



**National Institute of Corrections Jails Division**

*City of Richmond Virginia*  
*Jail and Justice System Assessment*



*Technical Assistance Report*

NIC TA #10J1074

August 9, 2010

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# National Institute of Corrections Jail and Justice System Assessment City of Richmond, Virginia

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City of Richmond, Virginia

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*Washington, DC 20534*

**DISCLAIMER**

RE: NIC Technical Assistance No. 10J1074

This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on site technical assistance did so through a cooperative agreement, at the request of the Richmond City Sheriff's Office, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Mr. James Robertson and Dr. Michael Jones. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

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## Request for Technical Assistance

On March 15, 2010 representatives from the City of Richmond met with NIC staff to discuss the planning process for a new jail and steps that should be taken to implement evidence based decisions. Participants of that meeting were the following:

1. Kelly King Horne, Community Criminal Justice Board
2. Michael Herring, Office of the Commonwealth's Attorney
3. Rhonda Gilmer, Department of Justice Services
4. Charles Kehoe, Department of Justice Services
5. Barbara Hart, Ridley Group
6. Carol Dabney, Richmond Sheriff's Office
7. Mike Jackson, NIC
8. Maureen Jewel, NIC
9. Lori Eville, NIC
10. George Kaiser, NIC

As a result of that meeting, Sheriff C. T. Woody, Jr. submitted a request for a Jail and Justice System Assessment (JJSA) of the Richmond City Jail and Community Corrections Plan to the National Institute of Corrections Jails Division (see appendix #1). Mr. Michael Jackson, Correctional Program Specialist, responded to the request arranging for the JJSA to be delivered in two phases occurring on June 29 – July 1, 2010 and a yet to be determined second visit date. Mr. James R. Robertson and Mr. Michael R. Jones were selected to conduct the JJSA. Lori Eville and Mike Jackson, each Correctional Program Specialist with NIC, also participated in the first onsite dates. Meetings with key stakeholders and officials were conducted during the June 29 – July 1, 2010 onsite dates to assess the jail and its operations, conduct a review of local criminal justice system practices, and gather additional information on the current situation. A series of follow-up interviews, a CCJB meeting, and public presentation will be scheduled for the second site visit.

The purposes of the Richmond JJSA on-site activities are the following:

1. Meet with the requesting officials to discuss on-site activities and schedules;
2. Tour the jail and develop a summary assessment of its current condition;
3. Interview individuals and groups that impact the criminal justice process;
4. Review criminal justice policies and procedures that impact the current population;
5. Work with staff to collect additional data (jail and court) and develop a summary analysis;

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6. Review the overall functioning of the local criminal justice system, its planning and coordination capacity, and the relationship of the jail to the law enforcement community and the court system;
7. Present your preliminary findings and recommendations to the CCJB, and
8. Facilitate a meeting of the CCJB to develop an action plan to manage the jail population.

This technical assistance report reflects:

1. The findings of the consultants regarding the existing jail facilities and operations;
2. The consultants' assessment of local criminal justice system practices and use of alternatives;
3. The consultants' review of planning efforts which have been made to date;
4. The recommendations of the consultants regarding the planning process and the steps that should occur to develop a long range plan to meet the county's correctional needs.

Special thanks go to Barbara Peterson, Criminal Justice Planner who was the primary staff member who coordinated the JISA and provided direction and support to the NIC team.

## **Pre-onsite Tasks and Activities**

Prior to the first onsite visit, the lead consultant sent a letter (see appendix #2) to Sheriff Woody that outlined the TA activities and described key events and information that will be required prior to the first site visit. Summary information from the letter was shared with members of the Community Criminal Justice Board (CCJB) at their May 5<sup>th</sup> meeting. Further, the lead consultant coordinated with the TA contact person and others to develop the interview schedule, to identify documents for review and to develop a list of questions to be distributed to those individuals who will be interviewed. Appendix #3 lists the questions, and their answers that were distributed and received prior to the onsite visit. The purpose of distributing those questions prior to the site visit was to allow individuals adequate time to prepare for the interviews and to provide information to the consultant team. A very aggressive interview schedule was established in an attempt to gather as much information as possible in the short three days allowed for the first site visit. The final interview schedule is contained in the onsite visit #1 section of the report.

The final pre-onsite activity was to identify a number of documents that the consultant team could review to aid in understanding the present situation in the City of Richmond. The

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Appendix section of the report contains those documents that were sent to the consultant team and many of them are referenced in other parts of this report.

## **Onsite Visit #1 Tasks and Activities**

The first onsite visit consisted of conducting a kick-off meeting, interviews with key stakeholders, a tour of the jail, and an exit and close out meeting.

### **Kick-Off Meeting**

The kick-off meeting conducted on June 29, 2010 was intended to provide an overview of the National Institute of Corrections, develop a list of Technical Assistance (TA) expectations, introduce the facility development process and review the TA schedule. The consultant team developed a PowerPoint presentation for use in the kick-off meeting. A copy of that presentation is contained in appendix #4. Invitations to the meeting were extended to the fifteen (15) members of the CCJB and the three (3) staff persons as well as other city representatives. Four (4) members of the CCJB, three (3) staff persons, and one other stakeholder participated in the kick-off meeting. The following participated in the meeting:

1. Kelly King Horne, CCJB
2. Mike Wright, CCJB
3. Brian Norwood, CCJB
4. C.T. Woody Jr., CCJB
5. Rhonda Gilmer, CCJB staff
6. Charles Kehoe, CCJB staff
7. Barbara Peterson, CCJB staff
8. Delores Anderson, Sheriff's Office

### **Expectations**

During the kick-off meeting on June 29, 2010, the consultants asked the participants: "What do you want from this Jail and Justice System Assessment?" Following are the responses to that question.

1. To identify national research and data relevant to urban populations on programming for probation and better service delivery
2. To identify ways to better communicate and share resources and client/offender data between key stakeholders in the CJS
3. To provide unbiased insights on what we can do better

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4. To identify what we can do to integrate services, be less redundant, and tap into community resources
5. To identify ways to further develop the Division of Justice Services Adult Services
6. To develop methods and identify means to fully fund and implement the alternative to incarceration plans identified in the CCJB Biennial Plan
7. To see the results of the data analysis
8. To hear about different bail and pretrial practices
9. To identify ways to motivate staff to do more evidence based practices
10. To learn what resources are available?
11. To gain insights on new jail construction
12. To discuss who should manage inmate services such as work release – should it be the Sheriff or the Courts etc?

## **Interviews and Onsite Schedule**

The following onsite schedule identifies the individuals and agencies who were interviewed and other activities that occurred during the June 29 – July 1, 2010 site visit.

### **DAY 1: Tuesday June 29, 2010**

8:00--9:30	Kick-off Meeting
9:30--10:30	City Administrator Byron Marshall
10:45--11:45	Chief of Police Brian Norwood
12:00—1:00	Commonwealth Attorney Mike Herring
1:00—1:45	Tina Cashman, Public Defenders Office
1:45—2:30	Chief Probation Officer Mike Wright
2:45—3:00	Kelly King Horne, Chair CCJB (by phone)
3:00—3:45	Chief of Police John Venuti
4:00—4:45	Rhonda Gilmer, Manager Pretrial Services

### **DAY 2: Wednesday, June 30, 2010**

8:00--8:45	Judge Richard Campbell – Juvenile and Domestic Relations Court
9:00--9:45	Judge Eugene Cheek – General District Court (by phone)

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10:00--10:45 Clerk of the Courts Laura Gardner and Carol Kennedy (by phone)  
11:00--11:45 Chief Magistrate Deborah Meade-Jackson  
1:00 to 5:00 Sheriff C.T. Woody Jr. and Jail Tour

## **DAY 3: Thursday, July 1, 2010**

8:15 to 8:30 Judge Snukals, Circuit Court (by phone)  
1:00 to 4:00 Exit Meeting

### **Exit Meeting**

The purpose of the exit meeting was to provide an overview of the initial findings and observations, solicit feedback as to their validity and discuss what if any action steps were to be completed prior to the second on-site visit. The consultant team developed a PowerPoint presentation for the exit meeting and a copy is contained in appendix 5.

Invitations to the meeting were extended to the fifteen (15) members of the CCJB and the three (3) staff persons as well as each person interviewed during the preceding two days. Three (3) members of the CCJB, three (3) CCJB staff persons and five (5) other stakeholders participated in the exit meeting. The following participated in the meeting:

1. Kelly King Horne, CCJB
2. Mike Wright, CCJB
3. C.T. Woody Jr., CCJB
4. Rhonda Gilmer, CCJB staff
5. Charles Kehoe, CCJB staff
6. Barbara Peterson, CCJB staff
7. Delores Anderson, Sheriff's Office
8. Ericha Wakefield, Commonwealth's Attorney Office
9. Tracy Thorne-Begland, Commonwealth's Attorney Office
10. Lt. Col. Roy Witham, Sheriff's Office
11. Lt. Col. Clarence Woody III, Sheriff's Office

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## Findings and Recommendations

The following findings and recommendations developed by the consultant team are their opinions and are the direct result of the interviews that were conducted, the information that was reviewed, a tour of the jail, the answers to the questions that were distributed prior to the first visit (appendix #2), and the material that was discussed during the exit meeting. Further, these findings and recommendations were presented in summary form during the exit meeting.

