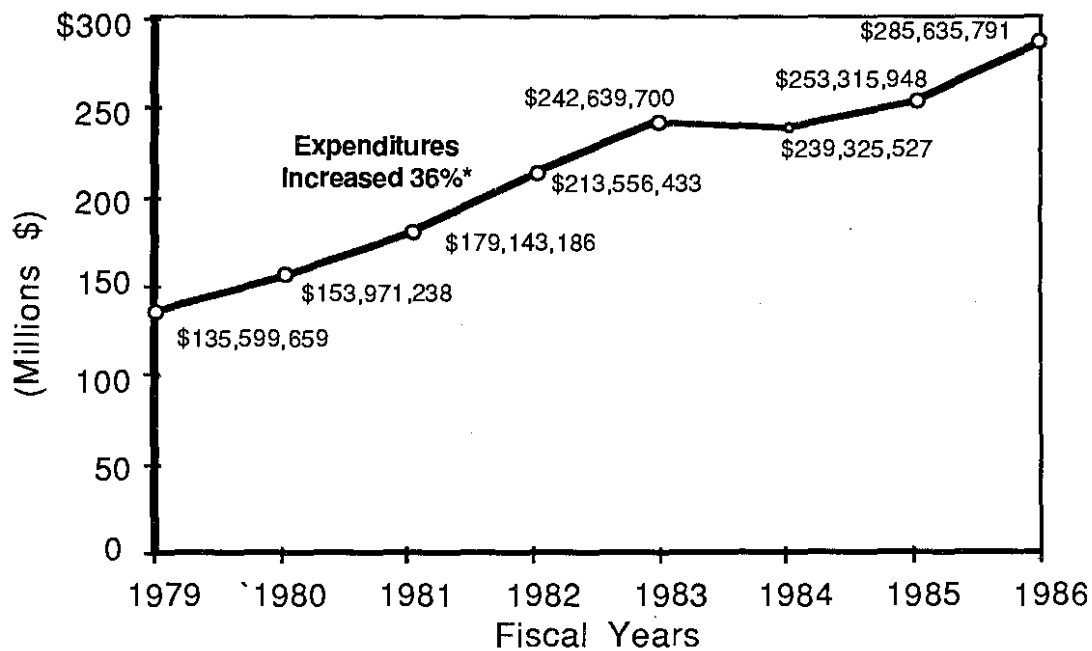
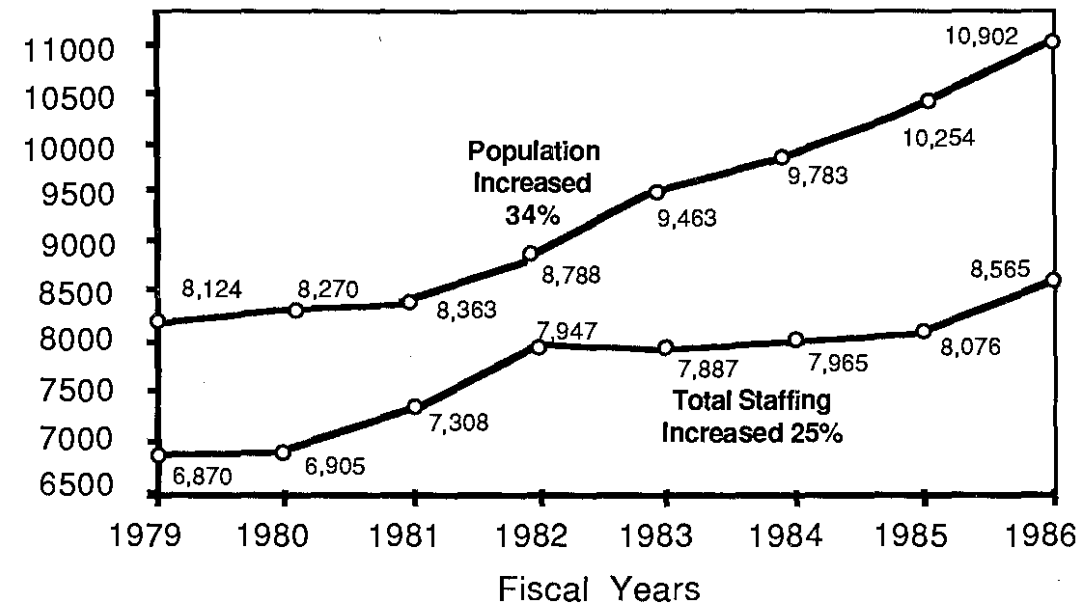
Mr. Allyn R. Sielaff, the deputy secretary of public safety, was appointed as the fifth DOC director in November 1984. Nottoway Correctional Center had opened and Deep Meadow, a prison consisting of trailers, had been closed. The inmate population (9,783) exceeded the system capacity (9,356) by over 400 inmates. The department was allowed to hire 132 additional security staff and purchase additional security equipment for the institutions. Training for correctional officers was also increased, and a program to encourage the professional development of administrators was reestablished. The number of escapes was reduced to 54 for fiscal year 1985. Mr. Sielaff resigned after 13 months as director.

In February 1986, Mr. Edward W. Murray was appointed the sixth director of the Virginia Department of Corrections. Mr. Murray had worked within the department for 15 years, serving as the deputy director for adult services just before his appointment as director. In June 1986 the inmate population of 10,902 exceeded the system's operational capacity of 10,117 by 785. Despite this level of overcrowding, the number of escapes had decreased to a 12-year low of 39 during fiscal year 1986.

In summary, between the years 1974 and 1986 the inmate population increased by 106 percent, but system capacity fell behind, increasing by only 84 percent. The number of escapes, however, were reduced by 92 percent, from a high of 513 in fiscal year 1974 to a low of 39 in fiscal year 1986. While the first two directors served for three and five years respectively, the tenure of the next three directors more closely resembled the national trend of corrections department directors serving less than two years.

Source: DOC data, 1986.

Figure 2  
**Trends in DOC Populations, Expenditures,  
and Staffing  
FY 1979 - FY 1986**



\* Adjusted for inflation using Government Services Price Indicator.

## *Introduction*

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The previous discussion has centered around the major trends in the adult institutional area. DOC is also responsible for adult community corrections, and institutional and community corrections for juveniles. The number of adults supervised under community alternatives (probation, parole, and community diversion incentive programs) has steadily increased from just over 10,000 to over 20,000 during the 12-year period. In contrast, juvenile populations have decreased during the same time span. In 1974, there were over 13,000 juveniles on probation or in aftercare and approximately 1,200 in correctional halfway houses and institutions. These figures had decreased to under 10,000 juveniles in community supervision and about 1,000 in institutional care by 1986.

Total DOC expenditures and staff for the period are shown in Figure 2. As seen in the figure, expenditures (when adjusted for inflation by the Government Services Price Indicator) rose 36 percent, while staffing increased 25 percent. By comparison, the confined adult population increased 34 percent from 8,124 to 10,902 during this time period.

This report focuses on major issues which have been addressed in JLARC's series of reports on corrections in Virginia. These reports were mandated by the 1983-1985 Appropriations Acts. Previous reports addressed:

- central office and regional staffing,
- prison population, forecasting, and capacity,
- security staffing and procedures in major institutions,
- nonsecurity staffing,
- local jail population forecasting,
- the Community Diversion Incentive Program,
- the Department of Correctional Education, and
- the DOC capital outlay process and prison design.

This final summary report supplements, but does not replace, the conclusions and recommendations of previous reports.

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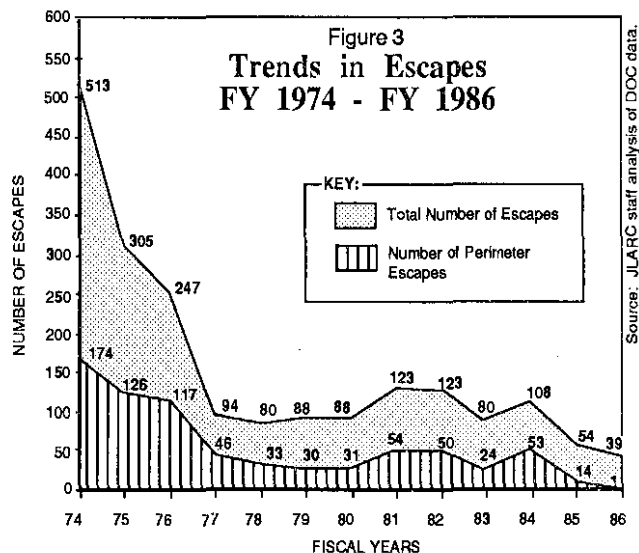
## Chapter Two:      **MANAGEMENT, ORGANIZATION, AND LEADERSHIP**

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### **DOC Escapes Are At An All-Time Low**

Escapes from DOC prisons have decreased dramatically. As Figure 3 indicates, the number of escapes from 1974 to 1986 was reduced 92 percent, from 513 to 39. Of the escapes that occurred in FY 1986, only one resulted from an inmate penetrating external perimeter security. Most were "walk aways" from correctional field units.

The 1984 Memorial Day escape of six inmates from Mecklenburg's death row and a series of inmate disturbances during the summer of that year brought DOC's security procedures under intense review. In addition to the JLARC staff review of security practices, the Board of Corrections contracted with three consultants to study various aspects of security operations. DOC also contracted with a consultant to review existing security technology and to recommend new security enhancements.



#### **Summary of Findings**

JLARC staff reviewed DOC's security policies and procedures as well as specific security problems at each major adult institution. JLARC staff found that DOC lacked documented security policies and did not provide adequate guidance to institutional staff. Although multiple sources of policy guidance existed, institutions generally

operated autonomously. As a result, security practices varied substantially across institutions.

JLARC staff found that while many of the procedures developed by facility staff were appropriate for specific institutions, policies covering many security control measures were spread throughout a number of documents and were difficult to access. For example, central guidance over the control and movement of inmates was lacking. The need for a system-wide policy manual was acute.

JLARC staff also found breaches in security at most institutions, especially in the area of tool control. At the time, only one institution was found to be in compliance with DOC's guidelines on tool control. Some other institutions were in gross violation of, or virtually ignored, the guidelines. As a result, inmates had potential access to tools which could be used as weapons. Violations of DOC guidelines were also found in medical and food service areas.

A major finding of the JLARC study was the lack of an external review of security at the institutions. This finding was consistent with the findings of the consultants hired by the Board of Corrections. Both studies found the need for a semi-autonomous security specialist who would conduct periodic, objective reviews of institutional security.

### **Status of Findings**

DOC has taken a number of steps to improve security since the JLARC study, the Governor's Task Force study, and consultants' reports were published. A key improvement has been the publication of a comprehensive security manual. The manual addresses overall security policy and procedures and specifically focuses on deficiencies cited in the security studies.

External review of institutional security has begun. DOC established an inspector general position, whose responsibilities address internal investigations. A security specialist position was also established and is responsible for conducting security audits at the institutions and advising staff on ways to improve security procedures.

DOC attributes reduced escapes to:

- improved security procedures,
- improved training,
- improved security technology and facility design, and
- policy changes, such as prohibiting maximum security inmates from working outside of facilities.

### **Future Directions**

While the above security enhancements represent improvements in security management, DOC must continue to monitor its security needs as the system continues to experience changes in population size and make-up. DOC should continually update its security manual, based on experience within its institutions and changes in national trends. The independence and importance of the inspector general and the security specialist positions should be continually reinforced.

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## **Frequent Changes in Leadership Adversely Affect Operations**

Five directors have served DOC in the past five years. Each change in leadership has had an impact on agency operations. After the department's creation in 1974, DOC's first two directors served for three and five years respectively. From these early directors new approaches to management and programs began to emerge, resulting in increased emphasis on rehabilitation programs, more inmate work opportunities, and a reorganization of the department on a regional basis.

One of the important products of that era was a comprehensive plan called "Corrections Options for the Eighties." The plan articulated DOC's philosophy to operate relatively small facilities and also established

the foundation for the management structure of the department.

The next three directors' tenures, beginning in 1982, saw a series of further changes in organizational structures and the shifting of key administrative positions. Because each director had a limited opportunity to carry out his programs, long-term planning suffered. Most apparent, however, were their different philosophies for meeting critical bedspace needs. As a result, each new director presented to the legislature a substantially different plan on what capital outlays would be needed to add bedspace to the system.

The individual preferences and philosophies of DOC's directors have also been apparent in prison design and selection. For example, one director put forth the 500-bed Medium Security Institutions (MSIs) as the most efficient way to house the population. His successor proposed using a group of facilities totalling 2,400 beds at one site. The key changes initiated by the different directors are summarized in Table 1.

Lack of continuity has also affected many DOC programs. Several directors fo-

cused almost exclusively on security of the institutions and placed little emphasis on inmate rehabilitation programs. With such changes in emphasis, nonsecurity staff tended to be added or cut with each change.

A more subtle effect of discontinuity in leadership is the lack of direction given to subordinates. As new personnel are placed in leadership positions, it takes time for adjustments and new policies to be disseminated throughout the system. Confusion over existing versus new policies was often articulated during the course of JLARC's study series. A key weakness in the department which surfaced during this time was the lack of written policies and procedures. Administrators accustomed to relying on the unwritten organizational memory of long-term employees lacked that guidance when turnover occurred.

### **Future Directions**

The successful operation of the Department of Corrections is dependent upon consistent direction and policy. While frequent changes in leadership may be the unavoidable

Table 1

#### **Key Changes Initiated by DOC Directors**

<b><u>Director</u></b>	<b><u>Years In Office</u></b>	<b><u>Key Changes Initiated</u></b>
Jack F. Davis	1974 - 1977	Initial organization after split from Department of Welfare. Increased inmate rehabilitation programs and inmate work.
T. Don Hutto	1977 - 1982	Reorganized on regional basis. "Corrections Options for the Eighties" plan; 500-bed (MSI) concept.
Raymond Procunier	1982 - 1983	Reorganization eliminated some program areas. Proposed larger (2,400 bed) facilities.
Robert M. Landon	1983 - 1984	Reorganization; return to 500-bed concept.
Allyn R. Sielaff	1984 - 1985	Reorganization eliminated one region. Operated under "state of emergency."
Edward W. Murray	1986 - present	Reorganization along functional lines; new inmate services being explored; major capital program begun.

Source: JLARC staff analysis.

nature of the profession, steps can be taken to ensure continuity of direction and programs.

Further development of a comprehensive, long-range master plan for the department, encompassing key functions and goals, will promote consistency. More written procedures and policies at the operational level would also improve continuity during times of change.

