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State Executive and (Virginia) Department of Corrections

1. Does the governor have emergency release powers?

Yes, the Governor has clemency, pardon and commutation release powers. However if this survey is asking regarding a discharge or early release provision, there is a related Section 53.1-28 of the Code of Virginia which gives the Director of the Department of Corrections some release authority. It states ““For the purpose of scheduling and providing a uniform, effective and continual program of pre-release training and conditioning, the Director shall have authority to discharge any prisoner within the Virginia penal system on any day within a period of 30 days prior to the date upon which such prisoner’s term would normally expire.” Otherwise, there is no authority to release many inmates at once to deal with a lack of prison space.

2. Is there a state task force to study local jails?

Yes, there are state task forces that include studying different aspects of local jails and their populations (Item 370 D.- Nonviolent Task Force and Item 377 F.- Jail Task Force

3. Has state funding been allocated to build jails?

Yes (the State pays 25% of construction for local jails and 50% for Regional Jails)

4. Is there a court imposed cap on state correctional facilities?

No, there is no court imposed cap on state facilities.

5. Is the state department of corrections required to remove or receive state inmates within a specified time frame?

Yes; there is a 60 day requirement. Is this policy followed? No, the most recent court ruling allowed the Director of the Department of Corrections the authority to assign an inmate to any jail or facility and that supercedes this 60 day requirement. This is based on a fairly recent court case ruling involving DOC and the Virginia Beach jail.

6. What is the average time between sentencing and transfer to state custody

This can vary for many reasons from as little as a week to 6 months (or longer). DOC waits for the final sentencing order before bringing in a state responsible sentenced offender rather than from the first sentencing event. DOC will classify offenders who will actually serve their entire state responsible sentence in jails and not necessarily be transferred to state custody. VA is one of only a few states that can leave their prisoners in local jails to serve their state time. The average in the past has been around 90 days for the time between final sentencing and classification date (which may be to a jail or DOC bed).

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7. If lengthy, what is the reason?

There are currently beds available in the local jails and the Governor of VA has closed 8 prisons recently; this is allowing prisoners to be in jails longer.

8. Who is responsible for transporting inmates from the jail to the state facility?

The jails transport.

9. What is the per diem paid by the state for holding state inmates?

\$12 per day plus additional jail operating expenses.

10. Are any state inmates serving time in the jail as inmate workers or for some other reason?

Yes, there are 'cadre' assigned to jails and all work release programs are run by the jail.; DOC has state responsible inmates deliberately in jails for the work release programs.

11. Is there a statewide jail data collection system?

Yes, LIDS (Local Inmate Data System) handled by the Virginia Compensation Board.

12. What is the statutory authority for citation release?

We are unable to answer this question, because "citation release" is not a term used in Virginia and we do not understand the question. It was not meaningful to Bill Muse in the Virginia Attorney General's Office or Russ Boraas, an attorney in the DOC Headquarters. Neither of them had heard of the term "citation release."

13. Does the sheriff/jail administrator have statutory authority to release detained persons?

No, (only Judges can do this in Virginia)

14. Do the state bail laws allow release on recognizance?

Yes

15. Is there legislation which permits the incarceration of individuals for non-criminal offenses (e.g., can individuals who are mentally ill be held with no criminal charges; can health department warrants for individuals result in their incarceration in jail, etc.)?

There is a statute on the book but it is not used. In 40 years of experience with VA DOC. Gary Bass, the Chief of Operations, recalls twice that the Health Department requested DOC to incarcerate an individual because of TB reasons (Tuberculosis).

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16. Do laws allow for 10% bail?

No. Section 19.2-119 of the Code of Virginia defines “bail” to be pretrial release of a person upon terms and conditions ordered by a judicial officer. “Bond” is a written promise to pay a certain sum of money, if the conditions of bail are violated. A bond may be given by the person himself or someone acting a surety for him. Bonds may be “secured” by a pledge of specific property to back up the promise to pay or “unsecured”. “Bail bondsmen” are people who may a business out of acting a surety for persons charged with crimes. They sign the bond promising to pay a specific sum, if the criminal defendant fails to appear for trial. A defendant usually doesn’t have enough money to provide the entire amount of the bond, so he pays a fee to a bail bondsman to get the bondsman to sign the bond and promise to pay on his behalf. The fee or premium is usually 10% of the amount of the bond. He doesn’t get his money back from the bondsman, even if he does show up for trial. This has caused courts in some places to set bond at 10% of the amount it would have been, if the defendant puts up the money himself. I think that Question 16 is asking if we allow that in Virginia.

The statutes on “Bail and Recognizance”, Section 19.2-119 et seq., doesn’t address that. The Rules of the Supreme Court of Virginia for Criminal Procedure do not address bail or bond. The Clerk of Courts Office for the City of Richmond says that judges in Richmond never allow a criminal defendant to post 10% of the amount of the bond, if he deposits cash himself. A call to a bail bondsman confirmed the same answer.

17. What is the legislation for establishing pretrial service agencies?

COV 19.2-152.7. Funding; failure to comply. Counties and cities shall be required to establish a pretrial services agency only to the extent funded by the Commonwealth through the general appropriation act

18. Are bail commissioners authorized by statute?

No. Bail Commissioner’s duties are performed by magistrates in Virginia.