It must be emphasized that the services provided by NIC and the consultant team are designed to provide an overview of the criminal justice system. Three days onsite cannot accomplish an in-depth analysis of the policy and practices of the criminal justice system. The system is far too complex to allow that to occur. Therefore, the findings and recommendations are intended to provide a summary of key observations and to serve (when appropriate) as a trigger for further evaluation and key action steps.

The Consultant team's findings and recommendations are organized into five main categories. Each will be discussed in the following sections and are intended to provide an understanding of the current criminal justice system. The categories are as follows:

1. Good Foundation
2. Richmond City Jail
3. System Planning and Coordination
4. View of the Jail within a Systemic Context
5. Data Analyses for Understanding and Managing the Jail Population

## Good Foundation

### Findings

Throughout the interviews a common theme surfaced that many stakeholders have worked well together and utilize those good relationships to get things done. Decision making does not come easy in many jurisdictions and Richmond is not immune to that phenomenon. But shared values working towards a common goal will go far in aiding decision making. Richmond is faced with a dilemma – a very crowded and antiquated jail and a firm belief that you cannot build your way out of crowding unless there is a commitment to try to help people avoid or leave a life of crime. So how does the City apply the right resources in responding to this problem and therefore to make sure that the long-term solutions are balanced with public safety and the goal to reduce jail use? Richmond has produced the beginnings of a solution and has made a profound public statement that the proposed new jail will have less rated capacity than the

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current facility. Rated capacity is a term used to define the ideal operational capacity of the facility. Typically, inmate population levels fluctuate throughout the course of a year both above and below the rated capacity so that on any given day, the inmate county will be different than the rated capacity. The City and the Community Criminal Justice Board and have also issued a Biennial Plan that integrates policy and programmatic changes. The consultants use the term **beginning** with purpose to emphasize that there is a lot more work to be done to implement effective public policy and long-term solutions.

A review of the documents that were collected both prior to and during the site visit demonstrate the level of commitment to effecting change and reducing the number of required jail beds. The documents are contained in the appendix section. Below is a brief summary of each study and/or document.

## **Appendix 6 – September 29, 2006 – Mayor’s Commission on City Jail Issues – Final Report**

The Commission on City Jail Issues was created in July, 2005 by Mayor L. Douglas Wilder to review various aspects of the Richmond City Jail. On August 3, 2005 Mayor Wilder convened the first meeting of the Commission and charged it with assessing the functionality, policies and procedures, physical plant issues and overall general effectiveness and efficiency of the jail and its operations. The Commission was tasked with making recommendations to the Mayor through interviews, assessments and deliberations. The Commission identified many recommendations to improve jail operations and ultimately the entire criminal justice system in the City of Richmond. The Commission also identified the dramatic budgetary impact of its recommendations.

## **Appendix 7 – July, 2007 – NIC Technical Assistance on Objective Jail Classification**

The Richmond City Sheriff’s Office requested Technical Assistance to review its current inmate classification system to determine its effectiveness in managing inmates and what steps should be taken to improve the operations of the classification unit.

## **Appendix 8 – January 22, 2008 – Mental Health Challenges and Recommendations**

Mayor Wilder charged the Community Criminal Justice Board to identify and provide recommendations to provide effective mental health treatment in the Richmond City Jail. The CCJB was also tasked with identifying how clinical assessments could be used during the pretrial investigations interviews. The report developed a proposal to provide mental health and support services from pretrial to reentry. The total cost was estimated at \$2,719,337.

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## **Appendix 9 – February 2, 2009 – A Community-Based Corrections Plan for Richmond**

Moseley Architects under contract with the City developed a comprehensive community-based corrections plan. The plan focused on a review of the inmate population, criminal justice system trends, the current jail, community based programs and jail population forecasts. The report projected that 1,923 jail beds would be needed by the year 2022 with 75 additional prisoners to be housed in the Peumansend Creek Regional Jail.

## **Appendix 10 – June 11, 2009 – Draft Planning Study Addendum for Richmond City Jail**

Moseley Architects under contract with the City developed a new estimate of the required number of jail beds. The study presented a plan for a jail facility with a DOC rated capacity of 1,032 beds with 50% double bunking providing a capacity of 1,548 beds. The plan provides a space program but does not provide a detailed operational program.

## **Appendix 11 – July 8, 2009 – Richmond City Jail Project: Planning and Development Update**

On July 8, 2009, Deputy CAO Christopher Beschler provided an update to the Community Criminal Justice Board that recommended a combination of new facilities and alternative programs. The presentation outlined financial impacts and affordability as well a number of next steps to include developing a process to determine the use of incarceration versus appropriate alternative programs.

## **Appendix 12 – July, 2010 – CCJB Biennial Plan**

Utilizing a number of task forces, the Richmond Community Criminal Justice Board developed a *Biennial Plan* which reached a conclusion that “by implementing certain alternatives to incarceration, Richmond will enjoy increased efficiency in the use of its resources, and communities will benefit from more effective responses to certain types of non-violent crime.” The plan proposes a number of steps and actions to both reduce jail crowding and to “connect” individuals to treatment. Further, the plan has identified both process and programmatic changes.

It is clear from a review of the documents and through the interviews that Richmond is “serious” about change and the need to develop comprehensive solutions to complex public policies. During the interviews, the consultants determined that while not all persons interviewed agree on the effectiveness of the solutions, they do recognize that the City has already invested and has identified further resources to aid in implementing solutions. Given

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the short period of time allocated for this technical assistance event, the consultants cannot determine if the allocated resources are the correct amount. Finally, the consultants also heard that the City is moving aggressively forward with the plans for a new jail and the design process is anticipated to begin in early 2011.

## **Recommendations**

During the kick-off meeting, the consultants introduced a flow chart that outlines the required steps that should be taken during the facility development process. The process is organized into nine phases that move from project recognition to occupancy and beyond. The flowchart identifies eight “tracks” that span multiple phases. Those tracks demonstrate the interconnectivity of system policy decisions and brick and mortar solutions and the requirement that a comprehensive approach is necessary to effect system planning. Appendix #4 has additional information regarding the facility development process. The NIC publication titled “Jail Planning and Expansion: Local Officials and Their Roles – 2<sup>nd</sup> Edition” contains a more detailed discussion of the process and the decisions that are made throughout the process. The consultants recommend that the City take the time to analyze where they are in the process to determine if they have missed any steps (i.e. the development of a detailed functional program for the operation of the new facility) and to more importantly recognize the steps that are required in the future. Now is the time to take “stock” of where the City is in the process and analyze resource requirements for the future.

## **Richmond City Jail**

### **Findings**

The consultant team toured the jail and interviewed staff on day two of the first site visit. Lt. Col. Roy Witham, Captain Ken McRae, and Lt. Gary Hill conducted the tour of the jail and Lt. Col. Clarence Woody III, Lt. Shawn Marshall, Sgt. David Jackson, and Sgt. Crystal Stiedle conducted the tour of the jail annex. The jail has a rated capacity of 882 beds; however, often the population ranges from 1,272 to 1,554 inmates. Most of the inmate housing areas of the jail are not air conditioned.

Through those discussions, the consultants concluded that the staff is very professional and takes pride in the facility and its programs. Appendix #14 provides a number of past facility inspections and demonstrates that overall the facility is meeting appropriate standards based on those reports. The facility appears well maintained, freshly painted, clean, and non-smoking, there are no offensive odors, and no debris was found on the corridor floors.

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Constructed originally in 1963 and expanded in the 1991, the current facility has a variety of inmate housing units that provides a reasonable ability to classify and separate inmates based on their risk and management needs. The physical plant is primarily an indirect supervision inmate management style.

Appendix #16 discusses a variety of programming activities available to inmates with a number of dedicated housing units providing education and other activities. While the facility was not originally designed for a large number of inmate programs, staff is finding ways to provide those services.

A tour of the medical facilities and quartermaster areas provided an opportunity to view these special management and often high-activities areas. In each, the space appears limited and not meeting the operational requirements of those activities.

Appendix #13, jail floor plans and #15, sample jail photos contain additional information regarding the jail.