## Reorganizations Have Improved DOC's Operations

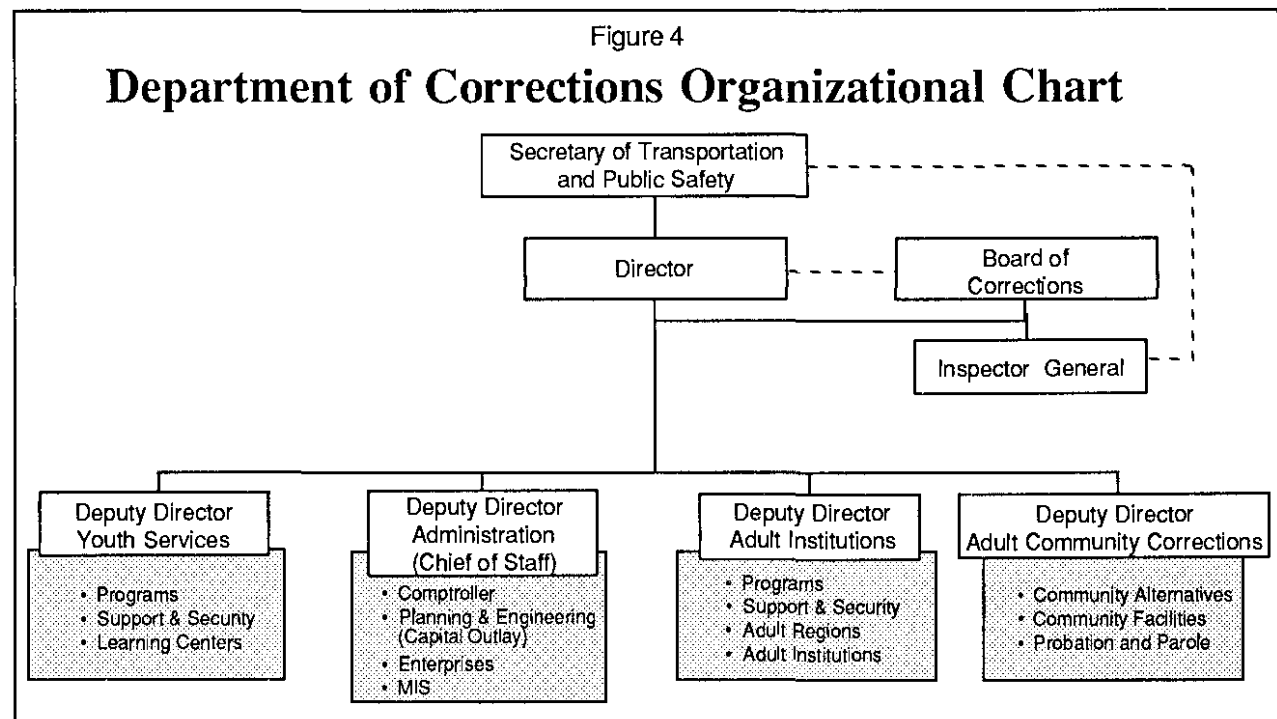
As early as 1977, three years after the Department of Corrections was created, a study was conducted to assess the efficiency of DOC's organizational structure. The resulting report, "Corrections Options for the Eighties," recommended a number of organizational changes, including the establishment of a regional structure. The report also recommended a number of central office changes to realign the department along functional lines.

The five regions and most of the functional changes were implemented. In the ensuing years, numerous other organizational changes have occurred. The current structure, as detailed in Figure 4, reflects a functional approach and gives equal status to DOC's three primary operational areas: adult, youth, and community services. In 1986 the Deputy Director for Administration was also designated as Chief of Staff and became the second-ranking administrator at DOC.

### Summary of Findings

Two JLARC reports addressed the issue of organizational structure, "Central and Regional Office Staffing in the Department of Corrections," and "Security Staffing and Procedures in Virginia's Prisons." The central and regional offices report recommended changing the reporting relationship of the internal auditing unit from the deputy director of resource management to the director of DOC. This change would promote the independence and objectivity of the internal auditor.

JLARC staff found that DOC's regional structure had achieved its major objectives and gave the department better



control over its many prisons located across the state. Workload standards indicated, however, that there was not a need for five regions.

JLARC's security staffing report found the need for an on-going independent internal assessment of DOC's security practices. JLARC staff and a Board of Corrections consultant both recommended an inspector general position to perform independent security audits. JLARC recommended that the IG's role be strengthened by having the IG report directly to the Board of Corrections or the Secretary of Transportation and Safety.

### **Status of Findings**

DOC reduced its number of regional offices from five to four, and a number of central office units have been consolidated to eliminate duplication and improve reporting.

The inspector general position has been created, with added responsibilities for auditing, internal investigations, and extradition. For administrative purposes the IG reports directly to the director. Findings of the IG go to the director, the Board of Corrections, and the Secretary of Transportation and Public Safety. The duties and reporting relationships of the IG appear to be still evolving.

### **Future Directions**

It appears that further attention to the regional offices is warranted. Major institutions are able to perform most functions with little, if any, support from the regional offices. On the other hand, JLARC staff found that field units did not always receive the level or type of support from regional offices that they needed. The department should review and perhaps refine its regional management structure, focusing on the nature of support needed by major institutions, field units, and community corrections activities. A major reorganization of the regions, however, is not recommended.

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## **A Separate Public Safety Secretariat Is Needed**

Another area of concern is the oversight of the Department of Corrections by the current secretarial system. The secretarial system in Virginia was created in 1972 to provide improved executive control and coordination of State agencies. The current secretarial structure, which is referred to as the Governor's Cabinet, consists of seven statutory positions in the chain of command between the Governor and executive branch agencies. The seven secretariats are: Administration, Economic Development, Education, Finance, Human Resources, Natural Resources, and Transportation and Public Safety.

The Secretary of Transportation and Public Safety was originally created with a dual focus and oversaw agencies with dissimilar missions. In 1976, the Secretariat was split in two to provide for more focused oversight of the transportation and public safety areas. In 1984, however, the Secretariat of Transportation and the Secretariat of Public Safety were again merged. This merger was largely designed to allow the separation of the Administration and Finance Secretariat without having to expand the size of the Governor's Cabinet.

JLARC's 1984 study, "An Assessment of the Secretarial System in the Commonwealth of Virginia," had recommended no change to having the public safety function remain under a separate public safety secretariat. The report noted: "The public safety secretariat appears to be structurally sound. The number of independent agencies and other entities is neither too small nor too large, and all the agencies in this secretariat have a common purpose." Today that same rationale is still persuasive.

Moreover, the linkage between transportation and public safety appears to be a relatively artificial one. Other than limiting the

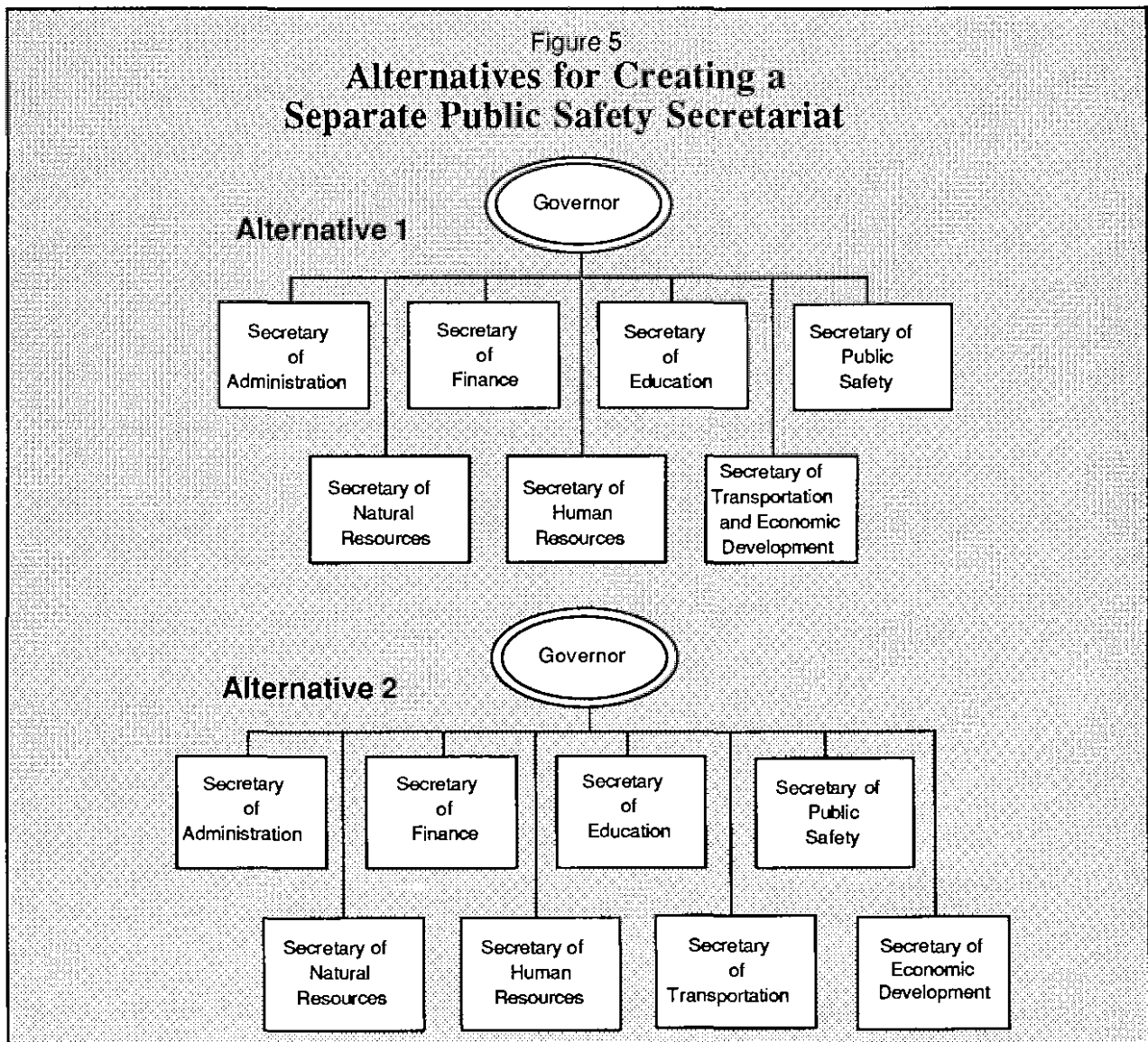
number of secretariats, the rationale for combining the areas of public safety and transportation seems relatively tenuous. Both areas are distinct, fundamental constitutional prerogatives of government. The purposes and actions of each area are independent of the other. Moreover, both are areas of major State initiatives and will probably remain so through the rest of this century.

The General Assembly recently approved the Governor's highway transportation proposal to provide over \$400 million annually to improve Virginia's roads over the next ten years. DOC is also in need of a greatly expanded capital outlay program, some of which is already under way. Thus,

the responsibilities of the Secretary of Transportation and Public Safety have increased significantly and will continue to increase for the foreseeable future.

Given such factors, the General Assembly may wish to separate the functional responsibilities of public safety from those of transportation. As exemplified in Figure 5, this separation could be effected in a number of ways.

**Recommendation.** *The General Assembly should consider splitting the Secretariat of Transportation and Public Safety to establish a separate Secretary of Public Safety.*



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## Chapter Three:

# INMATE POPULATION

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## Jail And Prison Populations To Increase

Jail and prison populations are expected to continue increasing throughout the remainder of the 1980s. This expected increase reflects national trends and Virginia's status as a population growth state.

Two forecasts were prepared to predict inmate growth in the State. One model predicts State responsibility inmates (only those prisoners who are supposed to be incarcerated in State prisons). The second model predicts the total State inmate population. The local jail forecast is inferred from the second model by subtracting State responsibility prisoners from the total inmate population. Both forecasts show substantial increases over existing populations.

The State responsibility model is operated by the Department of Corrections

using a methodology jointly modified by DOC and JLARC staff. The model is called the Simulated Losses/Admissions Model II (SLAM II). This model calls for a State responsibility inmate population of 13,372 in June 1990 (Figure 6). This represents a 23 percent increase over the June 1986 prison population of 10,902.

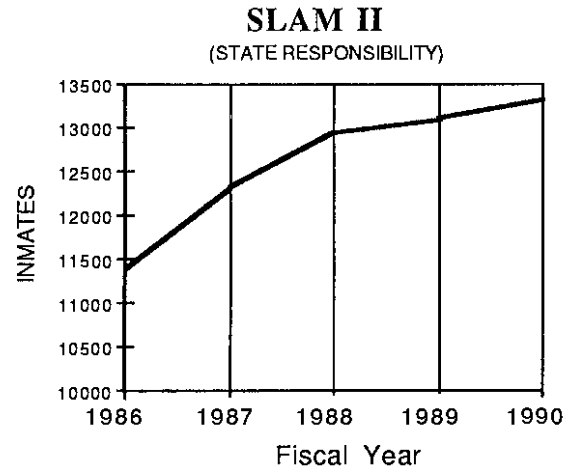
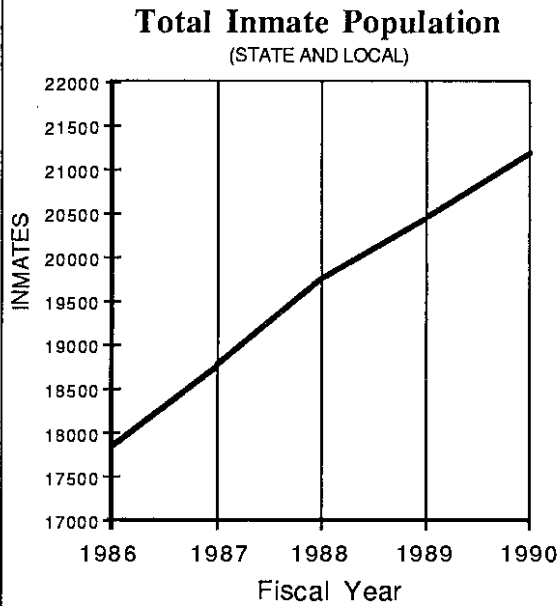
The total inmate population was forecast by JLARC staff using an ARIMA model (Autoregressive Integrated Moving Average). The ARIMA model forecasts a June 1990 total inmate population of 21,169 as shown in Figure 6. This is a 19 percent increase over the June 1986 actual population of 17,782. By subtracting the State responsibility forecast for 1990 (13,372) from the total inmate forecast (21,169), the local jail responsibility is predicted to be 7,797. A much higher jail population is actually expected, however, because State prisons will lack the capacity to hold all State responsibility inmates unless significant additions to State capacity occur. Capacity concerns are discussed in the following section.

Figure 6

## State Responsibility and Local Population Forecasts

STATE AND LOCAL INMATE POPULATIONS WILL RISE THROUGH 1990.