19. Does “speedy trial” legislation exist?

Yes, Article I, Section 8 of the Constitution of Virginia says that a person charged with a crime shall “enjoy the right to a speedy and public trial.” Section 19.2-243 of the COV provides that if a District Court finds there is probable cause to believe that an adult has committed a felony and if the person is continuously held in custody pending trial, he will be forever discharged from prosecution if no trial occurs within five month of the finding of probable cause. If he has not been held in jail pending trial, the charge will be discharged if he isn’t tried within nine months. The statute then goes on with similar provisions, if there was an indictment or presentment rather than a finding of probable cause in District Court, etc. A similar rule is also provided for misdemeanors and traffic violations. Then there are exceptions to the time limits for procedural delays. The right to a speedy trial is authorized in the U.S. Constitution in the 6th amendment.

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20. What is the statutory authority for diversion processes/programs?

Code of Virginia (COV) 53.1-67.7 describes the Diversion Center programs and COV 53.1-67.8 describes the Detention Center programs. In Virginia one can also be sentenced to probation, HEM, Fines, etc. other diversions other than incarceration.

21. Do statutory guidelines describe pre-sentence investigation (PSI) procedures, mandate who must receive a PSI, and establish a time frame?

Yes, Section 19.2-299 of the Code of Virginia requires a PSI for certain felonies and prescribes the broad outlines of what investigation must be made by a probation officer. The report is due to the judge in chambers prior to sentencing and to both the defense attorney and prosecutor not less than five days prior to sentencing.

22. Is there sentencing guideline legislation?

Yes. There is a Virginia Criminal Sentencing Commission which is described in COV 17.1-800 and COV 17.1-801 describes its purposes. That includes to assist the judiciary in the imposition of sentences by establishing a system of discretionary guidelines and to establish a discretionary sentencing guidelines system which emphasizes accountability of the offender and of the criminal justice system to the citizens of the Commonwealth. The Commission shall develop discretionary sentencing guidelines to achieve the goals of certainty, consistency, and adequacy of punishment with due regard to the seriousness of the offense, the dangerousness of the offender, deterrence of individuals from committing criminal offenses and the use of alternative sanctions, where appropriate. The Powers and Duties of the Commission are cited in COV 17.1-803.

23. What mandatory sentencing laws affect the jail population?

The use of Firearms requires mandatory sentences as does some DUI/Habitual Offender laws. The Commonwealth also has several crimes for which bail is automatically denied and this has had an impact on jail population.

24. Do DUI or domestic violence laws mandating incarceration exist?

Yes

25. Does any mental health legislation have an impact on the jail population?

Cut backs in mental health funding have led to an increase in jail inmates with mental health issues

26. Does any juvenile justice legislation have an impact on the jail population?

There are 'Blended Sentences' where the juvenile is sentenced as an adult in Circuit Court but serves in the Department of Juvenile Justice (separate state agency) until they are 18 or 21 years of age and then move to VA DOC to serve the remainder of their sentence that they were given.

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27. Who is statutorily responsible for the operation of the county jail facilities?

The elected Sheriff or Regional Jail Authority

28. Is there a state standard regarding crowding? Have capacities been set by the state for local jails?

No. In 2006 the General Assembly passed a law saying that the VA Compensation Board would go to the jails and count beds. The jails however did not want the Compensation Board to come or count and it did not get done. In the last General Assembly, the Virginia Board of Corrections was mandated to complete a double bunking report of Virginia jails by October 1, 2010.

29. Are there state jail inspectors and do they enforce state jail standards?

Yes, there is a VA DOC Certification Unit that audits jails (as well as DOC facilities). Many are American Correctional Association (ACA) accredited.

30. Does legislation provide funding for local jail operations?

The State can provide funding for up to 2/3 of jail operations. For capital construction? The State can provide up to 25% for local construction and up to 50% for Regional Jail Construction. The Commonwealth provides a base pay for security positions and up to 2/3 salary for non-security such as medical, record clerks, etc. It also provides per diem for inmates housed in local facilities. The new law is \$4.00 per day for local responsible and \$12.00 per day for state responsible inmates.

31. Is there pending legislation that is likely to impact the jail population in the future?

The legislature has indicated that there is to be a study this coming year done to determine the impact on intake if the Code was changed. Item 377 F. of the VA Appropriations Act directs "the Secretaries of Finance, Public Safety, and Administration (to) establish a Jail task force to examine the ramifications of changing the definition of which offenders the Department of Corrections shall be responsible for transferring from local and regional jails to state correctional facilities. The task force shall report its findings and recommendations to the Secretaries and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2010." This amendment removes language changing the definition of state responsible offenders from those with a sentence of one year or more to those with a sentence of two years or more and directs the Secretaries of Finance, Public Safety, and Administration to establish a task force to study this issue and its ramifications. This action is to address concerns that this change could result in significant stress on local and regional jails.

Responses provided by the Virginia Department of Corrections, Helen Hinshaw, Manager, Research & Management Services Unit. 5-27-10

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Commonwealth Attorney

- 1. What is the average length of time between arrest and formal filing of charges in court?**

Offenders are arraigned within 24 hours if the offense occurs during a weekday and within 72 hours if the offense occurs on a Friday or during the weekend.