## **Recommendations**

As indicated in the previous section, the City is taking steps to replace the current facility. Therefore, the consultants encourage the City to take advantage of the second phase of the National Institute of Corrections' Planning of New Institutions (PONI) Program. The program is designed to help key stakeholders understand their role in the planning process and to give them an opportunity to address issues in a training environment away from the city. The goals of the program are as follows:

- To provide participants with an understanding of the facility development process for adult detention and corrections facilities.
- To create an opportunity for participants to define their individual role in the process and develop as a planning team.
- To introduce team members to operational, programmatic, and design concepts that may be used in the facility planning and design and program development process.
- To provide team members with the materials and/or opportunity to practice and apply these concepts through the development of action plans.
- To assist jurisdictions by providing materials that will enable them to make well-informed planning decisions about adult detention and corrections facility operational planning and design.

Planning of New Institutions does not teach participants how to design a jail; instead, it teaches the importance of in-depth planning before starting jail design. Concepts are taught through

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case studies, and allowing participants to get “hands-on” experience in planning methods. This program focuses on the critical elements of planning a new facility, including collecting and using data, pre-architectural programming, site evaluation, project management, and determining staffing needs.

## **System Planning and Coordination**

### **Findings**

The consultant team commends the City of Richmond’s justice system officials for committing time and resources to local criminal justice planning and coordination. The Community Criminal Justice Board (CCJB), which serves as the local criminal justice coordinating committee, in combination with a criminal justice planner to support the work of the CCJB, has enabled and will continue to enable local justice system officials to positively affect local criminal justice policy and practices. CCJB membership is broad, and members expressed a renewed sense of enthusiasm for the Board’s work in the past few years. Members and the consultant team perceive that the current criminal justice planner has the talents, skills, and knowledge necessary to support the Board’s work. For example, the Board and staff very recently completed its most recent two-year biennial plan. The plan is very thorough and represents the Board’s and other partners’ attempts to address the severe crowding at the jail and the risk and needs presented by defendants and offenders processed and served by the local criminal justice system.

The full potential of the CCJB to make the local justice system more efficient and effective has not yet been reached. Data about the local justice system has not been used as much as it could be to guide policy decisions (e.g., how should jail beds be used). For example, although the CCJB has conducted some analyses and held discussions about who is in jail and which community-based programs might be more suitable for many of these inmates, additional yet important analyses have not yet been performed (see later section on recommended analyses).

Several Board members and other stakeholders who met with the consultant team expressed a concern that the Board’s work is not connected well to the City’s general government (i.e., Mayor’s Office; City Council). They reported that the CCJB will often expend significant time and resources to study issues and develop potential remedies to these issues, but that the work is not always used by the executive or legislative branches of city government for important decisions (e.g., jail construction and renovation). Several members stated that they think the CCJB could serve a valuable advisory role to these branches of local government.

Lastly, the judges with whom the consultant team spoke, as well as some of the Board members, stated that they are unsure about the appropriate role of the judges on the Board.

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There appears to be differing assumptions and expectations about the role of the judges in relation to the Board and the Board's role in policy planning, decision-making, and advisement of general government.

## **Recommendations**

The consultant team recommends that the CCJB define itself as the multi-agency, criminal justice policy planning and advisory board for the city of Richmond. The CCJB could do this, in addition to its statutory responsibilities, by adhering to a collaborative, cyclical, data/research-guided policy planning process. Because policy planning differs from other forms of planning with which justice system officials in most jurisdictions are already familiar, it is briefly discussed. For a more detailed discussion, refer to NIC's publication, "Guidelines for Developing a Criminal Justice Coordinating Committee."

Policy planning answers the question, "What should we do and why?" It produces policy guidelines expressing important values, philosophies, and judgments on which to base long-term plans. Policy planning leads to decisions that determine long-term justice system goals and objectives. Policy planning should always precede program and operational planning. Program planning answers the question, "What can we do and how?" It is concerned with assessing the feasibility of alternative courses of action, developing appropriate program and contingency plans, and constructing guidelines for action. Program planning decisions sort through available options and lead to the adoption of specific courses of action. It also involves assessing organizational competencies. Lastly, operational planning answers the question, "What will we do and when?" It produces specific plans for the allocation of resources to implement and evaluate justice system programs and services.

Policy planning is the most important, and usually the most overlooked, form of planning for local justice systems. To perform policy planning for a local criminal justice system, a jurisdiction needs three essential components:

1. A criminal justice coordinating committee, such as the CCJB;
2. Criminal justice planning staff;
3. An adherence to a cyclical, data/research-guided, collaborative policy planning process.

A jurisdiction that has these three essential components is much less susceptible to reactive, crisis-oriented or politically motivated decision making, both within and across agencies.

In its effort to become a policy planning board, the CCJB can decide on a few strategic priority areas for which policies can be changed or developed. For example, the CCJB could designate jail crowding and ongoing population management as a priority area. The CCJB could develop a jail bed use plan (e.g., deciding who should be in jail, why, and for how long, with the jail's

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operational capacity as an upper limit). Whether addressing jail crowding, developing a jail bed use plan, or working on an initiative involving some other part of the local justice system, it is important for CCJB members to view planning as a cyclical process to continue over time, rather than as a one-time task to solve a set of problems and then move on. That is, to prevent having to deal with the same issues over time, the CCJB can view issues such as jail capacity/crowding and program capacity/overload as issues to continually and collaboratively manage rather than as problems to solve.

The CCJB has an opportunity to better utilize local data and empirical and legal research to form the basis of discussions about which areas on which to focus and how any identified issues might be addressed. Some of this work is happening already, so increasing and improving the data gathering, analysis, interpretation, presentation, and discussion of data will enable CCJB members to have the information they need to make policy decisions that help achieve any goals (e.g., safe community, preserve the integrity of the law, not have a crowded jail). For example, the CCJB could request that CJP staff perform deeper analyses into the initial jail analyses performed by the consultant team, such as the water barrel analogy and the inmate subgroups consuming the most jail beds (e.g., the 1,696 inmates who were released during 2009 after staying 91+ days). Refer to later report sections for more information on these analyses.

Because the CCJB's membership is broad, the potential for some members to lose interest in any one initiative is possible. To help maintain all members' interest, committees such as the CCJB can adopt at least one initiative that fall within the "Three Cs" – "Cops, Courts, and Corrections." If there are different initiatives that will help agencies that work in law enforcement, the court system, and the correctional field (both custodial and community-based) to improve their efficiency or effectiveness, then the top decision-makers from each agency are likely to continue to participate in the CCJB. If not, then their subordinates will attend.

Although the current staff person occupying the criminal justice planner position is very capable, the CCJB needs increased analytical capacity to enable it to make more data/research-guided policy recommendations. This increased capacity might be achieved by altering some of the planner's current duties (e.g., decreasing grants coordination and writing and increasing data analysis), or by the hiring of additional staff who specialize in data analysis and research methods. The CCJB, staff, and staff's supervisory hierarchy should discuss this matter if the CCJB commits to a more data/research guided policy planning process.

The consultant team inferred that some general government stakeholders and CCJB members were unclear about the nature and role of the criminal justice planner position. It is helpful to

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distinguish “who the planner reports to” from “who the planner works for.” The planner(s) should work exclusively for the CCJB and its subcommittees and on the initiatives of these committees. The planner’s role should be to provide the CCJB with the data, analyses, research, and information it needs to make data-guided, collaborative, policy decisions, and should not be to oversee any programs or operations that arise from the CCJB’s work, nor to work on initiatives that come exclusively from somewhere in the planner’s supervisory hierarchy. If the planner works on such assignments, then the planner’s neutrality and credibility for the CCJB is compromised, and the CCJB’s quality of data/research-guided, collaborative policy planning is weakened. NIC’s guidebook for (a) hiring criminal justice planning staff to support a criminal justice coordinating committee (e.g., the CCJB) and (b) newly hired staff is not yet available, so Consultant Michael Jones provided Barbara Peterson, the current criminal justice planner, a draft of the document.

The relationship between the CCJB and the City Administration (i.e., Mayor’s Office, City Council) should be discussed and agreed upon. Ideally, the CCJB would serve as the go-to entity for all significant matters related to the criminal justice system (e.g., the nature and size of a new jail facility; which programs or services should be expanded or reduced). When the Mayor’s Office and City Council make new policies or funding decisions that are recommended by the CCJB after the CCJB, with the participation of the Bench, has studied issues using the policy planning process (see pg. 13 of Guidelines for Developing a Criminal Justice Coordinating Committee), then the likelihood of politically motivated, financially unsustainable, or less effective decision-making, programming, and services can be significantly reduced.

Finally, the role of the judges in a policy planning committee such as the CCJB is very important. In other jurisdictions, judges have stated that the local policy planning committee is the most important committee they serve on because it is the one entity that can do work that leads to the most meaningful, efficient, effective, and sustainable changes possible in the jurisdiction. Because the judges and other stakeholders in the city of Richmond are not clear about the judges’ roles in relation to the CCJB, the consultant team recommends that they contact judges in other jurisdictions who have agreed on a way to balance the role of the independent judiciary with a board that recommends and advises on policy for the local justice system.