JUNE	LOCAL RESPONSIBILITY FORECAST	TOTAL FELON FORECAST	TOTAL INMATE FORECAST	STATE RESPONSIBILITY FORECAST
1987	4,853	13,992	18,775	12,491
1988	5,233	14,468	19,701	12,832
1989	5,570	14,902	20,472	13,140
1990	5,920	15,249	21,169	13,372



Source: JLARC and DOC staff methodology

## Increased Capacity Needed in Both State and Local Correctional Facilities

Inmate population levels forecast for 1990 demand new initiatives to expand capacity or to otherwise relieve crowding in Virginia's correctional facilities. The 1990 forecast of 21,169 represents a 19 percent increase over the June 1986 total inmate population of 17,782. This increase will further stress prisons and jails that are already overcrowded.

Of the projected 21,169 inmates, 13,372 will be State responsibility inmates and 7,797 will be the responsibility of localities. Because State prisons will not be able to handle all State responsibility prisoners, jail

populations will exceed 7,797 unless new State facilities are available. Given current State prison capacity expansion plans, jail populations will rise to 8,814 in 1990 from their June 1986 level of 6,880 (a 28 percent increase).

A forecast 1990 jail population of 8,814 is especially disturbing since the capacity of the local jails is only 6,551. (DOC rates jail capacity even lower, at 5,696.) Local plans call for the addition of at least 832 beds by the end of 1987, but those additions still leave local jails short by approximately 1,400 beds in 1990. Between now and 1990, overcrowding in jails and prisons could be routine.

Some relief in the way of added capacity is anticipated at the State level. New construction is slated at some major institutions and improvements to field units are planned. Expansion of State prison capacity will boost operational capacity from 10,117 in 1986 to 11,671 in 1990 as reflected in Table 2. The double celling of 684 beds adds to operational

Table 2  
**Operational and Planning Capacity of  
The State Prison System**

<u>Year</u>	<u>Operational Capacity*</u>	(Plus)	<u>Cumulative Double Celling**</u>	(Equals)	<u>"Planning Capacity"</u>
1985	9,617	+	460	=	10,077
1986	10,117	+	460	=	10,577
1987	10,457	+	524	=	10,981
1988	10,841	+	684	=	11,525
1989	11,129	+	684	=	11,813
1990	11,671	+	684	=	12,355
Penitentiary Closed***	10,803		684		11,487

\* For June/July of each year, includes 1,554 beds of funded and planned construction through 1990.

\*\* A total of 684 additional beds are gained through planned double celling, resulting from General Assembly policy decisions. Actual double celling is currently higher. Double celling includes 460 beds at MSIs from 1985 on, plus 64 beds at Augusta in July 1987, 96 beds at Nottoway in March 1988, and 64 beds at Buckingham in June 1988. Double celling is carried forward from year to year.

\*\*\* Closing the Penitentiary in or before 1990 removes 868 beds from operational and planning capacity.

Source: DOC capacity data and the Joint Report of the House and Senate Public Safety Subcommittees, dated February 10, 1986.

## *Inmate Population*

capacity and gives the State a possible planning capacity of 12,355 in 1990. This level of double celling is regarded by JLARC staff as acceptable, even on a long-term basis. Adding 684 double celled beds to operational capacity results in a "planning capacity," which can be used as a baseline for determining future construction needs.

State prisons can operate at an even higher level -- emergency utilization level -- on a short-term basis. Building plans should not be based on this highest level, however, both for management purposes and because some of that capacity should be held in reserve for emergencies and for changes or errors in the forecast. The planning capacity is still approximately 1,000 beds short of housing the 1990 forecast State responsibility population of 13,372.

Closure of the State Penitentiary prior to 1990 will further constrict prison capacity by deleting 868 beds from the system. Planning capacity would then drop to 11,487 beds, causing a deficit of 1,885.

Current State policy calls for addressing a bed shortfall by diverting 550 inmates through community-based programs and backing up 300 inmates into local jails. As noted in the middle column of Figure 7, this would still leave an unmet need of 1,035 beds. If operational capacity (including some mandated double celling) is used as the capacity base, the unmet need in 1990 would be 1,719 beds (as shown in the left column of Figure 7).

The local jail population forecast shown in Table 3 assumes an increasing State planning capacity resulting from State system expansions funded or planned by the 1986 General Assembly. Despite these additions, local jail populations will continue to grow significantly, in large part because of insufficient State capacity.

The number of beds needed varies depending on the assumptions. Whether or not the Penitentiary is closed, how many beds are added to the State and local systems, the level of jail backlog, and the success of

Table 3  
**Local Jail Population Forecast**

<u>Year</u>	<u>Total Inmate Population Forecast</u>	(Minus)	<u>Less State Planning Capacity</u>	(Equals)	<u>Local Jail Population Forecast**</u>
1985*	16,621*	-	10,254*	=	6,367*
1986*	17,782*	-	10,902*	=	6,880*
1987	18,775	-	10,981	=	7,794
1988	19,701	-	11,525	=	8,176
1989	20,472	-	11,813	=	8,659
1990	21,169	-	12,355	=	8,814
Penitentiary Closed***	21,169		11,487		9,682

\* Actual population data for 1985 and 1986. Diversion for 1985 and 1986 would be accounted for in actual population figures.

\*\* Local jail population projects Tuesday populations of local jails. Weekend populations may run 500 or more in excess of weekday populations.

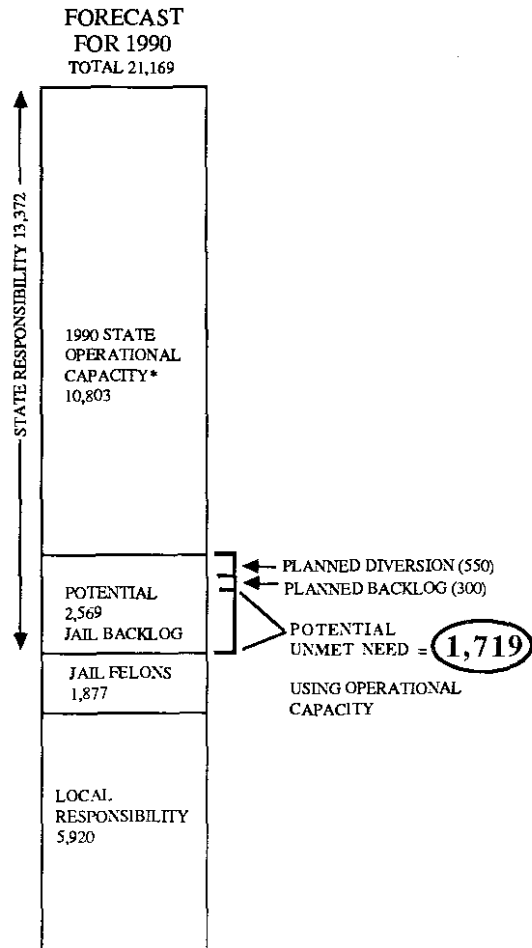
\*\*\* Closing the Penitentiary in or before 1990 removes 868 beds from operational and planning capacity.

Source: JLARC jail forecast methodology

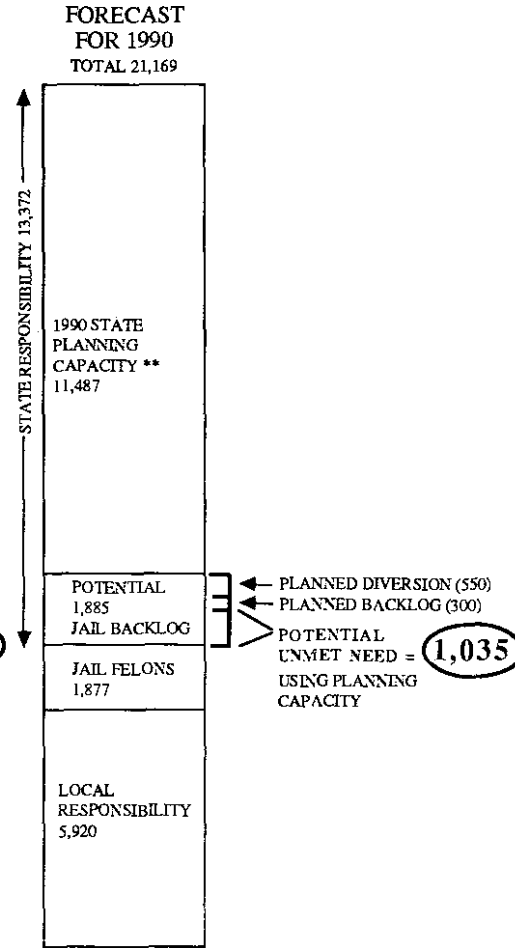
Figure 7

## 1990 Bed Needs

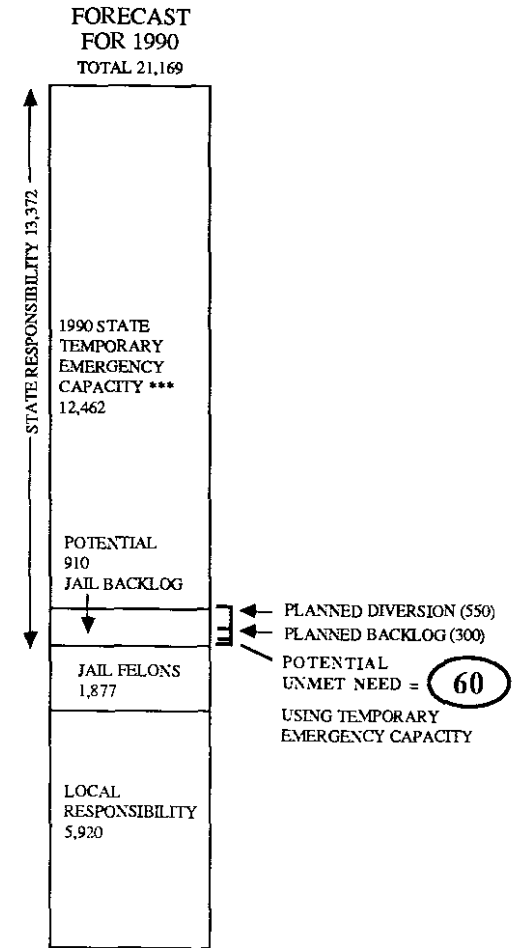
### Beds Needed at "Operational Capacity"\*



### Beds Needed at "Planning Capacity"\*\*



### Beds Needed at "Temporary Emergency Capacity"\*\*\*



\* Operational capacity includes current operational capacity (less Penitentiary) plus planned additions to operational capacity.

\*\* Planning capacity equals 1986 operational capacity (10,117) plus 1,554 additions to operational capacity through 1990, plus double bunking 684 bed spaces. From this total (12,355) the capacity of the State Penitentiary is subtracted (868) leaving a planning capacity of 11,487.

\*\*\* Temporary Emergency Capacity in 1990 (15,330) less 868 beds from Penitentiary closing. Includes funded and planned.

diversion programs all affect the bottom line. For example, a policy decision to accept a jail backlog of 300 State responsibility prisoners reduces prison bedspace need by a like amount. All scenarios, however, point to capacity need. Most acutely, the need is in local jails, which become the repositories of State-ready felons unable to enter the State system.

Table 4 shows forecast State bed need assuming State planning capacity, which phases in State expansions and construction. Relying on the DOC SLAM II forecast, Table 4 illustrates that populations will exceed capacity in every year. The bottom line bed need, however, is reduced by decisions to accept a modest level of jail backlog (-300) and expected diversions (-550) from funded probation programs (Table 5).

When the State responsibility population exceeds capacity, the excess is absorbed by local jails. Therefore, local bed needs increase each year (Table 6). The aggregate local need would decrease to nothing if all State responsibility prisoners were removed from the jail forecast. However,

Table 5  
**Projected State Bed Need  
Under Planning Assumptions**

State Responsibility Forecast (1990)	13,372
Less Planning Capacity With Penitentiary Closed	-11,487
State Bed Need Without Assumptions	1,885
Less Diversions	- 550
Less Planned Local Backlog	- 300
State Bed Need With Assumptions	1,035

Source: JLARC evaluation of DOC capacity

Table 4  
**State Correctional System Bed Need 1986-1990  
(June of Each Year)**

<u>Year</u>	<u>State Responsibility Forecast (SLAM II)</u>	(Minus)	<u>State Planning Capacity</u>	(Equals)	<u>State Correctional System Bed Needs</u>
1986	11,895*	-	10,902*	=	993
1987	12,491	-	10,981	=	1,510
1988	12,832	-	11,525	=	1,307
1989	13,140	-	11,813	=	1,327
1990	13,372	-	12,355	=	1,017
Penitentiary Closed	13,372		11,487		1,885

\* Actual figures used for population (10,902) plus a DOC estimate of a backlog of 993 for June 24, 1986.

Source: JLARC evaluation of DOC capacity

Table 6  
**Local Jail Bed Need 1986-1990**  
(June of Each Year)

<u>Year</u>	<u>Local Jail Population Forecast</u>	(Minus)	<u>Local Capacity</u>	(Equals)	<u>Aggregate Local Bed Need**</u>
1986*	6,880 *	-	6,551	=	329
1987	7,794	-	6,941	=	853
1988	8,176	-	7,383	=	793
1989	8,659	-	7,383	=	1,276
1990	8,814	-	7,383	=	1,431

\* Actual

\*\* Aggregate local bed need is 0 if all State responsibility inmates are housed in State prisons.

Source: JLARC staff analysis.

numerous individual localities would still experience overcrowding, because they lack sufficient capacity for their own prisoners. Local capacity may increase more rapidly than currently expected, however, if localities speed up their own construction plans in response to overcrowding. Fourteen localities indicated to JLARC staff that they had a total of 642 beds that were provisionally planned, but unfunded.

In conclusion, planned capacity additions at the State and local levels, while easing crowding and increasing capacity somewhat, will still not meet the predicted demand for confinement space. Additional construction is needed at both the State and local levels in order to reduce overcrowding. Non-construction initiatives to handle overcrowding are also needed.

## Virginia Needs A Consensus Inmate Forecasting Process

Accurate and reliable forecasts of inmate populations are essential to sound correctional planning. A number of elements depend on the validity of forecasts, including capital outlay planning, staffing needs, and potential jail backlog. Accurate forecasts are also needed to develop realistic State budgets.

DOC began forecasting inmate populations in 1977. Problems were evident with the original method, however, which produced a series of over-projections. A new model, the Simulated Losses/Admissions Model (SLAM II), was adopted in 1982 and is still in use, with some modifications.

SLAM II is a reasonably valid method for assessing trends that influence the inmate population, and the model performs reasonably well. DOC has the responsibility for maintaining the model, updating its data base, and providing adequate resources to operate the model. DOC can also adapt the model when policy changes occur that affect model assumptions.