- 2. In the past calendar year, how many of the following were referred to your office for prosecution?**

Misdemeanor charges – For calendar year 2009, the office prosecuted approximately 15,878 misdemeanor offenses in adult criminal court. For that same period, the office prosecuted in traffic court approximately 833 DUI misdemeanors and 5183 misdemeanors for driving on a suspended license. (Both frequently result in short jail stays of up to 30 days.)

Ordinance violations – Ordinance violations are typically handled by the City Attorney, a separate agency. They do not result in jail sentences.

Felony charges – For calendar year 2009, the office prosecuted approximately 6,835 felony offenses in Circuit Court.

- 3. Of those persons referred to your office last year for prosecution, how many were arrested for each the following:**

Felonies and charged with felonies? All persons arrested for felonies were charged and arraigned on felonies, as there is no formal pre-arraignment review or screening process. Magistrates issue arrest warrants in VA.

Felonies and charged with a lesser offense? 30% of cases that begin as felony prosecutions conclude as misdemeanors.

Felonies and released without charges following your review? Approximately 25% of all felony cases are dismissed on motion of the prosecutor at some point between arraignment and trial. The dismissals are primarily the result insufficient evidence or lack of witness cooperation.

Misdemeanors and released without charges following your review? Approximately 25% of all misdemeanor cases are dismissed on motion of the prosecutor after arraignment and review of the file or for lack of witness cooperation.

Misdemeanors and charged with misdemeanors? All persons arrested for misdemeanors were charged and arraigned on misdemeanors as there is no formal pre-arraignment review or screening process. Magistrates issue arrest warrants in VA.

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4. What type of case processing track does the prosecutor follow (vertical, horizontal, or both, depending on charge)?

The offices practices vertical prosecution for the following felony offenses: Homicide, Rape, Robbery, Narcotics Distribution, Felony Gun Possession (Exile) and Aggravated Assault. Other felony offenses are generally handled horizontally by staff attorneys through regular court coverage.

5. Is there a formal pretrial diversion plan?

The City of Richmond does not currently have a formal diversion plan.

6. How much discretion does the prosecutor have concerning charge reduction and dismissals upon review?

Prosecutors have complete discretion to reduce or dismiss charges depending on the merits of the case.

7. What is the felony dismissal rate?

The felony dismissal rates were as follows:

Homicide/Manslaughter – 12%

Narcotics Distribution – 27%

Robbery – 10% dismissal rate for cases taken to trial or plea. But 33% of robbery charges overall were not prosecuted for lack of witness cooperation.

Felony Gun (Exile) – 50%

Rape – 43% dismissal on motion of the prosecutor based on the merits or witness issues. Of the rape cases taken to trial, the conviction rate is over 95%.

Aggravated Assault – 48% due to witness problems

8. What percent of felony charges are reduced to misdemeanor charges at filing?

Rarely, if at all, is a felony reduced to a misdemeanor at arraignment

9. What is the prosecutor's policy for bail recommendations and reductions?

We accommodate defense request for Bail hearings within 48 hours. We oppose bail for offenses alleging violence, or where we have reliable intelligence that the defendant is reputed for violence.

10. In case processing, is priority given to incarcerated defendant's cases?

Virginia's speedy trial statute requires that incarcerated defendants be brought to trial within five months of certification of their charges from preliminary hearing. The

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corresponding deadline is nine months for defendants released to bail. In misdemeanor cases, the stakeholders make every effort to bring cases to trial within 45 days if the defendant is detained.

11. Explain how multiple cases and additional charges against a defendant are handled.

Typically, multiple charges stemming from the same transaction are tried simultaneously. Unrelated matters are tried separately, often by different prosecutors, and result in separate sentencing events. Strategically, we often present the strongest cases first, in hopes of negotiating pleas on weaker or lesser charges.

12. Does the prosecutor's office regularly request continuances?

We try to avoid requesting continuances, but unfortunately request them with some frequency in District Court. We rarely request continuances in Circuit Court.

13. What is the prosecutor's policy on plea bargaining?

Prosecutors have absolute discretion to negotiate pleas to cases, as long as the decision is driven by the merits of the case. Cases are not pleaded for expediency or judicial economy. Cases frequently result in plea agreements when the attorneys share similar assessments of the likely outcome and appropriate sanction.

14. Is the sentence included as part of the bargaining process?

The majority of our plea agreements include a negotiated sentence. Roughly 33% consist of guilty pleas to reduced charges or a reduced number of charges, followed by judicial sentencing generally consistent with advisory sentencing guidelines.

15. What is the prosecutor's role in case scheduling—very active; sets calendar; active, along with others; uninvolved)?

Prosecutors are very active in scheduling matters before the Circuit Court. Prosecutors have less input in scheduling matters in District Court, where calendars depend more on the availability of police officers.

16. What is the average caseload for an assistant prosecutor?

A District Court prosecutor handling a criminal docket handles an average daily docket ranging from 30 to 50 defendants. A circuit court prosecutor handles a daily docket between ranging from 10 to 20 defendants.

17. Are there any divisions or specialized units in the office?

Juvenile and Domestic Relations matters are handled by a team of 7 lawyers in a separate facility. For adult cases, the office employs specialized prosecution in cases involving Homicide, Robbery, Aggravated Assault, Rape, Narcotics Distribution, and Felony Gun Possession, and complex financial crimes.

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18. Does the prosecutor have a policy on continuances?

The office has no policy on continuances. Instead, attorneys use their discretion in requesting or opposing motions for continuances. Generally, we try to avoid continuances as our cases typically do not improve over time.