## **View of the Jail within a Systemic Context**

### **Findings**

Several findings and recommendations that the consultant team believes will be useful to the CCJB, criminal justice planning staff, and other City stakeholders are presented in the separate data analysis section that follows. These analyses, combined with the findings and

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recommendations in this section, should help provide officials with a better view of the jail within a larger systemic context.

As mentioned earlier various Richmond City Jail staff took the consultant team on a tour of jail facilities. The consultant team found that officials do not agree on or readily talk about the problems caused by jail crowding. Some officials stated that the problems threaten the integrity of the judicial system and the law. For example, it was reported that it is not uncommon for (a) judges to make decisions other than the one they believe is most appropriate because the jail is so crowded; (b) defendants to fail to appear in court because they are incarcerated in the jail and that this is not known to the court at the time of a hearing; and (c) sentences to the weekender program to be delayed because there is not enough room in the jail facilities, countering research findings that sanctions are most effective if they, among other things, occur swiftly after an offense.

One of the dynamics that is enabling the jail to be crowded is how local officials have viewed the jail resource. The jail has traditionally been viewed as an unlimited resource. The jail has had only 880 (approximately) beds since at least the year 2000, yielding an effective operational capacity of approximately 700 to 800 beds on any given day. However, local justice system decision-makers have made decisions that have held the jail population at over 1,000 inmates in 2000 to over 1,500 inmates in 2009. Thus, the Richmond City Jail was filled to 200% of its effective operational capacity in 2009. This phenomenon, in combination with the very antiquated facilities, subjects the jail staff and inmates to unsafe and harsh conditions.

Another dynamic that is enabling the jail to be crowded is that local officials have viewed jail crowding/population as the Sheriff's problem to solve rather than the system's condition to manage. Over the years, decisions at the agency level or on a case-by-case basis made by law enforcement, the courts, prosecution, defense, community-based programs, etc. have had the cumulative effect of severe crowding at the jail, with the expectation that the Sheriff and jail staff figure out a way to deal with the outcomes (e.g., severe jail crowding) of those decisions. This dynamic is not compatible with an administration of justice characterized by three branches of government working collaboratively to promote public safety, the integrity of the law, and other justice system and community goals.

Among justice system officials, there is a lack of collaborative definition about the purpose and most appropriate use of the jail. Although several stakeholders stated typical uses of the local jail (e.g., incapacitate dangerous persons, sanction chronically disobedient persons), the CCJB members and other stakeholders have not discussed and agreed upon system wide jail use policies such as who should be placed in jail and why, and for how long and why. In contrast, several officials who met with or talked to the consultant team expressed a philosophy that the

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number of inmates in the jail and its crowded conditions are not their responsibility. This perspective, whether argued to be “right” or “wrong,” has the outcome of a crowded jail that stakeholders have said is undermining the integrity of the law and justice system and that the Sheriff’s staff must deal with daily.

System officials have developed, as described in the CCJB’s biennial plan, a detailed plan for improving the quality and quantity of community-based programs and services for the purpose of addressing the psychosocial needs (e.g., substance use/abuse, housing, employment, problem-solving/cognitive skills) of many persons in the jail. While the programs and services could assist defendants and offenders in becoming more prosocial, they likely will not sustainably keep the jail population reduced by the projected 300 to 500 inmates. Some of the reasons for this are: (a) the officials who will be most responsible for placing persons in these programs instead of in jail (i.e., the judges) have not committed to such a policy; (b) the impact on the jail by violators of these programs was not entered into the calculations; and (c) there has not yet been any planning to assure that the programs will not become overloaded themselves, rendering them less effective and less used.

The City’s and CCJB’s capacity for jail population data analysis is underdeveloped. CCJB members have appropriately used the Criminal Justice Planner to perform some data analyses that were used to inform the most recent biennial plan. However, members and the Planner described the methods used as ‘informal,’ indicating that although data were used, the data was limited and the analyses were not as thorough as they should have been given the importance of the statements made in the plan. Jail staff was able to provide the consultant team with the jail data extracts that were requested. Many data fields in these extracts were available for extraction from the jail’s information system, but some important fields were not (e.g., top charge indicator). Because these fields are not available, jail population data analyses that would be valuable to the CCJB cannot be performed or can only be performed with much manual labor.

## **Recommendations**

The consultant team perceives that system officials have become accustomed to a jail that has been extremely crowded for such a long time that jail crowding has become somewhat normalized, or expected. However, the crowding at the Richmond City Jail daily places the jail staff and inmates in unsafe conditions (e.g., through violations of the inmate classification system), and thus constitutes a crisis that should be immediately resolved. Moreover, the City’s current plan for the new jail and renovation of part of the existing jail facility will very likely not be sufficient for alleviating this crowding. If approximately 1,037 beds are available after the

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planned construction, and if the population is lowered by approximately 500 inmates through the planned community-based programs and services, the new jail would still be crowded on the day it opens. A 1,000 bed jail should only have approximately 850 to 900 inmates on any given day. If it has more than that, it is crowded. Only one or two of the stakeholders who met with the consultants discussed this forthcoming situation. However, the opening of a new jail and its being crowded upon opening is typically viewed as unacceptable in most jurisdictions.

To alleviate current crowding and prevent new facilities from being crowded upon opening, the consultants recommend that system decision-makers take ownership over the jail population. The operational capacity of the jail is limited, and justice system stakeholders should make agency policy and case-by-case decisions to administer justice within this capacity. Consistent with a view that the jail's capacity is limited, the CCJB should discuss and define the purpose of the jail. NIC's brief video "Beyond the Myths: The Jail in Your Community" provides a good basis for this endeavor. After the purpose of the jail is defined, then the CCJB can discuss the number and type of beds needed for this purpose. Because Richmond officials have not yet done this, the number of beds selected for the new facility is largely arbitrary and unrelated to what may actually be needed (whether 1,000, more than 1,000, or less than 1,000) for the administration of justice. Until the purpose of the jail is defined and the number of beds needed is agreed upon, the likelihood of the Richmond City Jail being crowded is virtually assured.

When the CCJB discusses the purpose of the jail, members will inevitably encounter the dynamic of fiscal vs. justice conservatism. Fiscal conservatism represents the desire to maintain lower rates of governmental spending, including funds for justice-related services such as the jail. Justice conservatism represents the desire for a more traditional response to criminal behavior that typically is more punitive and involves incarceration. To alleviate jail crowding, system officials will need to decide upon a use of the jail that balances these two competing interests.

Moreover, to help alleviate crowding, CCJB members and other City officials could adopt a view that the jail is "the alternative," rather than the default/standard/expected sanctioning option. Oftentimes during the site visit, officials referred to community-based programs as "jail alternatives," which implies that jail is the preferred option for defendants or offenders, and that because the jail is crowded, community-based sanctioning options are instead used. In contrast, if officials were to view the community-based programs and services as the first choice or preferred, and the jail as an option to be used *only* when these options are contraindicated, then the level of use of incarceration that leads to jail crowding becomes less likely.

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One option that the consultant team is offering the CCJB and other City stakeholders is for officials to discuss the possibility of a new jail that has much less than 1,000 beds. For example, if the jail population in Richmond were approximately 500 to 600 inmates, then the City would have an incarceration rate about equal to the national average. One-thousand inmates would yield an incarceration rate about twice the national average. Although the national rate is of course not an indicator of the “right” or “desired” rate for any jurisdiction, these statistics simply indicate that the City of Richmond has a lot of flexibility in determining the size of the jail and the jail’s population. A question for CCJB members and all justice system stakeholders to ask themselves could be, “If other jurisdictions, large or small, urban or rural, can administer justice and achieve their public safety outcomes with smaller jails (i.e., ones with population sizes that yield an incarceration rate equal to or less than the national average), could we?” In addition, each City fund dollar that is not spent on the construction or ongoing operations of a larger jail could be spent on other options that have a much higher and enduring impact on crime, such as evidence-based crime, violence, and delinquency prevention programs (see, for example, the Blueprints for Violence Prevention), or on other City priorities, such as education, transportation, employment, etc....

One way to ensure that the current jail becomes uncrowded and the new jail is not crowded upon opening is for the CCJB to work with system stakeholders, particularly the judges, to impose a soft cap on the jail. This self-imposed soft cap means that the City’s justice system stakeholders agree to maintain the jail population level at an average of a fixed number, while allowing for some deviation from that number, as long as the average daily population by the end of some time period (usually a year) is the agreed upon number. This is in contrast to a hard cap, in which the jail population can never go above a fixed number (and each time one inmate is admitted, one must be released if the population is at the number), and in contrast to an externally imposed cap, which can occur with a federal court order in response to a lawsuit. Jefferson County, Colorado, instituted a self-imposed soft cap in 2007, and since that time, the jail population has remained significantly below both the total bed capacity and the operational capacity. CCJB members are encouraged to contact the Sheriff, Chief Judge, and Criminal Justice Planners in Jefferson County for more details on the plan, why and how it was implemented, and its outcomes.