### **Summary of JLARC Findings**

DOC's forecast was reviewed in JLARC's April 1985 report, "Virginia's Correctional System: Population Forecasting and Capacity." The report contained a technical analysis of the SLAM II model. The staff review found a number of technical errors in the methods used in the forecast. The technical errors included lack of data to support certain assumptions built into the model, unjustified manual adjustments to the model, and the use of a one-year period to predict long-term trends. The report also criticized the complexity of the model, which restricts its ability to estimate the impact of the policy changes in the system. Based on these technical corrections and refinements, the report provided an alternative forecast.

Beyond a critique of the model, the General Assembly was interested in the development of a single reliable number on which to base policy decisions. To achieve this objective, DOC and JLARC staff worked to develop a technically adequate forecast methodology which addressed DOC interests and the concerns of the JLARC report. This objective was accomplished, and a forecast based on the joint methodology was released in late 1985.

At that time, the modified SLAM II model was predicting 12,334 State responsibility inmates for June 1990. During the past year, however, admissions have steadily increased, and a new forecast produced by DOC in September 1986 calls for a 1990 population of 13,372, an increase of 1,038 over the 1985 forecast. While a smaller change in the forecast would be preferable, the one-year increase does illustrate the responsiveness of the model.

### **Future Directions**

Working with JLARC staff, DOC has improved the SLAM II methodology. There are concerns, however, with the forecast's accuracy. Within the past two years SLAM II has produced three 1990 forecasts, each increasing the previous forecast.

The present responsibility for forecasting inmate populations lies principally with the Department of Corrections (forecasts of local jail populations were prepared by JLARC staff for use in its report on jail populations and capacity). Except for the JLARC staff's involvement in refining the SLAM II methodology, DOC for the most part has worked independently to produce State responsibility forecasts. JLARC's involvement in the forecasting process is scheduled to end with this summary report on corrections.

A more open, participative process should be considered as a means of promoting forecast accuracy and understanding. The process for producing and validating the forecasts should be expanded to include more participants. Such a consensus forecast process is currently used in Florida.

Florida has established a "Consensus Review Committee" which helps strengthen the validity of its forecasts by:

- (1) setting and testing major assumptions that go into the model;
- (2) studying historical fluctuations in prison populations;
- (3) establishing a system of data bases from various criminal justice sources;
- (4) providing a forum for review and monitoring of the process; and
- (5) ensuring that the published forecasts have been reached based on some consensus and review.

One advantage of such an outside review group is that it provides an opportunity to compare and predict the impact of future populations on other elements within the criminal justice system.

Such a process could have value in Virginia. It would ensure that key actors in the criminal justice system have input into the

forecast. Moreover, such a group would promote general understanding of the forecast and the assumptions which drive it.

The need for such understanding has been demonstrated in recent weeks as groups such as the Board of Corrections and Sheriff's Liaison committee have: (1) criticized JLARC for a forecast that is in fact a DOC product, and (2) requested inclusion of factors that are either already accounted for in the forecast or technically inappropriate. More long-term participation of such groups could potentially clarify such misunderstandings.

To provide a broad spectrum of input, a consensus review committee could have representatives from the courts, jails, the Department of Criminal Justice Services, and other State agencies, such as the Department of Planning and Budget and the Parole Board. Representation could also be afforded interested legislative committees and the Crime Commission.

The consensus review committee could be headed by the Department of Planning and Budget, which by statute (*Code of Virginia* section 2.1-391), has responsibility to prepare short- and long-term population projections for use by the General Assembly and State agencies. DPB also has statutory authority for coordinating, reviewing, monitoring, and evaluating data used by other State agencies.

Because DPB has statutory responsibility to perform many of the functions proposed for the peer review committee, the Governor may wish to make DPB the responsible agency for coordinating and providing staff support to the review process. It may also be advisable for DPB to develop future total inmate forecasts for predicting jail populations. Such forecasts would be useful in predicting State costs for activities funded through the Compensation Board budget.

DOC should also continue to develop and refine its forecasting practices. In particular, alternatives to SLAM II should be explored and developed.

**Recommendation.** *Future forecasts of State inmate populations should be produced using a consensus forecast review committee. The*

*consensus forecast committee should be established by the Department of Planning and Budget. The committee should consist of representatives of State agencies, the courts, localities, and other interested parties.*

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## Improved Capital Outlay Planning is Needed

DOC currently operates 16 major institutions, which housed approximately 8,000 of DOC's 11,100 inmates in October 1986. Five of these major institutions were constructed between 1975 and 1986 at a cost of \$113 million. This construction added 2,335 cells and has eased crowding and contributed to Virginia's avoidance of federal intervention in the operation of its prison system.

According to the American Civil Liberties Union, in February 1986 prisons in 34 states and the District of Columbia were under court order to reduce overcrowding or improve related living conditions. Within Virginia, no DOC institutions are under court order, and only three major institutions are operating under consent decrees at this time.

DOC should utilize its recent experience in designing and operating institutions, along with the experience of other states, in determining future facility designs. Cost-effective operation has become a particularly important consideration with the limited resources that states now have available. A number of innovative designs and operating procedures are being used to minimize the capital and operating costs of correctional facilities.

### Summary of Findings

A 1986 JLARC staff study of DOC's capital outlay planning process found that the department needs to (1) strengthen its long-range planning capabilities, (2) continue to

improve the effectiveness of prison designs used in constructing new institutions, and (3) develop better mechanisms for projecting its maintenance needs.

DOC will need to strengthen planning and management related to its capital outlay process to be able to complete the ambitious construction scheduled during the next two biennia. The 1986 General Assembly approved a plan to construct an additional 1,470 cells by 1990. This substantial bedspace increase was based on the 1985 forecast of 12,337 State responsibility inmates by 1990. The forecast was updated in 1986, projecting an inmate population of 13,372 by 1990. Thus, an even larger construction program will probably be needed. As part of improving its capital process, DOC should prepare a comprehensive ten-year plan, strengthen its capital improvements program, and develop a comprehensive policy manual for use by capital outlay staff.

The JLARC staff study also noted that the effectiveness of DOC's prison designs had improved since the construction of Mecklenburg and Brunswick. The department used three significantly different designs in constructing its last five major institutions: Mecklenburg, Brunswick and the prototype for Buckingham, Nottoway, and Augusta. Mecklenburg and Brunswick were designed for specific inmate populations: Mecklenburg for the most disruptive inmates in the system and Brunswick for lower custody inmates.

The prototype design, however, was not intended to accommodate a specific type of inmate population. Instead the design was to be used for a more general population of inmates, while providing the security needed for maximum custody inmates. This provided for flexibility in housing inmates of various security classifications and for relatively cost-effective operation.

Mecklenburg was designed as a super-maximum security institution emphasizing close supervision of inmates in small groups and restricted inmate movement. Mecklenburg's design has limited the institution's flexibility in housing general population in-

mates and has increased staffing requirements and operating costs.

The operating costs and staffing ratios for 15 of Virginia's major institutions are shown on a per-inmate basis in Table 7. As illustrated, Mecklenburg had the second highest staffing ratio and operating costs on a per-inmate basis. The staffing ratio of 1.19 and annual operating costs of \$33,274 were basically twice the system-wide averages of .59 staff and \$17,728 per inmate. DOC should make changes needed to improve the cost effectiveness of Mecklenburg's operation.

Brunswick was designed for minimum to medium security inmates. Its campus-like design employed open areas and glass to provide an atmosphere of normalcy believed to be conducive to inmate rehabilitation. The minimum security building materials used and visibility constraints have limited the institution's usefulness in housing "C" custody inmates.

Buckingham, Nottoway, and Augusta, which were not designed to house specific inmate populations, have the needed flexibility to house minimum to maximum security inmates in a relatively cost-effective manner. For example, visibility, which is important in maintaining security within correctional institutions, is generally good within the prototype institutions.

Double celling in the institutions has illustrated the need for DOC to build flexibility into the support areas so that inmate populations larger than the design capacity can be housed.

DOC also needs to accurately budget for the "ordinary" maintenance needs of its institutions as well as project the size of the larger needs which should be funded through the capital outlay process. At present, the amount spent on maintenance in the previous year is the primary basis for determining the current year's maintenance budget. DOC should develop a better means of projecting its maintenance budget needs.

To summarize, the JLARC staff study recommended that DOC strengthen its planning. In selecting any future prison

Table 7  
**Comparison of Operating Expenditures  
 for Adult Institutions**

<b>Institutions</b>	<b>Average Inmate Population FY 1986</b>	<b>FY 1986 Expenses</b>	<b>Cost Per Inmate</b>	<b>Staff Per Inmate</b>
1. Marion	160	\$ 5,523,748	\$ 34,523	1.20
2. Mecklenburg	308	10,210,796	33,152	1.19
3. YOC	80	2,242,275	28,028	1.09
4. Powhatan	694	15,511,350	22,351	0.76
5. Penitentiary	862	16,178,144	18,768	0.55
6. Bland	454	8,010,143	17,643	0.54
7. James River	326	5,539,922	16,994	0.53
8. Staunton	543	8,951,743	16,486	0.59
9. Deerfield	310	4,880,207	15,743	0.57
10. Nottoway	698	10,643,017	15,248	0.52
11. Brunswick	696	10,325,182	14,835	0.55
12. Buckingham	714	10,267,515	14,380	0.52
13. St. Brides	443	5,945,823	13,422	0.42
14. Southampton	526	6,994,494	13,297	0.43
15. VCCW	373	4,779,140	12,813	0.41
<b>TOTAL</b>	<b>7,187</b>	<b>\$126,003,499</b>	<b>\$ 17,532</b>	<b>0.59</b>

Source: JLARC staff analysis of DOC Population Summary and Per Capita Statement of Adult Facilities

designs, the department should maximize flexibility and cost-effectiveness and explore innovations in design, construction, and management techniques that have been successfully employed in other states. It will also be important for DOC to protect its large capital investment through regular maintenance in the coming years. This will involve performing preventive maintenance on a scheduled basis as well as accurately budgeting for future maintenance needs.

### Future Directions

As previously noted, the most recent inmate population forecast projected a State responsibility figure of 13,372 by 1990. Thus, an additional 1,035 inmates are expected which were not planned for in the construction

program approved by the General Assembly during the 1986 session. In considering possible facility designs for any new construction, DOC should compare the potential cost-effectiveness of larger facilities with the 500-person prisons that have typically been constructed in Virginia.

Potential staffing and cost efficiencies related to operating larger facilities have been illustrated by double celling in several of Virginia's prisons. For example, staffing required for security posts such as guard towers and control booths will be the same regardless of the size of the inmate population. Similarly, the number of nonsecurity positions may often remain the same. Currently three major institutions have substantial double celling: Brunswick, Buckingham, and Nottoway.

## **Distribution of Inmate Population Needs Review**

Virginia's system of 45 adult correctional facilities is one of the most fragmented in the nation. The large number of facilities is intended both to provide institutions of manageable size and to house inmates near their homes.

While the objective of having smaller institutions has been met, the goal of housing inmates near their homes has not been fully realized. As Figure 8 indicates, inmate commitments in the northern region of the State represent 17.4 percent of the State inmate population. Yet the northern region has no

major State institutions. (A major Washington, D.C., facility -- Lorton Reformatory -- is located in Northern Virginia, however.) Conversely, the central and eastern regions have disproportionate shares of inmates. The central region, for example, had 18.2 percent of the commitments for FY 1986 but housed over one-third of the inmate population.

A number of factors may contribute to this distribution imbalance: (1) site selection is dependent on local support for an institution; (2) availability of existing State-owned property in the central region has made it easier to locate there; and (3) the central region is closer to the DOC main offices.

As DOC plans for additional bedspace, it should look closely at the distribution of its facilities statewide. Available sites for locating facilities in the northern region should be carefully sought.

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## **Non-Construction Initiatives are Needed**

Both State prisons and local jails will lack sufficient capacity to house their populations during the next several years. Even if additional beds are approved and funded, overcrowding will exist in the interim. Inmates in crowded jails and prisons often must sleep on mattresses on the floor, wait in line to use showers and toilet facilities, and enjoy fewer program opportunities. Jail and prison administrators also feel the effects of overcrowding. They are challenged to manage personnel and resources to fit the needs of the expanded population.

Expansion of State and local facility capacity can eventually ameliorate crowded conditions. Until new facilities can be opened, however, corrections administrators must deal with the sometimes volatile effects of crowded conditions.

To a limited extent, short-term overcrowding can be reduced by the transfer of

inmates between jails, improved intake processing, and effective jail management. Over the long term, overcrowding can be reduced through diversion programs and changes in sentencing practices, as well as new construction.

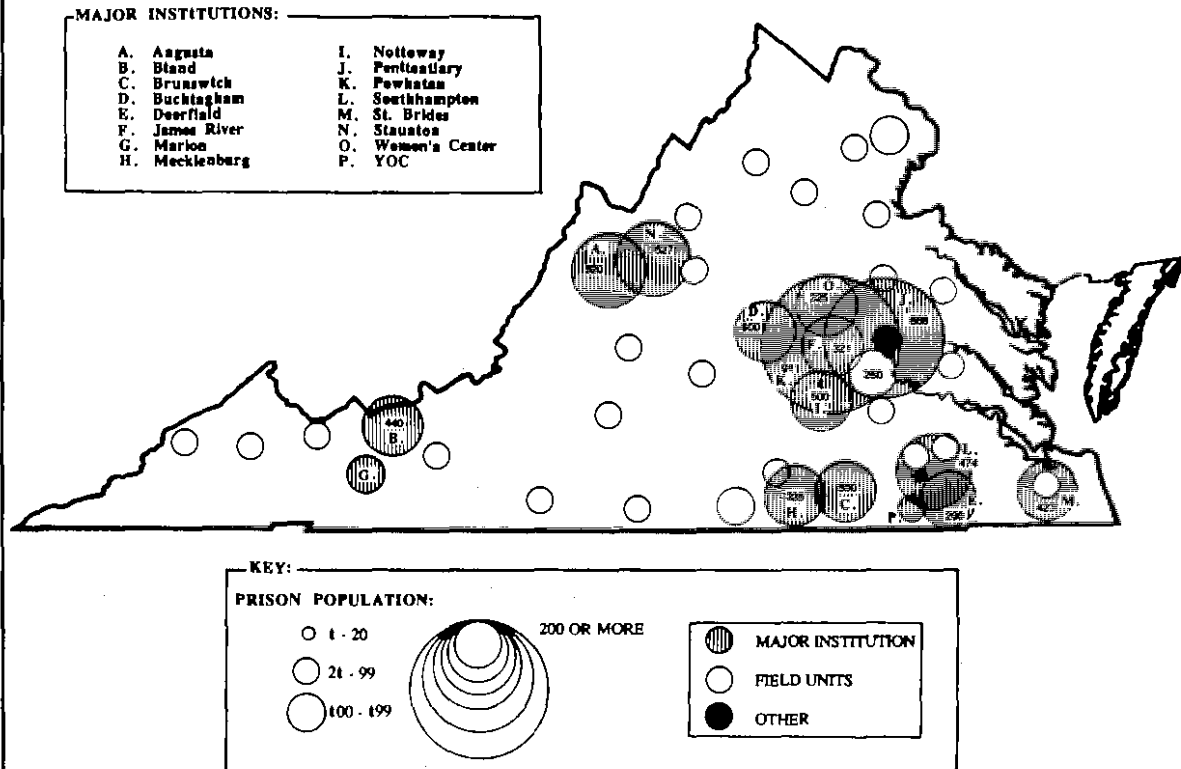
### **Summary of Findings**

Although most jails are operating over capacity, some jails periodically have excess capacity. Some jurisdictions presently have informal procedures for the transfer of inmates from crowded jails to less crowded facilities. This process, however, is not institutionalized and depends on the goodwill of the receiving sheriff. The Director of the Department of Corrections has the statutory authority to transfer State responsibility inmates between jails. Through the use of this authority, DOC could alleviate some of the most severe crowding. The transfer authority, however, has never been used.