19. Does the prosecutor make recommendations at sentencing?

Our prosecutors frequently make a recommendation at sentencing, unless by agreement of the parties the matter is submitted to the discretion of the court.

20. Does the prosecutor have a policy concerning bail pending appeal?

We strenuously oppose bail pending appeal in any case where there was violence against a person, and on narcotics cases where the offender is a known flight risk or reputed for violence.

21. How is the office funded (county, state, or both)?

Approximately 55% of our budget comes from State funds, the balance from City funds.

22. Describe the level of office automation.

The office uses a cases management system developed by the VA Comm. Atty's Association. The program assists primarily in the creation of subpoenas, indictments, and serves as a database for case status and outcome.

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Public Defender

1. Does the jurisdiction have a public defender's office?

yes

2. If so, how is it funded (county, state, or both)?

State only; localities have options to supplement, Richmond doesn't

3. How is it staffed (number, full-time, and part-time)?

41 FTE; 27 attorneys, 4 investigators, 2 sentencing advocates, 1 office manager, 7 administrative staff

4. Describe the level of office automation.

? don't understand the question

5. How soon after booking does indigence screening occur?

Inmates see a judge the next day of business

6. Who does the screening?

judge

7. Who makes the decision concerning appointment of counsel?

judge

8. How much time elapses between being appointed to represent a defendant and initially meeting with him/her?

Public Defender offices are required by the Indigent Defense Commission (IDC) to see clients within 2 business days of receiving notice of appointment. Private and court-appointed attorneys are not employees of the IDC.

9. What percentage of pretrial inmates is represented by a public defender or court-appointed attorney?

The office is expected, when fully staffed, to handle 85% of the appointments for this jurisdiction.

10. Are there divisions or specialized units in the public defender's office?

There are juvenile, appellate and serious felony units.

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11. What is the caseload for an assistant public defender?

Depends on the level of proficiency of the attorney and the particular rotation, e.g., traffic attorneys may handle a larger load than attorneys handling serious felonies or juvenile cases.

12. Can defendants be released to the custody of their attorneys?

No

13. Is there a formal public defender policy on bond reviews/reduction hearings?

There is an internal policy within the Richmond Public Defender Office

14. If so, what is the public defender's policy on bond reviews/reduction hearings?

We do bond reviews and bond motions unless our clients want to remain in jail and ask us not to.

15. Does the public defender regularly request continuances?

no

16. Does the public defender have a policy on sentence mitigation?

Internal policies

17. Does the public defender have a policy on pre-sentence investigations?

Internal policies

18. Are any other issues not covered in these questions?

probably

19. Is the jail able to provide defense attorneys with appropriate, confidential interview space to interview defendants?

Yes, there are professional visiting rooms

20. Can the jail accommodate attorney visits outside of normal visiting hours?

We follow their rules, they would best be able to answer that

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Pretrial Services

1. **Does the jurisdiction have a pretrial release agency?**

YES

2. **Under whose auspices does the program operate (sheriff, courts, private agency, and state, autonomous)?**

City of Richmond, Department of Justice Services, Division of Adult Programs

3. **How large is the staff?**

There are 11 total staff:

3 supervision/case management officers

2 supervisors (Day/Night shifts)

4 full- time investigators

2 part-time investigators

4. **How is it funded?**

Approximately 60% of the funding comes from state appropriations allocated to local governments through a grant methodology administered by Virginia Department of Criminal Justice Services. The other 40% is funded by the City of Richmond general funds

5. **What are the hours of availability?**

Monday – Friday there is coverage 24 hours a day

Saturday there is 11 hours of coverage

Sunday there is no coverage

6. **Does the pretrial release program interview arrestees prior to the first court appearance?**

YES

7. **Are some detainees automatically excluded from being interviewed? If so, why?**

Yes, those who are drunk in public, parole violators, juvenile defendants, Federal Marshall holds and those with detainers (i. e. jurisdictions) are automatically excluded.

Year to date pretrial has screened 46% of jail admissions un-sentenced awaiting trial.

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- 8. Are some detainees automatically excluded from a positive recommendation? If so, why?**

Virginia utilizes the Virginia Pretrial Risk Assessment Instrument (VPRAI) to assist in making recommendations and where mitigating factors exist they are incorporated into the recommendation.

- 9. Does the pretrial agency have release authority?**

NO

- 10. Other than determining or recommending eligibility for release, does the program ever make specific recommendations to the court concerning defendants (conditional release, third-party release, bail amount, bail reviews)?**

Electronic monitoring in certain cases.

- 11. Does the agency conduct post-initial appearance review of persons still detained?**

NO

- 12. Are bail/bond agencies available to inmates?**

Yes, but not through pretrial

- 13. During the most recent program year, indicate how many were**

Interviewed – 4,287

Eligible for ROR - 216

Recommended for release without financial conditions - 1,856

Ordered to be released by the judge (non-financial) - Data not tracked

Recommended for release with financial conditions – 875 (recommend same bond as set by Magistrate)

Ordered to be released by the judge (financial)- Data not tracked

Non-ROR releases monitored or supervised by program- 569

Inmates who had previously set bail reduced or dropped due to recommendations of program. Not applicable

- 14. Are there any pretrial-related issues not addressed in these questions? Any reports/data available?**

Approximately 25% of supervision placements result from judicial direct placements (without risk assessment/investigation report).