Finally, the City’s justice system has a wonderful opportunity to expand its jail population data analysis capacity. The jail is in the process of obtaining a new information system. It is recommended that the data fields provided to jail staff in the data request for this technical assistance be used, to the extent possible, to design some of the data fields in the new system. For example, a field that indicates top charge will expedite many future analyses.

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## **Preliminary Analyses and Recommendations for Future Analyses for Understanding the Dynamics of and Managing the Richmond City Jail Population**

Consultant Jones performed preliminary analyses on several criminal justice indicator variables and on jail inmate data. The indicator data were obtained from Internet and City sources and jail staff provided the jail data.

The separate analyses below follow a general format of purpose, method, findings/interpretation, and recommendations for follow-up analyses and/or activities.

### **Criminal Justice Indicator Trends Analyses**

#### **Purpose**

The purpose of this section is to provide justice system officials with examples of analyses that yield an empirical context for some of the variables that affect and reflect demand on the local criminal justice system, including the demand for jail beds, in recent years. The analyses below are not exhaustive, and additional analyses that become desired over time will facilitate officials' understanding of past and future demand on the local criminal justice system, including the demand for jail beds, and therefore assist officials and the local criminal justice coordinating committee in its future policy planning efforts. Furthermore, criminal justice planning staff should update these and other trends and analyses annually for review and discussion by the CCJB.

The average annual percent change (increase or decrease) would be similar among the various indicators for a local justice system that is growing its services and resources largely in proportion to the demand from external factors such as population growth and crime. When one or more indicators is very different from the general pattern of the other indicators, then the local CCJB can investigate to what extent the differences are due to measurement effects, or local policies or practices, etc., and therefore be in a better position to determine if action is required to change the indicators, if desired.

#### **Method**

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Data on the Richmond City population, number of police officers, criminal offenses, and adult arrests, criminal and traffic cases commenced, and number of persons in community-based supervision options were collected and analyzed. The sources for the data are indicated below.

## Population

### Findings/Interpretation

As seen in the table below, the average annual percent change in the Richmond population from 2000 to 2009 was 0.4% per year. Data for the number of persons who create the vast majority of demand on the criminal justice system (persons aged 18-50 years, approximately) were not available for this report. However, it is not likely that this age group grew at a rate much higher, if at all, than the overall city population.

<b>Year</b>	<b>Richmond City Population Total</b>
2000	197,733
2001	198,204
2002	198,356
2003	197,924
2004	197,194
2005	197,586
2006	198,480
2007	199,991
2008	202,002
2009	204,451
<b>Avg Annual % Change:</b>	<b>0.4%</b>

\* Source: United States Census Bureau.

Thus, the demand for criminal justice services during the past decade likely has not been because of an increase in city population growth. Any increase in the demand for services can likely be attributed to factors other than the number of city residents, especially those who are in the age group prone to criminal justice involvement (i.e., ages 18-50 years).

### Recommendations

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It is recommended that the analyses above be expanded to include trends for persons aged 18-50 years, as well as projected data for the next 10 years, so that the CCJB will have a better indication of the demand for criminal justice services and resources that has and will stem from age-specific population growth.

## **Police Staffing**

### **Findings/Interpretation**

As seen in the table below, the average annual percent change in the number of city police officer positions from 2000 to 2009 was 0.7% per year. This analysis does not show how many of these positions were filled or vacant during each year.

<b>Year</b>	<b>Number of Sworn Richmond City Police Officers on Oct 31</b>
2000	677
2001	648
2002	632
2003	632
2004	678
2005	696
2006	690
2007	702
2008	733
2009	724
<b>Avg Annual % Change:</b>	<b>0.7%</b>

\* Source: "Crime in Virginia" annual reports from 2000 through 2009, produced by the Virginia Department of State Police.

The 0.7 % average annual increase is very similar to the city's overall population growth.

### **Recommendations/Interpretation**

It is recommended that the CCJB monitor future changes (especially growth) in the number of sworn police officers serving the jurisdiction, because many jurisdictions across the country have experienced more rapid growth in law enforcement resources than in other parts of the

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local justice system (e.g., prosecutor, defense, pretrial services, courts, jail, probation), and as a result, have unintentionally created an imbalanced (front-loaded) system that is less efficient or effective than a more resource-balanced system would be.

## **Criminal Offenses**

### **Findings/Interpretation**

As seen in the table below, the average annual percent change in the number of Group A crimes from 2000 to 2009 was -1.5%, showing an overall decrease in crime.

<b>Year</b>	<b>Total Number of Richmond City Group A Offenses</b>
2000	25,149
2001	31,014
2002	30,099
2003	29,349
2004	29,546
2005	27,678
2006	26,996
2007	23,936
2008	21,914
2009	21,897
<b>Avg Annual % Change:</b>	<b>-1.5%</b>

\* Group A offenses, grouped by the Virginia Department of State Police, consist of: Murder, Negligent Manslaughter, Kidnapping, Sex Offenses, Forcible, Robbery, Aggravated Assault, Simple Assault/Intimidation, Arson, Extortion/Blackmail, Burglary, Larceny, Motor Vehicle Theft, Counterfeiting/Forgery, Fraud, Embezzlement, Stolen Property, Vandalism, Drug/Narcotic Offenses, Sex Offenses - Nonforcible, Pornography, Gambling, Prostitution, Bribery, Weapon Law Violations.

Source: "Crime in Virginia" annual reports from 2000 through 2009, produced by the Virginia Department of State Police.

This indicator is a good measure of the demand for criminal justice services and resources created by criminal activity. Moreover, because the number of crimes decreased while the population increased, the crime rate (number of crimes per resident) decreased at a rate even greater than the number of crimes. This pattern of findings suggests that the growth in the city's jail population in the past decade can likely be attributed to factors other than criminal activity (e.g., change in local or state policies).

## **Recommendations**

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It is recommended that future analyses include comparisons to neighboring and/or demographically similar Virginia jurisdictions to help provide additional context for understanding the changes in crime measured in the City of Richmond. In addition, the reasons for the increase in the jail population during a time of a decreasing crime rate warrants discussion by the CCJB when it addresses systemic issues such as jail crowding.

## **Arrests for Criminal Offenses – Group A**

### Findings/Interpretation

As seen in the table below, the average annual percent change in the number of adult arrests for Group A criminal offenses from 2000 to 2009 was 1.3% per year.

<b>Year</b>	<b>Total Number of Richmond City Group A Adult Arrests</b>
2000	5,512
2001	4,019
2002	4,863
2003	3,743
2004	4,720
2005	5,380
2006	5,512
2007	5,581
2008	5,516
2009	6,206
<b>Avg Annual % Change:</b>	<b>1.3%</b>

\* Group A arrests, grouped by the Virginia Department of State Police, consist of arrests for: Murder, Negligent Manslaughter, Kidnapping, Sex Offenses, Forcible, Robbery, Aggravated Assault, Simple Assault/Intimidation, Arson, Extortion/Blackmail, Burglary, Larceny, Motor Vehicle Theft, Counterfeiting/Forgery, Fraud, Embezzlement, Stolen Property, Vandalism, Drug/Narcotic Offenses, Sex Offenses - Nonforcible, Pornography, Gambling, Prostitution, Bribery, Weapon Law Violations.

Source: "Crime in Virginia" annual reports from 2000 through 2009, produced by the Virginia Department of State Police.

The 1.3% average annual increase in arrests for Group A offenses is a little higher than the number of reported crimes. It is too difficult to tell whether this difference is due to typical statistical variation or if it is due to law enforcement policies and practices.

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## Recommendations

The CCJB should continue to monitor this trend for any future discrepancies with the number of reported offenses, so that reasons for greater (than currently measured) discrepancies can be addressed.

## Arrests for Offenses – Group B

### Findings/Interpretation

As seen in the table below, the average annual percent change in the number of city arrests for Group B offenses from 2000 to 2009 was 6.1% per year.

Year	Total Number of Richmond City Group B Adult Arrests
2000	4,776
2001	7,641
2002	5,572
2003	3,711
2004	4,865
2005	5,877
2006	4,776
2007	7,861
2008	8,481
2009	8,129
<b>Avg Annual % Change:</b>	<b>6.1%</b>

\* Group B arrests, grouped by the Virginia Department of State Police, consist of arrests for: Bad Checks, Curfew/Loitering/Vagrancy, Disorderly Conduct, Driving Under Influence, Drunkenness, Family Offenses - Nonforcible, Liquor Laws Violations, Peeping Tom, Runaway, Trespass of Real Property, Conspiracy, All Other (except Traffic).

Source: "Crime in Virginia" annual reports from 2000 through 2009, produced by the Virginia Department of State Police.