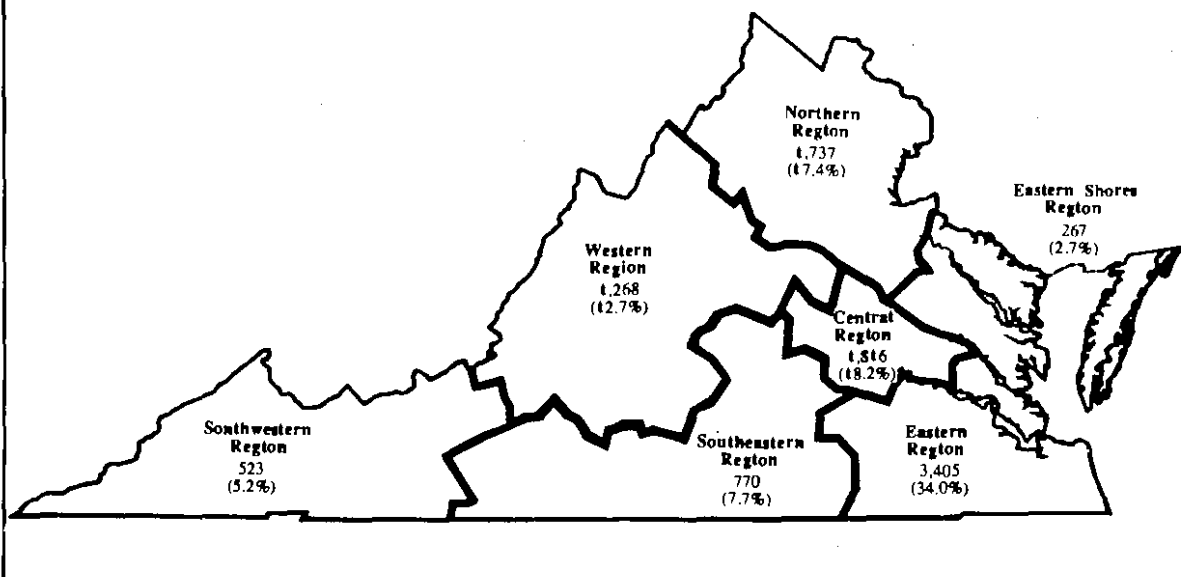
The General Assembly may wish to direct the Director of the Department of Corrections to use his authority to transfer State responsibility inmates to jails that have under-utilized capacity. To effect such

Figure 8

## Inmate Population in Virginia's Prisons



## Distribution of Inmate Population Based on Place of Residence



Source: JLARC staff adaptation of data, 1986.

transfers smoothly, the department should give consideration to transfer incentive programs involving, for example, transportation assistance, intake priority consideration, or additional payments. In any programs involving additional payments, consideration should be given to developing a program which does not dampen current voluntary exchanges between jails which the State does not finance.

State-level improvements in inmate management would also ease inmate population pressure in local jails. DOC's inmate intake system should be based on better measures of jail capacity to further prioritize intake from crowded jails. Beds are currently allocated to jails depending on the number of felons in jails with greater than six months to serve. Therefore, larger jails that house more felons are allocated more State beds. The intake allocation should be dependent on the percentage of a jail's capacity occupied by felons with more than six months to serve. Under such a system smaller jails would receive fair treatment.

Another intake problem involves the DOC Warrant Section, which processes the documents necessary for inmate intake. Processing delays have resulted in the slow reception of inmates from local jails. Strong consideration should be given to replacement of the temporary positions within the warrant section with permanent staff. The benefits of such replacement could be realized in more timely court order processing, lower staff turnover, and improved efficiency.

Opportunities for improving jail management also exist. Many jails have adopted creative means of managing overcrowding, which should be shared with other jails. At the State level this has been accomplished in part through the formation of the Sheriff's Liaison Committee. A recent conference on jail crowding hosted by the Secretary of Transportation and Public Safety also provided a valuable forum for sharing ideas.

Due to the organizational structure and mission of DOC, DOC jail managers have the opportunity to observe new and more efficient

means of handling jail populations and overcrowding at the local level. Since it is the responsibility of the jail managers to provide assistance to jail operators, DOC jail managers should identify effective techniques used in localities to manage overcrowding, and should regularly disseminate this information to sheriffs.

### **Future Directions**

In addition to capacity expansion, State and local governments should look carefully at diversion programs and at the sentencing of convicted felons. Sentencing and parole eligibility disparities result in such anomalies as a felon with a 12-month jail sentence serving significantly more time than a felon with a two-year prison sentence. Other elements of the criminal justice system, such as court management practices, could also be studied regarding their effects on the jail and prison inmate populations.

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## **Capacity Calculations Need Revision**

In general, the capacity of a correctional system refers to the number of inmates which the system can accommodate under certain assumptions. Although ACA capacity guidelines exist, the capacity of a facility is essentially a policy decision. Facilities "designed" for one number of inmates often hold a higher number safely for extended periods of time.

Capacity is not an absolute concept. It is dependent on design, staffing, inmate type, and other factors, including the level of risk that is deemed acceptable. An institution that accepts no inmate incidents will have a significantly lower capacity than an institution where a certain level of incidents are thought to be inevitable.

One confusing aspect of capacity is that different terms are often used. DOC has used various terms in representing the capacity of the corrections system, including design capacity, budgeted capacity, operational capacity, and temporary emergency capacity. Each term has a different meaning. The key capacity term used by DOC is operational capacity, or the level at which DOC has judged that a facility can be safely operated. Generally, DOC's operational capacity figures include no double celling of inmates. This is consistent with American Corrections Association (ACA) standards which call for the single occupancy of cells.

### Summary of Findings

JLARC staff found that DOC's approach to defining capacity generally understated the capacity of the system. Two problems were noted with the department's operational capacity ratings -- inconsistency and unwillingness to count any double celling.

The inconsistency of DOC capacity ratings is principally seen in the rating of dormitory space. As noted in JLARC's 1985 study of capacity and forecasting, square footage in prison dormitories ranged from 33 square feet per inmate at New Kent (a stick camp) to 81 square feet at Bland (a major institution). This variation reflects the subjective nature of establishing capacity.

DOC does not count any double celling in its operational capacity of the system. The MSIs, for example, have a rated capacity of 500, far below the level at which they normally operate. Consequently these institutions are always shown to be significantly over capacity. At the same time, there is considerable skepticism by policymakers regarding the 500 capacity level, because the institutions routinely and safely operate above this level.

Since the release of JLARC's 1985 report on DOC capacity, the department has promulgated a capacity rating termed "temporary emergency capacity." This number represents the maximum number of inmates a facility can hold based on bedspace, square footage, program space, and infrastructure

constraints. This level is intended for short-term operation and should not be viewed as a permanent capacity level. Temporary emergency capacity is a useful measure of the upper limits of DOC capacity.

Neither operational capacity nor temporary emergency capacity are useful measures for capital outlay planning purposes, however. Operational capacity is too low and temporary emergency capacity is too high. JLARC staff recommends instead the use of a "planning capacity" number, which reflects double celling approximately 25 percent of MSI general population cells. In 1990, the "planning capacity" for the system would be 684 beds above operational capacity.

Planning capacity is a number on which forecast-driven construction plans could be based. Were the forecast to be low, DOC could utilize temporary emergency capacity. Were the forecast to be high, DOC could drop down to operational capacity levels. Capacity comparisons are shown in Table 8.

Forecast increases in the State responsibility population will exceed all three capacity measures (Figure 9), unless additional prison beds are built, inmates are diverted from incarceration, or inmates are backed up into local jails.

### Jail Capacity

A similar problem is evident in DOC's rating of jail capacity. "Rated capacity" is the Department of Corrections' rating of the

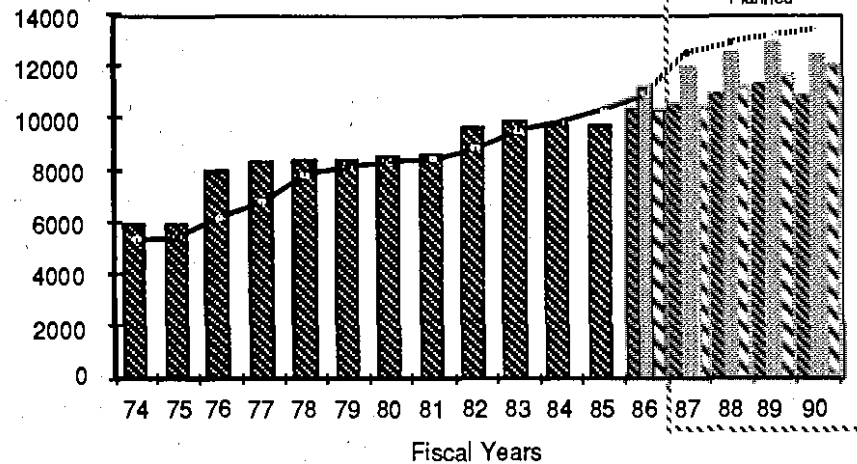
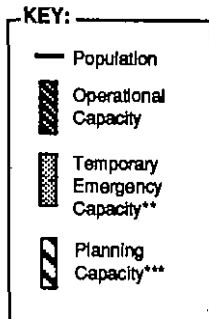
Table 8  
**Capacity Comparisons**

Year	Operational Capacity	"Planning Capacity"	Temporary Emergency Capacity
1986	10,117	10,577	11,545
1987	10,457	10,981	11,956
1988	10,841	11,525	12,500
1989	11,129	11,813	12,788
1990	11,671	12,355	13,330
If Penitentiary Closed in 1990	10,803	11,487	12,462

Source: JLARC staff analysis of DOC data.

Figure 9

## Comparison of Inmate Population Trends With Operational and Emergency Capacities\* FY 1974 - FY 1986



\* Reflects estimated opening date for some facilities by 1990, and closing of the State Penitentiary by 1990. Also includes closing of Deep Meadow in 1984.

\*\* Temporary Emergency Capacity developed in 1986.

\*\*\* Reflects double celling at 25 percent of MSI cells.

Source: JLARC staff analysis of DOC data.

capacity of local jails. DOC has rated the capacity of local jails for over a decade. In 1975, the rated capacity of all jails was 6,120. This number basically reflected the design standard of jails. In 1976, DOC re-rated all jails, using different standards, to 4,847. Many smaller cells, thought at the time to be unconstitutional, were in effect "removed" from capacity calculations. Later court decisions ruled that smaller cells were constitutional if the "totality" of conditions were satisfactory. JLARC's calculation of capacity included most smaller cells. Special purpose beds are also generally not counted in rated capacity.

Special purpose beds are used for isolation, receiving, medical, work release, and other purposes. The 1,755 special purpose beds in Virginia jails are routinely and appropriately occupied. Consequently, JLARC staff counted most special purpose beds, but reduced the overall capacity of jails by five percent to allow some excess capacity for jail management purposes.

By not counting small cells or special purpose beds, DOC's rating of jail capacity understates the capacity of local jails. Comparing jail populations to DOC's rated capacity exaggerates the substantial crowding that exists.

JLARC re-rated the capacity of all State jails based on the standards to which they were originally built. Using these standards, the aggregate capacity of Virginia's 94 local jails is 6,764. JLARC further reduced aggregate jail capacity to 6,551 to reflect the fact that all jail beds cannot be effectively utilized because of staffing, geographical dispersion, and other factors.

DOC should modify its definition of rated capacity to more accurately reflect the actual capacity of the system. A methodology similar to that employed by JLARC staff and consistent with good correctional policy should be used.

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## Chapter Four:

# SECURITY AND NONSECURITY STAFFING

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## Virginia's Major Institutions Have Sufficient Security Staff, But Higher Populations Will Require More Staff

The adequacy of staffing in Virginia's adult correctional institutions has been a major policy issue in the 1980s. Comprehensive reviews of staffing by JLARC and a task force appointed by the Governor found security staffing to be generally adequate. Both studies recommended substantial changes in staffing practices, however.

In many respects the JLARC staffing study and the Governor's Task Force staffing study had parallel findings. Both studies recommended revising the staffing formula and improving post audits -- the method used to assess security staffing needs. DOC has consolidated the recommendations of both reports and developed an action plan for implementing them.

The overall level of security staff in Virginia's adult prisons has shown a steady increase since 1974. For the most part,

however, those staff increases reflect the opening of 12 new facilities since 1974. The department now operates 45 adult facilities, a large number relative to most other states. As indicated in Table 9, the number of security staff increased 33 percent, from 3,222 to 4,287 between fiscal years 1981 and 1986, with the largest increases in FY 1982 when four institutions were added to the system. Except for increases due to the opening of new facilities, there have been limited staff increases during this time period.

Table 9  
**DOC Security FTE s  
FY 1981 - FY 1986**

FY	Security FTE s	Total Positions
June 30, 1981	3222	7307
June 30, 1982	3614	7947
June 30, 1983	3876	8201
June 30, 1984	3974	8342
June 30, 1985	3949	8160
June 30, 1986	4287	8638

Source: DOC Personnel Unit, October, 1986.

### **Summary of Findings**

JLARC's security staffing study focused on individual assessments of each institution's security staffing. The study also included reviews of DOC's method for assessing the need for security personnel, the application of the staffing formula, and the post audit process.