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15. Is there space in the jail for conducting inmate interviews?

Currently, interviews are conducted at the Jail Annex. There is no designated space.

16. Is there space in the booking area for conducting arrestee interviews?

NO

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Court Administration – Richmond J&DR District Court

- 1. Does the jurisdiction have a court administrator? If so, how is he/she selected, and what are his/her responsibilities?**

In the J&DR District Court, we have two court administrators. The Clerk of Court, selected through a competitive application process and appointed by the Chief Judge of the District, is tasked with oversight of the day-to-day case processing activities that ensure efficient court operations. The Chief Operating Officer, selected through a competitive application process, is responsible for strategic initiatives as they relate to overall court operations, as well as oversight of the court's Dispute Resolution Office.

- 2. Does the court employ a case expediter to track and consolidate cases?**

The court does not specifically employ a case expediter to track and consolidate cases, but all deputy clerks review cases as filed to determine if case consolidation is appropriate in concert with management and the judges. Our docket is highly segmented by case type; however, if all counsel and parties agree and can be present at the same time, we will consolidate multiple case types into one hearing. In the past, we have asked for assistance from the Magistrate's Office in identifying cross-warrant situations so that criminal cases involving the same parties can be consolidated and heard at the same time. (This is not to be confused with the case expeditor position in the Virginia Department of Juvenile Justice/13th District Court Service Unit which makes such services available to the J&DR Court for the juvenile detained population.)

- 3. Describe the level of office automation. Are reports generated that relate to jail population or case processing?**

Office automation is determined by the level of support we receive from Virginia's Judicial Branch (specifically, the Court's Administrative Office, the Office of the Executive Secretary of the Supreme Court of Virginia). Currently, we have a variety of case-processing-related reports which are automated and generated daily, weekly, and/or monthly. However, we do not receive automated reports as they relate to the jail population. Conversely, we do receive daily reports pertaining to the juvenile detention population. The state's judicial branch, not the locality, is responsible for the majority of office automation available within the Court.

- 4. Who has case docketing responsibility?**

The Clerk of Court and all deputy clerks have case docketing responsibility. The only cases set directly by the complaining party are juvenile traffic summonses, set on date and times provided by the Court, by the arresting law enforcement officer.

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5. **Does the jurisdiction have an elected clerk of the court? If so, what his/her responsibilities?**

District Court Clerks are not elected (see separate response from the Hon. Bevill M. Dean, Clerk of the Circuit Court for the City of Richmond).

6. **At how many locations is the initial court appearance held? How often are they held?**

Currently, initial court appearances (arraignments) are held via video from the Jail and Lock-Up, or in person at the courthouse. Arraignments are held daily, Monday through Friday.

7. **Does paper flow between the court and the jail affect the inmates' length of stay?**

Theoretically, incorrect paperwork and untimely delivery of the paperwork could affect an inmate's length of stay. However, this has not been a problem in the J&DR District Court. Questions are answered timely when we receive inquiries from the Records Division of the Jail.

8. **What is the notification process regarding appearance dates?**

For incarcerated defendants, court request paperwork is generated using District Court form DC-355. At the initial arraignment, defendants are notified of their appearance date in person. For all other parties, a summons or subpoena is generated and served by Civil Process.

9. **Are cases delayed because of insufficient foreign language or hearing impaired translators?**

Foreign Language interpreters - No. The Supreme Court of Virginia contracts with a foreign language interpreter service which we can reach by phone throughout the business day. They provide contracted foreign language interpreter services on-demand. We appoint and schedule interpreters as needed to appear in person for trials as well. If a hearing impaired translator is required, we must contact the Virginia Department for the Deaf and Hard of Hearing to arrange for an interpreter. This may delay the case slightly, as the average turnaround time for deaf or hard of hearing translators is 24 hours. The state's judicial branch, not the locality, is responsible for providing language interpretation services for Court and intake proceedings.

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Court Administration

- 1. Does the jurisdiction have a court administrator? If so, how is he/she selected, and what are his/her responsibilities?**

No. See #5.

- 2. Does the court employ a case expediter to track and consolidate cases?**

Our system is designed to accommodate this. Criminal defendants with multiple cases are assigned to one judge and heard at the same time. In addition, revocation proceedings are transferred to the judge handling any new charges.

- 3. Describe the level of office automation. Are reports generated that relate to jail population or case processing?**

We use the automated Case Automated Information System (CAIS) provided through the Office of the Executive Secretary of the Supreme Court of Virginia. Multiple reports are generated for our office, but none relating to jail population.

- 4. Who has case docketing responsibility?**

The Chief Judge has overall responsibility for assignment of cases. However the Clerk and the Judges' staff perform the day-to-day operation of assignment.

- 5. Does the jurisdiction have an elected clerk of the court? If so, what his/her responsibilities?**

Yes. Full level of court administration except relating to judges' staff. The Circuit Court Clerk is the keeper of the record and is charged with more than 800 statutory responsibilities, which include providing administrative support to the judges during courtroom proceedings; making certain that all proceedings are recorded; administers all case records and coordinates case scheduling and other case-related activities with prosecutors, law enforcement and the public. The Clerk maintains evidence; issues arrest warrants and subpoenas; assesses and collects court costs and fines.

- 6. At how many locations is the initial court appearance held? How often are they held?**

Via video conferencing and courthouse on a daily basis.