This indicator is usually the best available measure of the demand for criminal justice services and resources from less serious crimes. Because the number of Group B offenses is too difficult to be measured directly, the number of arrests for these offenses can be used as a proxy for the

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actual number of these offenses. However, it is also possible that the number of arrests for these crimes is fairly unrelated to the actual number of crimes.

## Recommendations

It is recommended that the CCJB continue to monitor this trend. Many jurisdictions across the country have not experienced increases in offenses and arrests for more serious crimes in recent years, but have experienced increases in arrests, sometimes dramatic, for less serious crimes. Although increases in arrests for less serious crimes are sometimes attributable to actual increases in these types of crimes, they are also frequently attributable to changes in local policies to enforce these types of crimes in the absence of actual increases in the crimes. This dynamic can result in an imbalanced justice system, because the other parts of the justice system (e.g., prosecutor, defense, pretrial services, courts, jail, and probation) are not always equipped with the resources necessary to meet the increased demand presented by persons arrested for these crimes.

## **Thirteenth Circuit and Richmond and Manchester District Court Criminal Case Filings**

### Findings/Interpretation

As seen in the table below, the average annual percent change in the number of circuit court criminal cases commenced from 2000 to 2009 was 3.0%. The average annual percent change in the number of district court criminal and traffic cases commenced from 2000 to 2009 ranged from -2.5% to 4.3%.

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Year	Number of 13th Judicial Circuit Criminal Cases Commenced	Number of Richmond City General District Court Criminal Cases Commenced	Number of Richmond Manchester General District Court Criminal Cases Commenced	Number of Richmond City General District Court Traffic Cases Commenced	Number of Richmond Manchester General District Court Traffic Cases Commenced
2000	6,290	16,287	7,808	52,204	8,749
2001	6,028	14,551	6,325	45,888	8,212
2002	5,290	14,090	7,703	42,765	7,878
2003	6,030	12,846	8,297	38,555	6,908
2004	6,280	13,882	9,539	47,296	7,938
2005	5,492	15,039	9,247	42,449	6,640
2006	6,011	15,366	10,016	39,302	9,382
2007	9,262	14,230	9,015	41,515	10,769
2008	8,599	14,236	8,392	47,418	11,938
2009	8,230	12,987	7,266	48,923	12,828
<b>Avg Annual % Change:</b>	<b>3.0%</b>	<b>-2.5%</b>	<b>-0.8%</b>	<b>-0.7%</b>	<b>4.3%</b>

Source: Supreme Court of Virginia.

The number circuit court cases commenced were very flat from 2000 through 2006, and then increased dramatically in 2007. A similar pattern exists for Manchester traffic cases commenced, with a dramatic increase beginning in 2006.

Recommendations

It is recommended that the CCJB identify potential reasons for the increases for these types of cases commenced in the apparent absence of increases in crimes that are processed through the circuit court. The CCJB should identify the factors other than crime that account for the increases (e.g., better prosecutorial evidence, different prosecution policies), in the interest of helping to manage the demand placed on the jail.

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## **Community-Based Supervision**

### **Findings/Interpretation**

As seen in the tables below, the average annual percent change in the number of defendants or offenders under community-based supervision increased in some categories and decreased in others. These data indicate that a variety of community-based supervisory options are available to the city's justice system, and that a number of them have grown in capacity or demand in recent years.

Year	Number of Richmond City Adult Pretrial Services New Placements	Average Daily Number of Open Cases from Richmond City Adult Pretrial Services	Number of Richmond City Adult Local Probation Service New Placements	Average Daily Number of Open Cases from Richmond City Adult Local Probation Service	Number of Richmond City Adult Drug Court New Placements	Average Daily Number of Open Cases from Richmond City Adult Drug Court	Number of DOC District 1 Adult Probation New Placements	Average Daily Number of Open Cases from DOC District 1 Adult Probation
2000					15	33		
2001					23	69		2,750
2002	770	98	1,737	1,242	42	79		2,893
2003	993	109	2,317	1,243	99	97		2,882
2004	1,051	264	2,075	988	61	57		2,893
2005	685	194	1,586	794	61	71		3,000
2006	806	146	1,371	844	45	76		3,086
2007	809	176	944	670	22	54		3,160
2008	1,109	189	909	432	31	67		3,300
2009	1,113	200	1,276	451			2,035	3,026
<b>Avg Annual % Change:</b>	<b>5.4%</b>	<b>10.7%</b>	<b>-4.3%</b>	<b>-13.5%</b>	<b>9.5%</b>	<b>9.3%</b>	<b>-</b>	<b>1.2%</b>

Sources: Richmond Department of Justice Services; Richmond Adult Drug Court; Virginia District 1 Probation Department.

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Year	Number of Richmond City Sheriff's Office Adult Work Release New Placements	Average Daily Number of Open Cases from Richmond City Sheriff's Office Work Release	Number of Richmond City Sheriff's Office Adult Electronic Monitoring New Placements	Average Daily Number of Open Cases from Richmond City Sheriff's Office Electronic Monitoring	Number of Richmond City Sheriff's Office Adult Community Service New Placements	Average Daily Number of Open Cases from Richmond City Sheriff's Office Community Service
2000	99	17	0	0		
2001	97	18	2	1		
2002	80	14	0	0		
2003	127	23	1	0	240	20
2004	122	18	23	7	571	47
2005	135	29	12	1	576	52
2006	110	21	21	5	537	47
2007	78	13	17	3	596	55
2008	53	13	19	6	603	62
2009	53	23	31	5	319	31
<b>Avg Annual % Change:</b>	<b>-6.7%</b>	<b>3.5%</b>	<b>40.9%</b>	<b>31.3%</b>	<b>4.9%</b>	<b>7.6%</b>

Source: Richmond City Sheriff's Office.

### Recommendations

Because the number of persons in community-based programs has grown in recent years while the jail population has also grown, it is possible that these programs have not had the impact of reducing the jail population (indeed, it is unknown whether an impact on the jail was intended or not). Nonetheless, because the CCJB and city officials are counting on the expansion of these and other community-based programs to reduced the jail population, it is recommended that the CCJB and city officials be very cautious with this assumption – it is quite possible, given the city's trends with community-based supervision and the number of arrests, that the expansion of community-based programs will not reduce the jail population, or if reductions are realized, they could be only temporary. In contrast, a self-imposed soft cap (see previous discussion) would assure that the jail becomes and remains uncrowded.

The Excel spreadsheet used to compile data for the Richmond City's criminal justice indicator trends was provided to Barbara Peterson, the City's Criminal Justice Planner.

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## **Incarceration Rates**

### Purpose

The purpose of this analysis is to provide a context for the number of persons incarcerated in the Richmond City Jail.

### Method

For select jurisdictions, the average daily number of a jurisdiction's jail inmates in a year is divided by the number of residents counted or estimated to live in that jurisdiction during that year.

### Findings/Interpretation

As seen in the table below, the incarceration rate for the Richmond City Jail in 2009 was approximately 7.16 inmates per 1,000 residents. This rate is among the highest of local jurisdictions in the country, some of which are shown in the table below.

<b>Jurisdiction *</b>	<b>Jail ADP</b>	<b>Incarceration Rate **</b>
Los Angeles County, CA	19,836	2.01
New York City, NY	13,494	1.64
Maricopa County, AZ	9,265	2.34
Santa Clara County, CA	4,660	2.64
Baltimore City, MD	4,156	6.58
Polk County, FL	2,456	4.23
Denver County, CO	2,380	3.98
Richmond City, VA	1,463	7.16
Jefferson County, CO	1,247	2.32
Albemarle County, VA	547	4.04
Sebastian County, AR	450	3.66
Boone County, MO	210	1.36
national average		2.6 (approx)

ADP = average daily population

\* Data for counties are from 2008 and data from cities are from 2006, unless otherwise noted.

\*\* Per 1,000 residents.

Richmond City and Jefferson County data are from 2009. Richmond City data were calculated as 1,463/204,451.

Sources: Bureau of Justice Statistics; U.S. Census Bureau; Jurisdictions' websites.

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The rates in the table above are neither “good” nor “bad,” and should not be interpreted this way by justice system officials, the media, or the general public. Any number, whether higher or lower than that of other jurisdictions, including the national average, simply reflects, in a general sense, how the local jail facility is used as part of a larger criminal justice system. In addition, the labeling of a statistic or observation as “good” or “bad” is most commonly too simplistic and serves as an obstacle to productive discourse and problem-solving (if problem-solving is pursued).

Regarding the Richmond City Jail’s incarceration rate, jail staff reported that there are; on any given day an average of 416 inmates are state responsible prisoners. Many jails across the country do not have such a high number of inmates awaiting transfer. If these inmates were to be omitted from the ADP count, the city’s incarceration rate would be lower than 7.16, but still well above the national average. This indicates that, especially in the presence of a stagnant or decreasing crime rate, that the likely primary driver of the size of the local jail population is local policy or case-by-case decisions.