Overall, JLARC staff found that the major institutions had adequate security personnel. Increases in security staffing will be required, however, since the adult prison population has increased from 9,454 at the time of the review to over 11,100 in October 1986. Other JLARC findings revealed that extensive variation existed in how institutional staff conducted post audits, which resulted in inconsistent staffing levels and inadequate justification for staff. It was also found that DOC's staffing formula did not accurately reflect available work hours of security personnel and that institutional staff applied the formula inconsistently.

A number of systemwide issues related to staffing were also raised. The use of overtime by security personnel was found to be excessive, poorly monitored, and insufficiently documented. Wardens have had wide discretion in deciding when to use overtime, and this discretion has led to substantial variation in the amounts of overtime used among facilities. Misclassification of DOC employees was also a problem; security staff were found to be performing nonsecurity functions in many cases.

### **Future Directions**

A number of improvements are being made in the staffing area. DOC has developed an action plan for simultaneously implementing the findings of the two staffing studies. The department has published and disseminated new guidelines on how post audits should be conducted. DOC is also in the process of conducting comprehensive post assessments at each major institution to determine security needs and appropriate staffing based on changes in populations at most facilities. In addition, the 1986 session of the General

Assembly mandated that DOC adjust staffing levels based on the Governor's Task Force study.

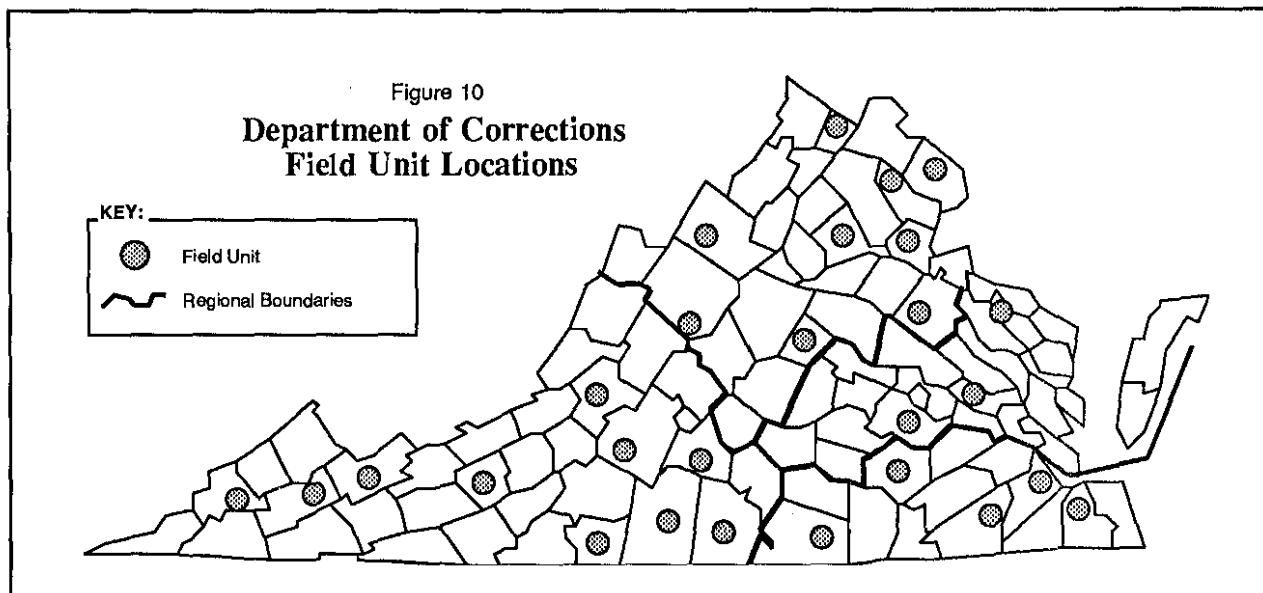
DOC should continue to implement recommendations of the JLARC and Governor's Task Force studies, particularly in the areas of post audits, overtime, and misclassification. As the incarcerated population increases, corollary increases in security and nonsecurity staffing will be necessary. Even infill of existing institutions will require both kinds of staff. As facilities are expanded and new facilities are built, DOC should ensure that staffing economies receive high priority. Where possible, security technology enhancements, institutional design improvements, and more efficient operating procedures should be effected to provide staffing economies.

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## **Field Unit Staffing is Insufficient for Security and Programs**

Virginia's system of field units, long considered housing for low-risk felons, is experiencing increases and changes in its inmate population. Once viewed as temporary facilities, field units have for all practical purposes become a permanent part of the prison system. The role of these facilities now seems to be changing also. As a result, additional staff may be needed in many of DOC's 27 field units.

Most of the field units are located in rural areas of the State, as Figure 10 indicates. Field units were intended to be less restrictive environments than the major institutions, and inmates assigned to these facilities were assumed to pose less of a security risk. Generally, most inmates in the field units are supposed to be within two or three years of parole. The population, however, seems to be



hardening. According to DOC staff, many inmates housed in the field units are serving longer sentences and have been convicted of more serious crimes. Also, in FY 1986, the population of field units increased 13 percent, from 2,544 to 2,884 inmates.

### Summary of Findings

Staffing in Virginia's field units was found to be generally insufficient to provide adequate security or programs. In many instances only three officers were assigned during night shifts to control an entire facility. Security staffing during day shifts was generally lean, but adequate. A major problem, however, was the use of security officers as food service supervisors, a practice which should be discontinued.

Nonsecurity staff and programs at field units have received limited attention over the years. In FY 1985 the ratio of inmates to nonsecurity staff in the field units was 17.6 to 1, compared to a ratio of 6.5 to 1 in the major institutions. Inmates assigned to field units lack many of the educational, training, counseling, and recreational opportunities that their counterparts in major institutions receive. Because inmates assigned to the field units are usually closer to parole, it can be argued that more, rather than less, services and counseling should be available in order to prepare inmates for life outside of prison.

A major nonsecurity concern is the level of individual counseling that inmates in field units receive. At the time of the JLARC staff review, the number of inmates per counselor in the field units was 93 to 1, compared to 58 to 1 in the major institutions. Because of these excessive workloads, counselors spent most of their time preparing parole files and on other administrative tasks, and had little time for actual counseling. Thus, inmates did not receive the attention they needed prior to release from prison.

To address the problems caused by insufficient field unit staffing, JLARC staff recommended an increase of 77 staff in field units: 51 nonsecurity staff and 26 correctional officers (Table 10).

### Status of Findings

In conjunction with its response to the Governor's Task Force staffing recommendations, DOC has prepared an action plan to respond to the staffing recommendations in JLARC's report. A separate action plan has been developed to carry out JLARC's recommendations on nonsecurity positions.

Additional positions, both security and nonsecurity, are expected to be included in DOC's budget request during the 1987 session of the General Assembly. The additional counseling positions recommended by JLARC staff will be included in the budget sub-

Table 10  
**Field Unit Staffing Needs**

Nonsecurity

Food Service Supervisors	20
Counselors	28
Nurses	3*

Subtotal (Nonsecurity) 51

Security

Correctional Officers 26

Total for Field Units 77

\* Three full-time equivalent (FTE) positions are needed to bring six part-time positions up to six full-time positions.

mission. While DOC is taking steps to improve staffing levels, much remains to be done to improve services and programs available to inmates in the field units. A level of services comparable to those in major institutions should be made available to persons housed in the field units. Such services should include counseling, training, and educational opportunities. To accomplish these objectives, DOC should consider establishing special-purpose field units to concentrate on specific missions, such as inmate education.

### Future Directions

Many of the field units currently used in Virginia have been in existence for over 70 years. Although field unit inmates are no longer used to build roads, the facilities are still in use because of the lack of available bedspace in major institutions. This situation is unlikely to change in the near future. Currently, 25 percent of the adult inmate population is housed in field units. In the short term, closing

field units may not be practical because of the current overcrowding of the system. As DOC plans for bedspaces in the future, however, it should seriously consider replacement of many of its field units, especially the "stick camps." While DOC has expressed interest in closing the stick camps, it may be wiser to replace them with more modern, secure facilities, given the probability of increased populations in the future and the difficulty in obtaining new sites for DOC prisons. A definite plan for replacing these facilities should be developed, however. As part of its master planning process, DOC should also begin to develop plans for upgrading services and programs in field units to make them comparable to those in the major institutions.

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## Staff Management Needs Improvement

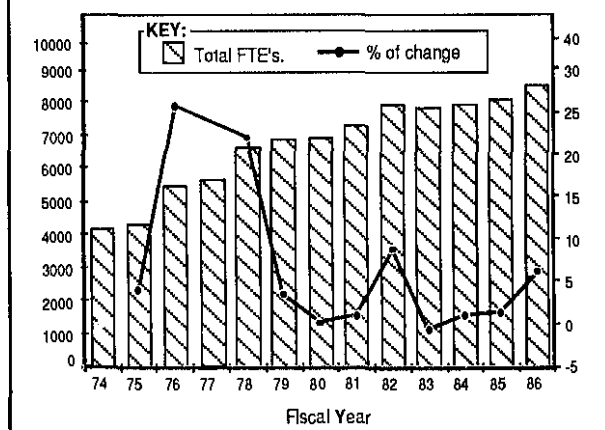
Since becoming a separate agency in 1974, the Department of Corrections has experienced substantial growth in the size of its staff. Staffing has increased to the point that DOC is now the third largest State agency in terms of personnel.

As Figure 11 indicates, the total number of DOC employees increased from 4,182 in FY 1974 to 8,564 in FY 1986. Periods of employee growth reflect the increasing responsibility of DOC in managing and operating the State's adult and youth corrections system. As staffing levels have grown, so has the challenge of managing DOC's diverse personnel system.

JLARC staff identified a number of staff management concerns that DOC needs to address, including (1) assessing staffing levels, (2) controlling overtime, and (3) limiting misclassification of personnel. These concerns, if addressed in a comprehensive manpower plan, could result in better management and efficiency.

Figure 11

### DOC's Total Staffing Trends FY 1974 - FY 1986



Source: JLARC staff analysis of DOC data.

Table 11  
DOC Overtime Trends  
FY 1979 - FY 1986 (Millions)

Fiscal Year	Total DOC Overtime use	Adult Institutions Overtime use
1979	\$ 4.2 (M)	\$ 4.0 (M)
1980	5.4	5.2
1981	6.5	6.2
1982	6.2	6.0
1983	4.7	4.5
1984	4.2	4.1
1985	6.6	6.5
1986	6.8	6.6

Source: JLARC staff analysis of DOC data.

### Summary of Findings

DOC's principal personnel management control instrument is the manpower control program (MCP). The MCP has been useful in adjusting staff within units. It also helps to assess the distribution of positions between units, while staying within the maximum employment level of DOC.

JLARC found that the MCP's usefulness is limited, however, by a lack of workload measures and data. The lack of such data, as indicated by JLARC staff, may mean that staffing levels are allocated imprecisely. Making an accurate assessment of staffing need depends on workload distribution, acceptable standards, and other productivity measures.

DOC's use of overtime ranks as the highest among State agencies. As shown in Table 11, DOC's overtime exceeded \$6 million in both 1985 and 1986. Almost all overtime is used by DOC security personnel in adult institutions. In theory, overtime is to be used only for emergencies. Documentation on whether overtime was being used for emergencies or for routine staffing of security posts was lacking, however.

In addition to the lack of documentation, JLARC staff found wide disparity in levels of overtime use between institutions. Further, more than half of all overtime (58 percent) was used at three

institutions: the State Penitentiary, Mecklenburg, and Powhatan complex (Table 12).

Institutional personnel had wide latitude in approving overtime use. JLARC staff found numerous instances where some institutions used no overtime during a year, while others depended heavily on its use. This disparity indicated a lack of adequate guidance on overtime use, and a lack of proper monitoring and control.

Another consistent problem was misclassification of personnel. Generally, misclassification means that security personnel

Table 12  
Overtime Use by DOC  
FY 1985 - FY 1986

Facility	Expenditures for Overtime	Number of Overtime Hours
State Penitentiary	\$ 2,099,798	160,211
Mecklenburg	936,165	86,341
Powhatan	803,076	80,697
Nottoway	470,592	46,872
James River	335,753	29,926
All Other facilities	2,749,776	262,520
<b>Totals</b>	<b>\$ 6,592,084</b>	<b>585,870</b>

Source: Department of Planning and Budget, 1986.

## *Security and Nonsecurity Staffing*

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are being used to perform nonsecurity functions, such as operating canteens and mailrooms. Throughout DOC's adult institutions, security and nonsecurity personnel have been used full-time to perform duties outside their regular classification. JLARC staff identified 85 misclassified security positions, and the Governor's Task Force study identified 166 such positions.

Security staff assigned to nonsecurity functions generally draw more pay than properly assigned nonsecurity personnel. Misclassification unnecessarily increases staffing

expenditures, can adversely affect employee morale, and also inflates security staff-to-inmate ratios.

### **Future Directions**

DOC should continue to develop its manpower control program. Management should also continue to focus attention on eliminating misclassification and significantly reducing unnecessary overtime. These initiatives should be addressed in an improved manpower control program.

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## **Chapter Five:      CORRECTIONAL PROGRAMS AND SERVICES**

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### **Prison Services Show Improvement**

The provision of services to prisoners is an important component of DOC's mission. Virginia's corrections system provides many services to prisoners to promote their health and welfare and to ensure adequate living conditions. Medical, food, and mental health services are three integral components of the service system. During its reviews, the JLARC staff found evident improvements in each of these areas.

Medical services have been expanded so that each major institution has a medical unit that can treat most minor medical problems. Each medical unit has a staff that includes a physician and a team of nurses. Medical personnel provide some form of coverage on a 24-hour basis. In addition, DOC has established several regional medical units that provide services for specialized medical needs and for extended infirmary care.

Food services are an integral part of prison life. Daily meals are focal points of an

inmate's routine. Problems in this area have often sparked broader disturbances. Modern cooking and serving equipment are used at all major institutions. In FY 1985, DOC's inmate population of 9,700 was served approximately eight million meals. Standard menus are prepared and have helped to reduce the unit cost per meal systemwide. Food services operations generally meet all health and sanitation standards of the State.

Corrections is currently expanding into a broader range of mental health services. In 1984 the General Assembly approved additional mental health positions for DOC in an effort to improve DOC's mental health program. The Secretary of Transportation and Public Safety recently established a task force to study and recommend an improved system for identifying, treating, and accommodating in-house inmates who suffer mental illnesses. Severely mentally ill inmates will still be sent to the Department of Mental Health and Mental Retardation for treatment.

DOC also provides a number of other services to inmates, including laundry, warehouse, purchasing, and inmate accounting services.

### **Summary of Findings**

While JLARC's studies did not directly assess the level or quality of corrections services, staffing assessments were made which involved the observation of most service areas.