- 7. Does paper flow between the court and the jail affect the inmates' length of stay?**

A jail sheet when leaving the courtroom accompanies the defendant receiving jail time. A copy of the court order is sent as well.

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8. What is the notification process regarding appearance dates?

Orders, in-person in the courtroom, and subpoenas.

9. Are cases delayed because of insufficient foreign language or hearing impaired translators?

Rarely. On occasion it may be difficult to find a translator for an unusual foreign language.

Bevill M. Dean, Clerk

Richmond Circuit Court

(804)646-6506

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Probation (Local Probation)

1. Is the probation department a state or county agency?

Local probation is a City of Richmond agency serving local responsible offenders sentenced to 12 months or less.

2. What percentage of felony and misdemeanor cases receives a pre-sentence investigation (PSI)?

Not applicable to local probation

3. What is the average time period between adjudication and submission of the PSI to the court for incarcerated defendants?

Not applicable to local probation

4. Is the sentencing date set at adjudication? If not, what is the process for setting the date?

Yes unless there is a deferred judgment

5. If a probationer is arrested on a new charge, is an automatic detainer placed at the jail?

NO

6. Is the judge at the initial court appearance on the new charge made aware of the arrestee's probation status?

When a pretrial investigation report is completed on an individual the judge is aware of the arrestees' probation status.

7. Is it the policy of the Probation Department to automatically initiate revocation proceedings upon notice of arrest?

No, revocation is initiated upon conviction not arrest unless the arrest is a serious violent felony offense such as murder, rape, etc.

8. If probation is revoked, how long before the first court hearing?

Revocations are typically initiated through a "show cause" proceeding and court dates are scheduled up to 60 days after the request is received by the court.

9. If a probationer does not pay a fine, is probation revoked and a jail sentence imposed?

NO

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If so, how does this impact the jail population?

NA

- 10. Does the probation department have the authority to arrest, request, or issue warrants?**

Local probation does not have arrest powers but is authorized by code to seek a capias warrant through the magistrate or court.

- 11. What percentage of the jail population is being detained on probation holds?**

Justice Services does not track this data

- 12. Does the probation department operate any release programs other than traditional probation (e.g., day reporting centers, intensive supervision, electronic monitoring)? What impact do these programs have on the jail population?**

NO

- 13. Is there space available in the jail for meeting with potential probationers or probationers who already have had their probation revoked? Is there space available in the jail to review inmate files?**

Yes, Interview rooms are available.

Parole (not applicable to local probation)

- 1. If a parolee is arrested on a new charge, is an automatic detainer placed at the jail?**
- 2. If a parolee is arrested on a new charge, is the judge at the initial court appearance on the new charge made aware of the arrestee's parole status?**
- 3. Is it the policy of the parole department to automatically initiate revocation proceedings upon notice of arrest?**
- 4. Does the parole department have the authority to arrest or issue warrants?**
- 5. What percentage of the jail population is being detained on parole holds?**
- 6. Can the parole revocation process and hearings take place locally, or do they have to take place at the state level?**
- 7. How long does parole revocation generally take?**
- 8. Is there space in the jail for you to interview parolees who have been arrested or had their parole revoked?**
- 9. If parole revocation hearings can take place locally, is there space in the jail to hold hearings that may require the attendance of witnesses and other civilians?**

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Probation

1. Is the probation department a state or county agency?

State - Probation & Parole District 1 is a Virginia Department of Corrections operating unit.

2. What percentage of felony and misdemeanor cases receives a pre-sentence investigation (PSI)?

District 1 does not have this data. District 1 only conducts pre-sentence investigations in felon cases (Circuit Court).

3. What is the average time period between adjudication and submission of the PSI to the court for incarcerated defendants?

Approximately 45 days.

4. Is the sentencing date set at adjudication? If not, what is the process for setting the date?

The sentencing date is set at adjudication.

5. If a probationer is arrested on a new charge, is an automatic detainer placed at the jail? Is the judge at the initial court appearance on the new charge made aware of the arrestee's probation status?

There is no "automatic detainer" placed on a probationer arrested on a new charge. Pretrial services conducts a record check and, if the probation status is indicated and/or the probationer self-reports that they are on probation, the initial court is made aware of the arrestee's probation status.

6. Is it the policy of the Probation Department to automatically initiate revocation proceedings upon notice of arrest?

No. A decision to initiate revocation action is made on a case-by-case basis. Under normal circumstances, when a new charge is the only violation, a decision to initiate revocation action is not made until after the probationer is either convicted of the new charge, had the charge certified from a district court to a circuit court or at the time of indictment by a Grand Jury. The decision is made based on the nature of the new charge(s), the probationer's risk of re-offending, and the probationer's overall adjustment to supervision.

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7. If probation is revoked, how long before the first court hearing?

Probationers normally appear in court for a preliminary hearing within 72 hours of detention on the officer's probation violation warrant or the court's capias (bench warrant). It takes from 30 – 90 days, depending on the docket, for the probationer to appear before the sentencing authority for the revocation hearing.

8. If a probationer does not pay a fine, is probation revoked and a jail sentence imposed? If so, how does this impact the jail population?