## Recommendations

A value judgment about whether the local incarceration rate is “desirable” or “undesirable” should only occur after the CCJB has thoroughly analyzed, discussed, and understood the use of local jail beds. To do this, it is recommended that CJP staff use the preliminary analyses below to perform a more thorough analysis of the Richmond City Jail population so that the CCJB can understand the role that the number of admissions, length of stay, and average daily population for each inmate subtype (e.g., pretrial, hold, local sentenced, state sentenced, misdemeanor, felony) has on the use of jail beds. The NIC publication “Jail Crowding: Understanding Jail Population Dynamics” provides a good framework for analyzing and understanding the needed analyses. The CCJB could then discuss which agency policies and case processing decisions need to be changed to bring the Richmond City jail’s population level to within the facility’s operational capacity, and without needing to take the chance of relying on the expansion of programs to accomplish this.

The Excel spreadsheet used to compile data for the incarceration rates was provided to Barbara Peterson.

## **Water Barrel Analysis for the Richmond City Jail**

### Purpose

A water barrel analogy (see illustration below) is useful for illustrating the dynamics that determine the increase and decrease in the number of inmates in jail. The number of inmates in

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jail at any given time is a function of two factors: (1) the rate at which persons are admitted, and (2) how long persons stay.

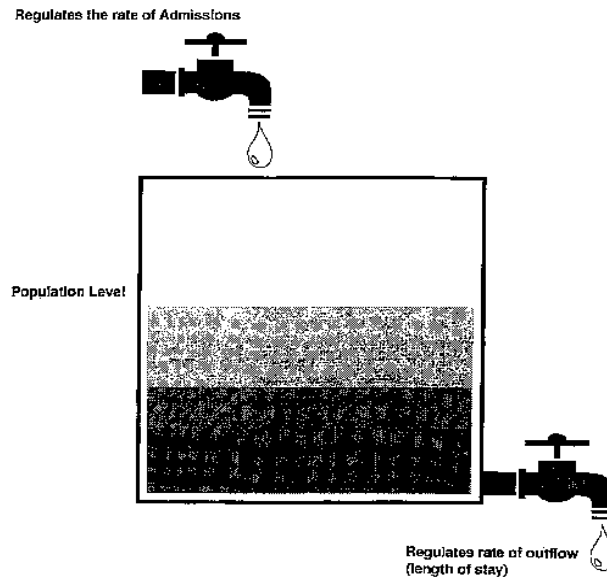
This simple model illustrates the three basic strategies for decreasing jail crowding:

- (1) decrease the number of bookings;
- (2) decrease inmates' length of stay; and/or
- (3) expand the bed capacity of the jail.

The first two of these strategies can be employed at any given time to reduce the jail's population or to maintain its growth at manageable levels.

## The Water Barrel Analogy

Average Daily Population Is a Function of Admission Rate and Length of Stay



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## Method

The annual number of bookings and the average daily population for the years 2000 through 2009 were provided by jail staff, and put into an Excel spreadsheet. The estimated average length of stay, as well as the number of beds needed because of changes in the number of bookings and the average length of stay were calculated.

## Findings/Interpretation

As seen in the table below, the Richmond City Jail needed approximately 354 additional beds (32% increase) between the years 2000 through 2009, yielding an average annual percent change of 3.1%. Five-hundred-ten additional beds were needed because of the 43% increase in bookings, but 156 fewer beds were needed because of the 8% decrease in the average length of stay over the ten-year period.

### **Richmond City Sheriff's Custody Yearly Comparisons - ADP, Commits, & ALOS**

A	B	C	D	E	F	G
<b>1</b>	<b>Year</b>	<b>ADP</b>	<b>Total Annual Commits</b>	<b>Estimated ALOS in Days</b>	<b># of Jail Beds Required for Change in Commits</b>	<b># of Jail Beds Required for Change in ALOS</b>
<b>2</b>	2000	1,109	14,516	28.0		
<b>3</b>	2001	1,089	14,256	27.9	-20	0
<b>4</b>	2002	1,072	14,878	26.3	48	-65
<b>5</b>	2003	1,434	18,431	28.4	256	106
<b>6</b>	2004	1,526	22,411	24.9	309	-217
<b>7</b>	2005	1,393	23,233	21.9	56	-189
<b>8</b>	2006	1,529	24,277	23.0	63	73
<b>9</b>	2007	1,564	26,197	21.8	121	-86
<b>10</b>	2008	1,527	25,919	21.6	-17	-20
<b>11</b>	2009	1,463	20,744	25.7	-306	242
<b>12</b>	<b>Total % Change:</b>	<b>32%</b>	<b>43%</b>	<b>-8%</b>		
<b>13</b>	<b>Avg Annual % Change:</b>	<b>3.1%</b>	<b>4.0%</b>	<b>-0.9%</b>		
<b>14</b>	<b>Additional Beds Needed:</b>	<b>354</b>			<b>510</b>	<b>-156</b>

ADP = Average Daily Population; ALOS = Average Length of Stay (in days).  
Source: Richmond City Jail.

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Overall, bookings were flat from 2000 through 2002, and then made a substantial jump in 2003 and have remained relatively flat since. The average length of stay decreased from about four weeks to three weeks, but there was a significant increase in the past year. This increase was substantial enough to require 242 additional beds, which nearly cancelled out the 306 fewer beds needed because of the decrease in bookings in 2009.

Because the city population has been flat, and reported crimes and adult arrests for those crimes are flat or down, the increase in the Richmond City jail population has likely been caused by changes to laws/ordinances or agency policies at the local and/or state level (e.g., arrest and booking policies for lesser crimes; case processing decisions, including bail and sentencing).

## Recommendations

It is recommended that the CCJB identify the inmates who consume the largest number of jail beds (see analysis below).

The Excel spreadsheet used to compile data for the Richmond Jail's water barrel analogy was provided to Barbara Peterson.

## **Impact on Beds by Inmate Volume and Length of Stay for the Richmond City Jail**

### Purpose

The purpose of this analysis is to assist the CCJB in beginning to identify the subgroup of inmates that consumes the greatest number of jail beds in 2009. Further analyses and other policy planning activities for this subgroup will yield the "biggest bang for the buck" in helping the CCJB to identify policies, practices, and programs that will lower the jail population.

### Method

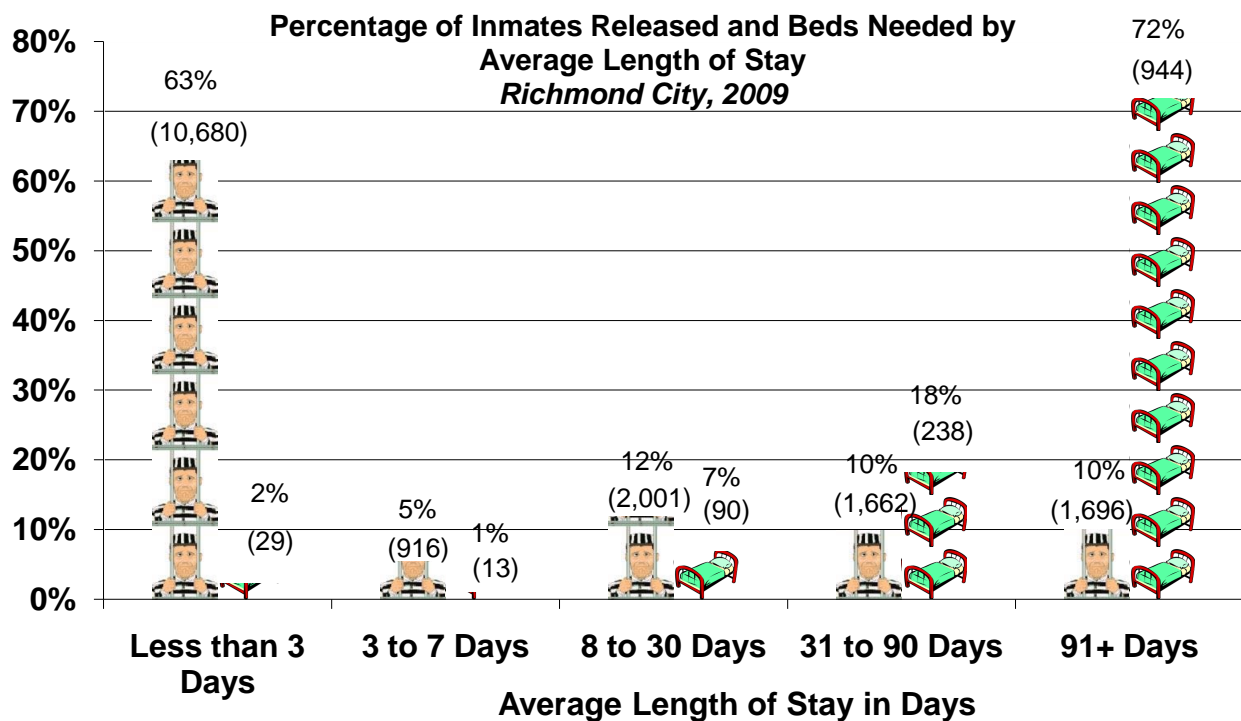
A roster of the inmates who were released from the jail during 2009 were provided by jail staff, and put into an Excel spreadsheet. A roster of inmates released, rather than booked, was used so that the true length of stay of these inmates was known. The number of releases can be substituted for the number of bookings when the number of bookings and releases in any given year are approximately equal. Consultant Jones used statistical analysis software to take a random sample of 500 inmates. Data for these inmates were coded and analyzed. The pattern of findings from these analyses was then extrapolated for the approximately 17,000 releases for which data were provided.