In medical, food, and mental health services, staff were found to be generally adequate. Indeed, medical services at some institutions were found to have comparatively more staff than other institutions. Adjustments in staffing levels at those institutions were recommended. In some instances, physicians and dentists were found to be working less than the hours they were employed to work. Elimination of this practice by DOC in July 1986 should reduce some unnecessary medical costs.

### **Future Directions**

The growth of the corrections system will require expanded support services and increased costs. To control costs and yet maintain adequate services, DOC should study the potential effectiveness of privatization of some services. In the medical services area, JLARC staff found that contracted services may be more cost effective at some major institutions than employing full-time physicians. In addition, because of the rural location of many DOC facilities, some service arrangements could potentially benefit the surrounding communities as well as the DOC institutions.

For example, the administrator of a private medical center in Southeastern Virginia has proposed that DOC's institutions in that area enter into a joint agreement with the medical center on employing physicians. Under the proposal DOC and the private medical center would share the cost and time of the physicians. Such an arrangement could potentially attract qualified physicians to meet the part-time needs of both parties.

Using inmates to provide institutional services in such areas as food preparation and laundry services has been standard practice throughout the history of corrections. Work programs reduce inmate idleness, reduce institutional costs, and provide valuable

training in work habits and skills. Working inmates can also substitute for, or supplement, regular staff. DOC should consider utilizing inmates wherever possible to provide, or improve, institutional services.

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## **More Emphasis Should be Placed on Improving Rehabilitative Programs**

The Department of Corrections has responsibility for both public safety (security) and the rehabilitation of inmates. State law and DOC's mission statement address both security and rehabilitation as goals of the department. While data are available to measure the department's attainment of its security goal, measuring attainment of rehabilitative goals is more difficult.

DOC provides a number of programs to inmates that are geared towards making the transition from prison to release more positive. DOC offers counseling services, recreational programs, and job training (enterprises) to inmates. Educational programs are provided by the Department of Correctional Education. All of these programs are designed to give the inmate a feeling of self worth and the training and skills necessary to live a crime-free life after release.

### **Summary of Findings**

The counseling program is designed to provide inmates with personal development plans, on-going case management, and individual and group counseling. Special emphasis was placed on counseling programs during the late 1970s when the federal government made funds available for such rehabilitation programs. In recent years, however, during a series of department-wide

staffing reductions, counseling positions received a disproportionate number of cuts.

As a result, inmates receive a limited amount of individual counseling. Counselors often spend most of their time on institutional administrative functions, such as preparing documentation for parole hearings and serving on institutional discipline and classification committees. While these duties are important, they should not detract from the rehabilitative functions for which counselors are needed.

In major institutions, counselor caseloads ranged from 29 to 74 inmates per counselor. The average caseload was 58 inmates per counselor. In field units, the average caseload was 93 inmates per counselor. By comparison, the ACA standard is approximately 50 to one. To provide adequate counseling services, JLARC staff recommended 18 additional counselor positions in major institutions and 28 additional counselors in field units. These additions would reduce counselor workloads to a level at which meaningful rehabilitative counseling could take place.

Providing inmates with work opportunities is another major objective of DOC. Work opportunities are used both as a management tool, to keep inmates busy, and as a training tool, to provide inmates with needed job skills. Many of the prisoners had limited work experiences before incarceration. Job training has been related to reducing recidivism by teaching inmates proper work attitudes as well as specific job skills which are important upon release from prison.

DOC's goal is for all inmates to have meaningful work opportunities. In the major institutions, there were 5,049 inmates working in FY 1985, or about three of every four inmates.

Some of the most meaningful employment is within enterprises, involving production-oriented tasks such as printing, chair construction, and cabinet making. Enterprises have been providing a growing number of prison jobs, increasing from 737 in FY 1983 to 1,052 in FY 1986 (Table 13). In addition to providing inmate work opportunities, enterprises activities in FY 1986

Table 13  
**Areas of Inmate Employment  
in Major Institutions**

Area	Number of Inmates Working	Percent of Working Population
Maintenance	1,462	29.0%
Enterprises	1,052	20.8%
Food Services	947	18.8%
Housekeeping	888	17.5%
Farming	356	7.1%
Administration	173	3.4%
Support	94	1.9%
Medical	77	1.5%
<b>TOTAL</b>	<b>5,049</b>	<b>100.00%</b>

Source: JLARC survey of wardens, 1985.

returned almost \$1 million to the General Fund on sales of \$16 million.

While improvements in job opportunities are notable, about 25 percent of the adult inmate population is unemployed, and a number of employed inmates perform jobs that have little marketable value. For example, jobs employing inmates in field units primarily involve cutting grass and brush on Virginia's highways. For many inmates in major institutions, daily work assignments consist only of cleaning their cells and the dayroom area.

The employment level of inmates also varied substantially among institutions. Employment levels ranged from close to full employment at James River and Southampton to 42 percent unemployed at Buckingham.

Each institution provides some form of inmate recreation. Organized recreation programs generally consist of activities such as arts and crafts, weight lifting, intramural team sports, and games such as pool and table tennis.

The availability of recreational programs varies significantly among facilities. The older institutions, such as the Penitentiary, Powhatan, James River, and Bland, offer limited recreational programs. These facilities lack gymnasiums, which means fewer

recreational programs are available during the winter months and inclement weather.

### **Future Directions**

DOC needs to place greater emphasis on its rehabilitative programs. Prison crowding will make programs even more important. As the living space available to inmates decreases, daily program and employment opportunities assist in reducing idleness and maintaining order. The number of counselors should be increased to provide individual rehabilitative counseling to inmates. Additional job opportunities are needed, especially at institutions where unemployment is high. Indoor recreational facilities should be provided at all major institutions.

To accomplish these objectives, DOC needs to develop a comprehensive program plan which establishes specific objectives for rehabilitative programs and activities.

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## **Separation of Educational Programs has been Beneficial**

The Department of Correctional Education (DCE), formerly the Rehabilitative School Authority, was created as a separate State agency in 1974. Reasons for separating educational responsibilities from other responsibilities of the Department of Corrections (DOC) included clarifying management responsibilities for educational programs in correctional facilities, ensuring that funds appropriated for education were spent for those purposes, and promoting the growth and improvement of correctional education programs.

The level and types of services provided by DCE have greatly expanded since 1974. DCE has established a school at each State correctional facility (17 new schools

since 1974), started additional vocational and apprenticeship programs, sponsored literacy and college programs, initiated a testing program of juveniles and adults (including testing for special education eligibility), centralized library services, and standardized curricula.

The number of adult inmates enrolled in DCE programs has doubled since 1974. The number of inmates earning a vocational certificate or the equivalent of a high school diploma by passing the General Education Development (GED) test has also increased. In the juvenile learning centers, where school enrollment and attendance is mandatory, enrollments have declined as the number of youths in the State correctional system has declined. GED and vocational program completions have increased, however (Figure 12).

As the number of programs and DCE schools have increased over the past 12 years, the staffing level has increased from 244 to 376. Most of the growth in DCE's staffing level has occurred as teachers were added to adult schools.

### **Summary of Findings**

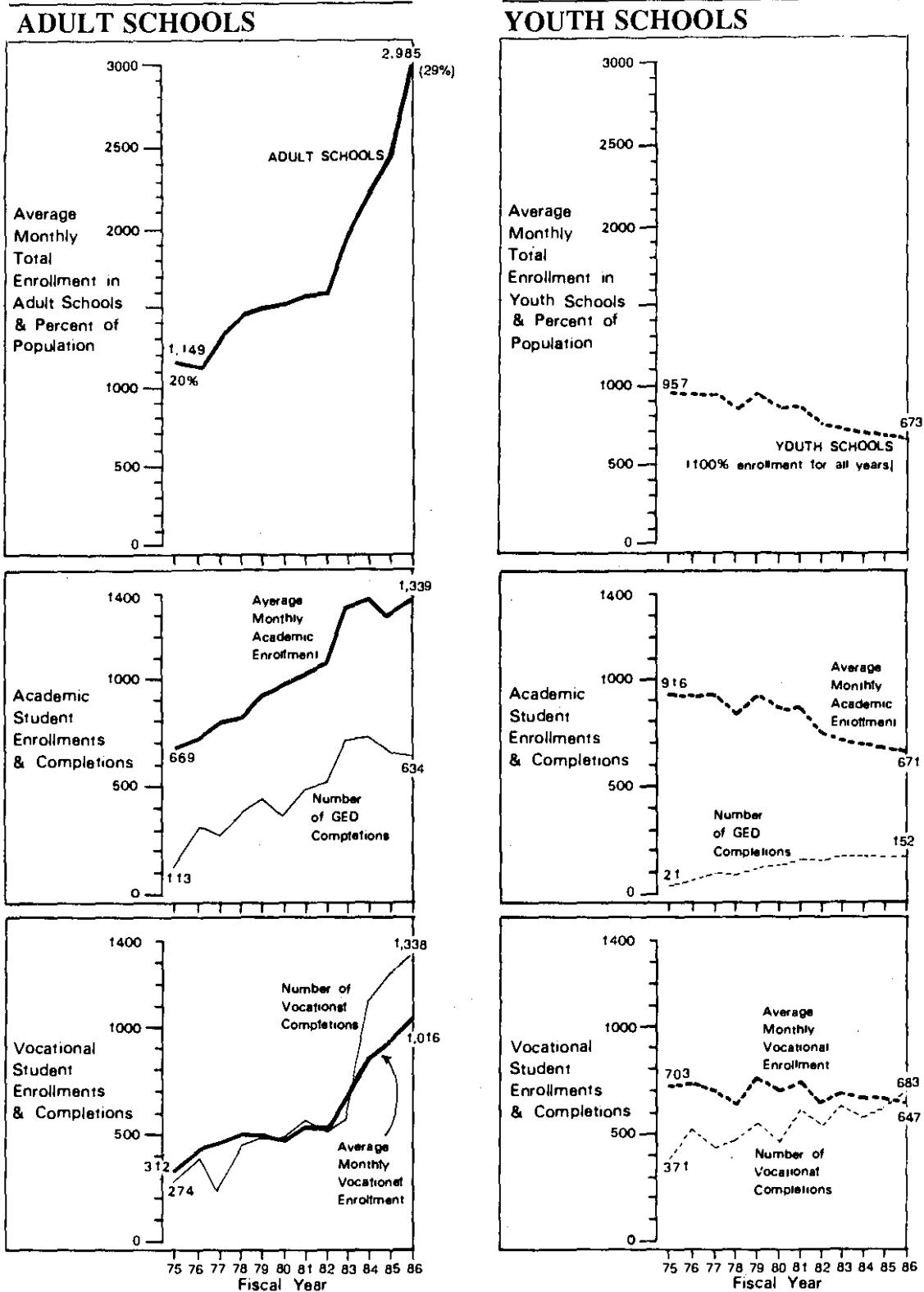
As presented in the February 1986 report, "Staff and Facility Utilization by the Department of Correctional Education," JLARC found that creating a new agency for educational programs has worked well. DCE generally has upgraded and expanded correctional education programs as intended by the General Assembly. However, literacy and academic programs were under-utilized in major adult facilities. In correctional field units, few educational programs and limited instructional hours resulted in low enrollments (nine percent of the field unit population). In juvenile learning centers, declining populations warranted a few less staff, although recruitment of teachers with special education endorsements was needed.

### **Status of Findings**

DCE reports that inmate enrollments in its academic and literacy volunteers programs are increasing, vocational classes remain filled,

Figure 12

# DCE School Enrollments & Program Completions For FY 1975 - FY 1986



Source: DCE enrollment reports.

and apprenticeship programs are increasing in major adult institutions. DCE is planning to add modular classrooms at three field units and convert six underutilized teacher positions in the juvenile learning centers into field unit instructors, thereby accommodating 144 additional students. Moreover, DOC is converting the Appalachian Learning Center into a correctional field unit; DCE's school at that facility will accommodate 70 adult inmates. DCE reports that it is still difficult to attract special education teachers for the juvenile learning centers, although some salary increases were made in recognition of the 12-month teaching schedule.

### **Future Directions**

In April 1986, Governor Baliles initiated a "no-read, no-parole" program for incarcerated adults in the custody of DOC. The program generally intends to encourage inmates to achieve minimum reading competencies by offering early release consideration. Ultimately, the program intends to facilitate inmates' more successful and crime-free returns to the community. Increased enrollments in DCE's literacy and academic programs already have been realized.

The rehabilitative success of correctional education programs, and of incarceration in general, could also be facilitated by implementing other program initiatives recommended in the JLARC report. DCE and DOC need to identify and expand incentives for participating in educational programs and alleviate institutional barriers that hinder inmates' access to those programs. Moreover, DCE's educational programs need to be integrally linked with DOC's counseling, alcohol and substance abuse, and other treatment programs as part of a comprehensive treatment strategy for individual inmates. In addition, increased emphasis on programs designed to help inmates make the transition from institutional confinement to their communities will better ensure that programs initiated while incarcerated can be continued in the community.

Although these program initiatives are needed in all adult facilities, the greatest need is

in the field units. Inmates in field units are generally closer to release than those in major adult institutions. DCE programs and other DOC treatment programs in field units remain limited.

The program needs of youths in the learning centers also should not be overlooked. Appropriate special education services for handicapped youths (who comprise 45 percent of the learning center population) are needed. Programs that provide and link work opportunities with vocational training deserve exploration. The need to modify curricula and expand work-release programs is particularly important now that DOC has adopted a form of determinate sentencing for juveniles. Older youth with longer stays are anticipated as a result of this new sentencing procedure.

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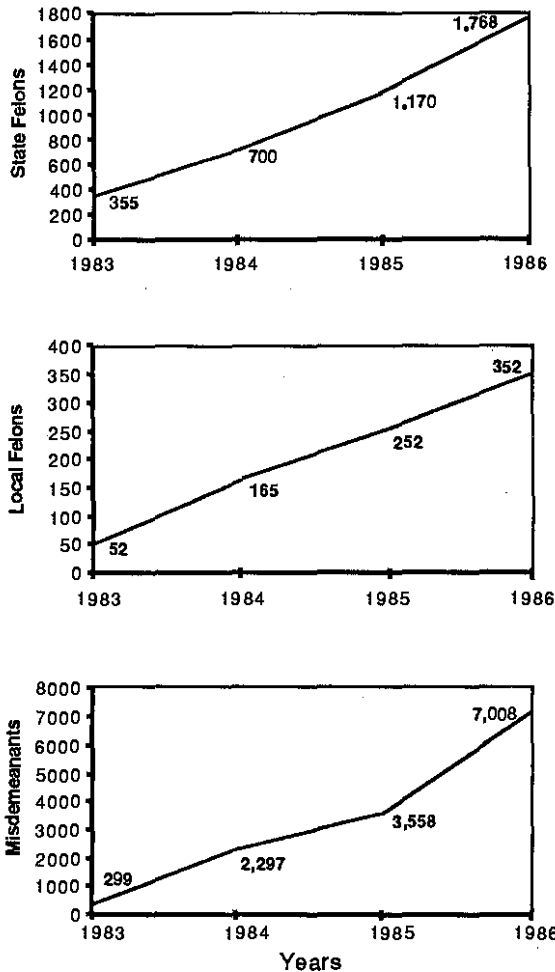
## **Diversion Program Shows Promise**

The Community Diversion Incentive (CDI) program was created to provide the judicial system with additional alternatives for sentencing certain nonviolent offenders who may require less than incarceration, yet more than probation. This State-supervised, locally administered program diverts offenders from incarceration into community service work, and in some cases requires restitution for their crimes. Originally created to serve only State felons, the scope of the program was broadened in 1982 to include diversions from local jails.