No, a probationer is rarely ever returned to a circuit court due to a failure to pay a court ordered financial obligation. Normally, that would only occur in a case that owes restitution and only after extensive efforts have been made to bring the probationer into compliance. Any sentence imposed for failing to pay a court ordered financial obligation is normally minimal, days in jail served on weekends. Any impact on the jail population would appear to be minimal, at best.

9. Does the probation department have the authority to arrest, request, or issue warrants?

Yes, District 1 has the authority to issue a detention order (PB 15 Arrest Authority) in probation cases. The Code of Virginia has been revised effective July 1, 2010 to formally designate the PB 15 as a "warrant".

10. What percentage of the jail population is being detained on probation holds?

District 1 does not have this data.

11. Does the probation department operate any release programs other than traditional probation (e.g., day reporting centers, intensive supervision, electronic monitoring)? What impact do these programs have on the jail population?

District 1 has an intensive supervision program that provides case management and supervision services for the most violent offenders as well as sex offenders. The Virginia Department of Corrections operates detention & diversion center programs for non-violent felons on probation. Approximately 30 District 1 probationers are participating in a detention/diversion center program at any given time. A Virginia Department of Corrections' Richmond Day Reporting program was closed in July 2001 due to budget reductions.

12. Is there space available in the jail for meeting with potential probationers or probationers who already have had their probation revoked? Is there space available in the jail to review inmate files?

Minimal space is provided on a case-by-case basis.

Appendix #3

Parole

- 1. If a parolee is arrested on a new charge, is an automatic detainer placed at the jail?**

There is no “automatic detainer” placed on a parolee arrested on a new charge.

- 2. If a parolee is arrested on a new charge, is the judge at the initial court appearance on the new charge made aware of the arrestee’s parole status?**

Pretrial services conducts a record check and, if the parole status is indicated and/or the probationer self-reports that they are on probation, the initial court is made aware of the arrestee’s parole status.

- 3. Is it the policy of the parole department to automatically initiate revocation proceedings upon notice of arrest?**

No. A decision to initiate revocation action is made on a case-by-case basis. Under normal circumstances, when a new charge is the only violation, a decision to initiate revocation action is not made until after the parolee is either convicted of the new charge, had the charge certified from a district court to a circuit court or at the time of indictment by a Grand Jury. The decision is made based on the nature of the new charge(s), the parolee’s risk of re-offending, and the parolee’s overall adjustment to supervision.

- 4. Does the parole department have the authority to arrest or issue warrants?**

Yes, District 1 has the authority to issue a detention order (PB 15 Arrest Authority) in parole cases. The Code of Virginia has been revised effective July 1, 2010 to formally designate the PB 15 as a “warrant”.

- 5. What percentage of the jail population is being detained on parole holds?**

District 1 does not have this data.

- 6. Can the parole revocation process and hearings take place locally, or do they have to take place at the state level?**

Normally, all hearings (preliminary & revocation) in a parole case take place at the correctional facility where the violator was 1st detained.

- 7. How long does parole revocation generally take?**

A parole violation case may be released from 10 – 60 days by a hearing officer at the preliminary hearing phase. If the case is “referred” to the Virginia Parole Board, the case may remain incarcerated an additional 90 - 120 days awaiting a revocation hearing.

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- 8. Is there space in the jail for you to interview parolees who have been arrested or had their parole revoked?**

Minimal space is provided on a case-by-case basis.

- 9. If parole revocation hearings can take place locally, is there space in the jail to hold hearings that may require the attendance of witnesses and other civilians?**

Minimal space is provided to conduct the hearings on a case-by-case basis. Witnesses must be interviewed in the lobby.

Appendix #3

Sheriff, Jail/Facility Administrator, and Jail/Detention Center

1. Describe the administrative structure of the jail facilities.

See organizational chart attached to the email.

2. Does the sheriff have road patrol responsibilities?

No

3. How many jail facilities are in the jurisdiction?

Two - includes Detention Facility

a. What is their rated capacity and Average Daily Population?

Rated Capacity = 882

ADP 2009 = 1463

b. What is the size (total square feet) of the facility? *Staff & Support or recent jail studies or plans*

c. What year (s) were they built? What renovations have occurred in the past?

196?, the Female Housing Unit (FHU) was built onto the main facility in ????

d. What is the method of inmate supervision? Linear, Podular Remote or Direct?

Male Housing – Linear w/some Direct Supervision

Female Housing – Podular Remote w/some Direct Supervision

e. Does the facility meet ACA standards?

Yes

f. Does the jail have a full-time maintenance staff?

Yes

g. What is the housing unit and classification breakdown of the jail?

Classification

h. Have any life cycle studies been done to determine the future useful life of the facility?

Unknown

4. Do you currently hold inmates under contract from other jurisdictions and if so how many by jurisdiction?

RCJ has not entered into any contract to “hold” any inmates. We do hold by “agreement” any Federal inmate either on Detainer following state responsibility or committed by federal authority only. Under contract with PCRJ to house Richmond city inmates with available 100 beds. ADP for RCJ inmates housed in PCRJ is 50.

5. Does the sheriff and/or jail administrator have release authority?

No

Appendix #3

6. Is “good time” available to sentenced inmates? Is “work time” or “gain time” available to sentenced inmates?

Yes

§53.1-116

§53.1-202

§53.1-187

7. Does the jurisdiction use a work release program?

Yes – Inmate Services

8. Does the jurisdiction use a weekend sentencing program?

Yes – Inmate Services

9. Does the jurisdiction use a community work service / day reporting program?

Yes (MCSP) Inmate Services

10. Are jail statistics automated?

Yes

11. Are automated systems in place in the jail and courthouse for tracking cases and determining the defendant’s actual time spent in custody for each charge?