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## Findings/Interpretation

As seen in the illustration above and table below, there was a group of high volume inmates who stayed a short time in jail, and there was a group of low volume inmates who stayed a long time in the jail. These two groups had a different impact on jail bed use. This pattern of data is very typical of most jails across the country.

There is a large contrast between the volume of inmates released and the number of jail beds consumed by these inmates when the inmates are grouped by their length of stay. In 2009, 10,680 (63%) inmates released (or admitted) consumed only 29 (2%) jail beds because they stayed less than 3 days. In contrast, 1,696 (10%) inmates released (or admitted) consumed 944 (72%) jail beds because they stayed 91 or more days. The number of inmates and jail beds consumed by inmates staying for 3 to 90 days are also shown in the illustration and table. The total jail bed need for persons released during 2009 was 1,314 beds.



In the bar chart, Inmates depict the number and percent of inmates released during 2009, and Beds depict the number and percent of jail beds needed to house these inmates.

Source: Richmond City Jail.

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Average Length of Stay (ALOS) in Days	Number of Releases	Bed (ALOS multiplied by number of releases)	Days multiplied of	Average Number of Beds Needed (bed days divided by 365)	% Releases	% Average Beds Needed
1.0	10,680	10,680		29	63%	2%
5.0	916	4,580		13	5%	1%
16.4	2,001	32,816		90	12%	7%
52.2	1,662	86,756		238	10%	18%
203.1	1,696	344,458		944	10%	72%
<b>28.3</b>	<b>16,955</b>	<b>479,290</b>		<b>1,313</b>	<b>100%</b>	<b>100%</b>

Source: Richmond City Jail.

During 2009, the Richmond City Jail needed 944 beds for all inmates who left the jail after 91 or more days. Hence, the CCJB’s most productive use of time for working toward jail population reduction would involve work on understanding which inmates use the most jail beds. This group is the 1,696 inmates who were released after 91+ days and thus consumed the 944 jail beds. Because of the jail information system’s limitations, jail staff was limited in the data they were able to provide for the technical assistance. Additional “drill-down” analyses were not possible within the time constraints of the technical assistance.

### Recommendations

More detailed analysis of the above group of 1,696 inmates presents an excellent opportunity for the CCJB to understand why some inmates are staying in jail for longer periods of time. The Criminal Justice Planner can use this sample of 500 inmates and add other important data. Some of this data may be in one or more computer information systems, and some may be in paper files. The data gathered should include, at a minimum and in addition to the data that already exists in the roster, each inmates’ charges (including top charge), other pending cases, the date and nature of a change in status (from pretrial to convicted to sentenced to transfer/release), and the type of sentence (local jail, DOC). Then, the inmates can be grouped

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into categories. This more detailed analysis was not possible with the data provided to the consultants, but could be possible through the CCJB's and Criminal Justice Planner's ongoing work. The Jefferson Area's (Albemarle County – City of Charlottesville, Virginia) CCJB and Criminal Justice Planner recently began this type of more detailed, “drill-down” analysis, so participants in that endeavor may be able to provide the Richmond CCJB and staff with suggestions or guidance. Additionally, if both jurisdictions perform the same analysis on their local jail's data, then cross-jurisdictional comparisons can be made. This would present a unique opportunity to identify which local policies or practices are contributing to jail crowding at each jail, given that both jails operate within justice systems that have the same statutory framework.

After the additional follow-up analyses are performed, the CCJB should know how many inmates are in various subgroups, and why they are staying for long periods of time. Moreover, the analyses of released inmates in 2009 could be compared to those from another time period (e.g., 2000) to illustrate how the use of jail beds has changed with time. The CCJB can then identify and plan action steps for changing local or state policies or practices for reducing either the number of inmates in the 91+-day category, their length of stay, or both (consistent with the water barrel analogy). When these reductions in the number of released inmates or their lengths of stay, or both, are realized, then the Richmond City Jail population can be reduced to a number that is within the operational capacity of the existing facility.

The Excel spreadsheet used for this report to identify, depict, and model reductions for the group of inmates consuming the greatest number of beds in the jail, including the roster of inmates who stay for 91+ days, was provided to Barbara Peterson.

## **One-Day Snapshot Analysis for the Richmond City Jail**

### **Purpose**

The purpose of this analysis is to provide the CCJB with additional data on jail use. Specifically, this analysis begins to answer the question, “How many of which kind of inmate is in jail?” It does not, however, reveal to what extent the number of any subgroup of inmates is influenced by these inmates' number of bookings or their length of stay. Moreover, the data from this snapshot is only generalizable to the extent that it is similar to the typical jail population (this can be measured by taking an average of several snapshots over a period of time (e.g., one month, one quarter)).

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## Method

City jail staff provided data on the 1,429 inmates who were in the jail May 25, 2010. Consultant Jones selected a random sample of 297 inmates. Jail staff indicated which of an inmate's charges the inmate's top charge was using the following decision rule, "As a rule, considering the snapshot date of 05/25/10, when all charges had been satisfied the offense that yielded the longest sentence was selected top charge." Consultant Jones performed one preliminary analysis, listed below.

## Findings/Interpretation

As seen in the table below, there we 429 inmates on pretrial status, 810 inmates on sentenced status, and 142 inmates who had a mixture of charges pretrial and sentenced status. This analysis shows that approximately two out of three inmates in the jail are on sentenced status. Relative to other jails for which Consultant Jones has performed this analysis, this is a fairly high number of sentenced inmates, particularly for a jail serving an urban jurisdiction.

<b>Book Code Description</b>	<b>Book Code Interpretation</b>	<b>Number of Daily Inmates</b>
Not Serving Time on Other Charges or Convicted but Not Sentenced	Pretrial	429
Serving Sentence	Sentenced	810
Serving Sentence - Pending Charges	Combination	142
Other	Other	48
Total		1,429

Source: Richmond City Jail.

It is recommended that the CCJB and Criminal Justice Planner collect more detailed data on the sentenced inmates as a way to identify an inmate subgroup that may be able to be served and/or sanctioned in non-incarcerative ways. Because there are only 429 pretrial inmates, and the local justice system needs to reduce the jail population by 500 or more inmates, different policies or programs focusing on pretrial inmates would not achieve the degree of inmate population reduction that is being sought (however, this may still be a worthwhile endeavor). There are relatively many sentenced inmates, so it is more likely that the CCJB and other system stakeholders (e.g., judges) can identify other, non-incarcerative policies or programs to achieve the degree of sought-after reductions. In addition, because on any given day an average of 416 inmates is state responsible inmates, this bodes well for local decision-makers, in that there may be the opportunity to change local sentencing practices. Such changes could result in significant jail population reductions. The additionally recommended analyses on the inmates

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staying 91+ days (see above), in combination with additional analyses on the 810 sentenced inmates, should provide valuable information on ways to reduce the sentenced jail population.

The Excel spreadsheet used for this report to analyze the one-day snapshot was provided to Barbara Peterson.

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## Appendix

The following appendices are provided to clarify the report and support the findings and recommendations offered by the consultants

- Appendix #1 – Technical Assistance Request Letter
- Appendix #2 – JJSA Overview Letter
- Appendix #3 – Questionnaires
- Appendix #4 – Kick-off Meeting PowerPoint Presentation
- Appendix #5 – Exit Meeting PowerPoint Presentation
- Appendix #6 – Mayor’s Commission on Jail Issues – Final Report
- Appendix #7 – NIC Technical Assistance on Objective Jail Classification
- Appendix #8 – Mental Health Challenges and Recommendations
- Appendix #9 – A Community Based Corrections Plan for the City of Richmond
- Appendix #10 – Draft Planning Study Addendum for the Richmond City Jail
- Appendix #11 – Richmond City Jail Project Planning Development Update
- Appendix #12 – CCJB Biennial Plan
- Appendix #13 – Jail floor plans
- Appendix #14 – Sample jail inspection reports
- Appendix #15 – Richmond City Jail Photos
- Appendix #16 – 2009 Sheriff’s Office Annual Report
- Appendix #17 – Sheriff’s Office Organizational Chart
- Appendix #18 – CCJB Information
- Appendix #19 – District One Probation Information
- Appendix #20 – NIC Resource Documents