The Department of Corrections is the State agency which oversees the program, while 28 local CDI agencies administer the program covering 106 localities. (Note: Diversion opportunities are provided to five localities through New River Community Action which is not a CDI program.)

The CDI program appears to be meeting or working towards its statutorily mandated objectives. As Figure 13 indicates, as of June 30, 1986, 1,768 State felons had

Figure 13  
Cumulative CDI  
Diversions  
FY 1983 - FY 1986



Definitions Used By the CDI Program:

- State Felon** = convicted of a felony and sentenced to a minimum of one year in the State penitentiary.
- Local Felon** = convicted of a felony which results in jail confinement or sentences of 12 months or less.
- Misdemeanant** = convicted of misdemeanor(s) which total less than a 12-month sentence.

Source: DOC Adult Community Corrections Division.

been diverted from incarceration in State institutions, while an additional 7,360 local felons and misdemeanants had been diverted from local jails.

### Summary of Findings

The JLARC staff study indicated that CDI saves the State money, provides increased opportunities for offenders to make restitution, and allows local flexibility in responding to punishment for crimes committed. In a majority of cases, CDI is also reaching its target population -- offenders who would be incarcerated in jail or prison. In some cases, however, JLARC staff found that divertees seem to more closely resemble the probation population than the incarcerated population.

Some problems with management, planning, and monitoring of the program were found during the review. Budgeting and statistical reporting submissions were often found to be incomplete or unclear.

Several other areas were found to impede program achievement. Even though CDI was specifically designed as an alternative to incarceration, some judges were found to refer offenders to CDI for evaluation prior to sentencing.

DOC had not established a method for assessing whether certain offenders were unsuited for diversion and tended to terminate from the program more frequently. Such terminations were a burden on the system and an additional expense to DOC.

JLARC staff recommended a period of program consolidation because of problems associated with the rapid growth of the program, coupled with changes in legislation, diversion criteria, and standards.

### Status Of Findings

DOC recently reorganized its community corrections programs under one deputy director. New management and operations policies and procedures are being instituted to improve program management and the monitoring of local CDI programs.

DOC recently employed staff to develop the capability for collecting and reporting statistical data. More frequent and

regular meetings are being held with local CDI staff and judges to update them on standards and program changes.

### **Future Directions**

As Virginia's prison population continues to increase, the CDI program can offer another alternative to incarceration of nonviolent offenders and spiralling prison costs. Future expansion of the CDI program could help to offset some of the bedspace needed as Virginia's prison population continues to grow.

In expanding the CDI program, DOC should consider whether CDI should be offered in each jurisdiction for statewide coverage. Maintaining the current level of coverage would deny CDI access to offenders

within 25 localities. Given the current need for prison bedspace, every effort should be made to maximize the use of alternatives to incarceration.

While offering CDI in every locality would ensure equal access to diversion opportunities, some administrative problems could result. If localities were unwilling to administer a program, DOC might be forced to administer the program directly. A DOC administered program could be viewed negatively by the affected localities. Given the importance that CDI places on local participation, this could also have a negative effect on programs operating in other areas.

If the decision is made to expand CDI statewide, DOC should increase its efforts to promote voluntary CDI program expansion to non-participating localities.

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## **Chapter Six:**

# **OTHER CORRECTIONAL CONCERNS**

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The 1970s was a period of organizational development for the Department of Corrections. Once it was established as a separate agency, DOC began a period of unification of adult, youth, and community corrections programs. The mission and goals of the department changed several times to reflect changes in corrections philosophy and greater attention to inmate needs. In the late 1970s DOC underwent a significant reorganization and adopted a regional management concept. The 1980s began an era of rapid expansion and organizational discontinuity.

While much has been accomplished in the dozen years since the creation of the department, more remains to be done. Many of the issues addressed in JLARC's series of reports on corrections will carry over into the next decade. Other issues, not addressed in the series, will also have an impact on DOC's ability to fulfill its missions. This section addresses some of the future concerns facing corrections in Virginia. These issues include: unit management, classification of inmates, and the placement of youth services.

## **More Extensive Use of Unit Management Should be Explored**

A number of innovative management techniques are being used by the federal prison system and other state correctional systems to assist in controlling their inmate populations. One such technique is unit management.

Unit management organizes the living units, such as a prison wing, as semi-autonomous entities. Each living unit is assigned a fairly stable staff complement including at a minimum: a unit manager, a counselor or caseworker, and correctional officers (Figure 14). These unit staff are responsible for controlling the inmates, for planning and monitoring inmate programs, and for maintaining the housing units.

Figure 14  
**Unit Management Concept**

<u>Unit Management</u>	<u>Current Practice</u>
<ul style="list-style-type: none"><li>• Core Unit Team:<ul style="list-style-type: none"><li>- Sergeant (in charge)</li><li>- Corrections Officers</li><li>- Rehabilitation Counselors</li></ul></li><li>• Team assigned for extended periods of time</li><li>• Security and program staff work together on developing inmate programs</li></ul>	<ul style="list-style-type: none"><li>• No core unit team</li><li>• Frequent changes - security staff rotate between posts.</li><li>• Less coordination between security staff and nonsecurity staff on programs</li></ul>

Source: JLARC staff analysis.

## Changes in Inmate Classification System Should Be Considered

The Department of Corrections has a centralized inmate classification system that assigns one of three classifications, "A", "B", or "C" custody to each inmate in the system. An inmate's classification determines the level of risk assigned, and the level of supervision that will be required. "A" custody inmates are minimum security, "B" custody are medium security, and "C" custody are close security and maximum security.

As inmates enter the system they are placed in one of two reception and classification centers, based on age, for a series of tests, interviews, and evaluations. Female felons are classified at the Virginia Correctional Center for Women.

Once classified, the inmates are generally assigned to an institution based on several factors:

- (1) the inmate's age,
- (2) type of offense committed,
- (3) availability of institutional space,
- (4) special cadre needs of the institutions.

DOC uses a nine-factor plan to assign inmate classifications. Each custody level has a range of points, and an inmate is classified based on the total points assigned after the nine objective criteria are applied. The points can be adjusted based on a subjective override. The override allows DOC to change an inmate's classification when doubt exists on the level of risk or the level of supervision needed.

Inmates can be reclassified, to lower or higher risks, at points throughout their incarceration. Reclassifications occur based on

At least one correctional officer is typically placed within the housing unit to work directly with the inmates. This direct contact by a stable group of correctional officers assists in understanding the inmates and how best to relate to them. Officers tend to serve a programmatic, as well as a security function. Such a role is more difficult when officers rotate in and out of living units as their duty assignments change.

Unit management can be particularly useful in minimizing the impersonal environment of a large institution. Knowledge of inmate behavior can assist officers from being manipulated by inmates they know little about. One benefit of unit management can be improved inmate control. A potential danger of unit management, however, is excessive identification with the inmates by the correctional officers.

While a modified form of unit management is currently employed at several Virginia prisons, DOC should consider using this management technique more extensively. The use of unit management at larger institutions housing over 500 inmates may warrant special consideration. The federal prison system and a number of states use this management technique and consider it to have positive effects on institutional control.

how well inmates adjust to the system and prove their trustworthiness.

DOC's attempt to move inmates into and through the system is restricted by the number of custody levels. The three custody-level system confines classification of inmates to low, medium, and high-level risks. As many institutional personnel indicated to JLARC staff during institutional visits, a wider classification system would provide staff more information and greater flexibility when managing inmates. In contrast to Virginia's system, the federal correctional system has six classification levels.

Institutional personnel frequently use an informal classification system that offers them flexibility in assigning inmates within a risk category. This informal system allows staff to assign inmates to jobs and other institutional assignments within the framework of the current system. Because of the limited number of inmate classification categories, inmates are informally designated "hard" (higher risk) and "soft" (lower risk) within classifications.

***Recommendation.** DOC should assess its current method for classifying inmates and consider a system that allows for more flexibility in classification.*

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## Separation of Youth Services Should be Considered

Juvenile corrections in Virginia has been placed under the umbrella of DOC's authority since its creation in 1974. The question of whether this is the best placement for youth services warrants examination.

According to the 1984 American Correctional Association directory, 16 states

had placed youth services within the corrections department. In 25 states, juvenile corrections was located within the department of human services, and in nine states within the department of youth services. The decision not to place juvenile corrections within the department responsible for adult corrections in a majority of states may reflect a recognition of the differences between the adult and juvenile corrections.

First, adult corrections focuses on secure confinement of offenders, while youth services emphasizes rehabilitation. Second, the number of adult offenders is typically much greater. In Virginia, there are twice as many adults under community supervision and ten times more adults incarcerated than juveniles. Third, the number of adult offenders has been increasing for some years, while the number of juvenile offenders has actually decreased somewhat.

Considering the number of adult offenders and the sensitivity of the public to escapes and crimes committed by adults while under the corrections department's supervision, adult correctional services demand the bulk of the department's attention and funding. For example, adult services was appropriated 64 percent of the DOC's operating funds during fiscal years 1985 and 1986. Given the attention demanded by adult institutions, consideration may be warranted for creating a separate youth services agency or placing youth services within another existing agency. In a similar vein, a separate correctional education department was created in 1974 to provide focus on that program area.

In deciding whether to create a separate agency for youth services, consideration must be given to the effect that action would have on administrative costs. Included within administrative costs would be expenses related to operating a separate central office as well as the four regional offices that youth services currently shares with DOC's adult services. Youth services is responsible for oversight of the court service units, which are located throughout the Commonwealth. This supervision is currently carried out through DOC's regional office structure.

## *Other Correctional Concerns*

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In addition to consideration of administrative costs, the overall funding available for youth services as a separate agency should be explored.

A second placement alternative would be to incorporate youth services within an existing agency. As previously mentioned, half of the states have placed juvenile correctional services within their departments of human services. The Virginia counterpart to human services would be the Department of Social Services (DSS). Consideration of this placement possibility should include the following questions:

- Is the mission of juvenile corrections more closely related to that of DSS than of DOC?
- What effect would placing youth services under DSS have on the programs currently operated?
- Would juvenile corrections services receive more attention under DSS than DOC?
- What regional resources could DSS provide to support the administrative needs of youth services?

There is no obvious answer to the question of the best placement for youth services within Virginia. The potential advantages and disadvantages of alternative placements should be carefully considered before any decision is made.

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## **APPENDIX:**

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### **AGENCY RESPONSES**

As part of an extensive data validation process, each State agency involved in a JLARC review and evaluation effort is given the opportunity to comment on an exposure draft of the report.

Appropriate technical corrections resulting from the written comments have been made in the final report. Page references in the agency responses relate to the exposure draft and may not correspond to page numbers in the final report.

Included in this appendix are responses from the following:

- Department of Corrections
- Department of Planning and Budget



# COMMONWEALTH of VIRGINIA

*Department of Corrections*

EDWARD W. MURRAY  
DIRECTOR

P.O. BOX 26963  
RICHMOND, VIRGINIA 23261  
(804) 257-1900

November 19, 1986

Mr. Philip A. Leone  
Director  
Joint Legislative Audit and  
Review Commission  
Suite 1100  
General Assembly Building  
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for allowing the Department the opportunity to review the exposure draft of the Final Summary Report: Correctional Issues in Virginia. Your staff has been extremely helpful in clarifying any questions that we have had and has been very cooperative in resolving issues of concern.

The Department does not oppose either of the two formal recommendations contained in the report. During the past weeks, our staff has had discussions with staff from JLARC concerning this document. Based on these conversations, we feel that any factual or contextual errors have been addressed and that there are no areas that need further comment at this time. Since most of what is contained in the Final Summary Report has been extracted from earlier documents, the Department's response is already on record.


I would, however, refer you to comments made on operational capacity and the utilization of Mecklenburg in response to the JLARC report on the Department of Corrections Capital Outlay Planning Process and Prison Design. These two subjects are again covered in some detail in the current report and we feel it is important that our concerns be raised again. I have attached a copy of this response for your information.

As this document represents the final study in the current series on corrections, I would like to express the Department's

Mr. Philip A. Leone  
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appreciation to your staff for providing opportunities during the entire length of the study to discuss many critical issues facing Corrections today. If I can be of further assistance, please contact my office.

Sincerely,

  
E. W. Murray  
Director

EWM/jj

Attachment

cc: The Honorable Vivian E. Watts



# COMMONWEALTH of VIRGINIA

## *Department of Planning and Budget*

PAUL W. TIMMRECK  
DIRECTOR

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November 7, 1986

Mr. Philip Leone, Director  
Joint Legislative Audit and Review Commission  
Suite 10D  
General Assembly Building  
Richmond, VA 23219

Dear Phil:

I appreciate the opportunity to comment on your Exposure Draft Report entitled Final Summary Report: Correctional Issues in Virginia.

The principal recommendation which affects the Department of Planning Budget calls for us to establish a committee to review the inmate population forecasts. I concur with your recommendation. The Department of Corrections should continue to develop the initial forecast, with DPB taking the lead in reviewing the forecast and in establishing the review process. As you note, this process may include individuals from around the state who are knowledgeable about criminal trends and sentencing practices.

DPB may be the most appropriate agency for developing jail population forecasts. This forecast is important to the budget of the Compensation Board and to the capital construction plans of DDC, although each agency is interested in different aspects of the jail forecast. Under DPB's statutory authority set out in §2.1-391 of the Code of Virginia to prepare population projections and coordinate statistical data, I will be glad to work with you to transfer the forecasting model and data base to DPB.

In reference to your comment on the separation of youth services from DDC, I would like to point out that the transfer of appropriations between programs in an agency is authorized by §4-1.03 of the Appropriations Act. I suggest your text be altered to reflect the specific amounts which were transferred; otherwise it sounds like most or all the funds appropriated to youth services were "diverted" to the adult side of DDC, which is not the case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul".

Paul W. Timmreck

PWT/14D7D/ws

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