Unknown if the Courts track.

12. Is average length of stay calculated?

Not an automated “normal” report. Provided on request.

13. List any other population statistics gathered.

As required by state and local authority.

14. Does the jail have a formal classification system?

Yes - Classification

15. Currently, do any court orders affect jail operations?

No (?)

16. Has a jail master or monitor been appointed by the court?

No

Appendix #3

17. Does the jail have a court ordered cap?

No

18. Does the jurisdiction have plans for a new jail or expansion?

Yes

19. What are the primary causes of jail crowding?

Primary cause is an average daily population that is almost double the rated capacity.

20. What steps have been taken to reduce jail crowding?

Triple Bunks (move residents off floors). Focus on use of Jail programs (Work release, HEI) and a jail work force that earns days off end of sentence for participation.

21. How long does it take to book an arrestee into the jail?

Drop off time for arresting officer = 20 minutes. RCSO booking & process time for each inmate = 15 minutes.

22. Do arresting officers remain in the actual booking area until arrestees are booked?

No

23. Is there enough room for arresting officers to do the paperwork required at the jail?

Yes

24. Is there a secure location for arresting officers to remove the arrestees from their patrol cars?

Yes - Detention & Quartermaster

25. Is there a place in the jail for law enforcement officers to conduct confidential interviews?

Yes - IAD

Appendix #3

Judiciary

1. What is the structure of the courts in the jurisdiction?

Traffic Court, General District Criminal Court and Circuit Court (8 judges hearing criminal and civil cases)

2. Is there a bail commissioner system?

No. We have a magistrate system.

3. Does the jurisdiction have ability to set bail 24 hours a day?

The magistrates do, but the courts do not.

4. Can a judge review bail set by another judge?

No, except lower court judge or under change of circumstance.

5. Are summons, in lieu of arrest, issued on a regular basis?

No.

6. Do the judges use a bail schedule?

No.

7. Does the jurisdiction have systems in place whereby bonds and fines can be paid 24 hours a day?

No

8. Are there some detainees automatically excluded from having a bond set by policy decision or by statute?

There are several types of cases that carry presumptions against bond by statute (certain drug distributions, violent crimes, sex crimes).

9. Are video arraignments conducted?

Very limited basis. All judges have the equipment to do so. However, the jail cannot accommodate court schedule because only one room at the jail to conduct arraignments.

10. What is the process for assigning judges to hear the initial appearance (rotational, always same judge, several judges at a time, five days/week, or seven days/week)?

Each judge hears his/her own cases and at least four judges per day hear initial appearance for their own cases. Oftentimes, judge is able to dispose of case on initial appearance with attorney in courtroom or at least handle a bond issue. No "duty" judge.

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11. What is the court's policy on bond reviews?

Court hears bond appeals from both Commonwealth and defendant from General District Court. Very rarely does a bond review come from the magistrate.

12. What is the court's policy on continuances?

Varies among judges.

13. What is the court's policy on probation revocation?

Don't understand question. Case by case basis.

14. How is the court's docket managed (e.g., by judge, court administrator, or prosecutor)?

Judges are assigned specific cases and manage own dockets through the secretary and in-court clerk.

15. What is the role of the chief/presiding judge?

Numerous statutory duties. For example, overall management of assignment of cases and building security.

16. Are judges appointed or elected?

Appointed.

17. What is the relationship between the jail administrator and the judge(s)?

Professional

18. What sentencing options is the judiciary currently using?

Don't understand. All options provided by statute. (i.e. Weekend time for misdemeanors, work release, home electronic incarceration, Detention and Diversion, probation, inpatient treatment, drug court)

19. What other sentencing options would be considered if they were available?

Don't know.

20. What determines the number of judges and funding?

The caseload per judge drives the legislative decision.

21. Are any additional judiciary-related issues not addressed in these questions?

No.

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- 22. Are there standing court orders that allow the sheriff to release inmates when a certain population level is reached?**

No.

- 23. Is a case expediter used to track and consolidate cases for individuals who are incarcerated?**

Criminal defendants with multiple cases are assigned to one judge and heard at the same time. Revocations follow new charges.

- 24. Is the jail able to transport inmates to court in a timely manner?**

Most of the time. Sometimes we have difficulty getting prisoners transported from other jurisdictions. Sometimes Sheriff will only go to other jurisdictions on certain days.

- 25. Are court holding cells of sufficient size and quantity to hold the number of inmates being seen in court?**

Not always. Sometimes we have up to 12 people in holding cells and there is limited ability for attorneys to talk to their clients at last minute.

Appendix #3
Judge Cheek
General District Court

ANSWERS

1.

VIRGINIA DISTRICTS COURTS HAVE JURISDICTION OVER MISDEMEANOR TRIALS AND FELONY PRELIMINARY HEARINGS.

CIRCUIT COURTS ARE COURTS OF RECORD WHICH HAVE JURISDICTION OVER FELONY TRIALS AND MISDEMEANOR APPEALS.

VIRGINIA ALSO HAS A COURT OF APPEALS COURT AND A SUPREME COURT

2. NO

3. YES BY WAY OF MAGISTRATES INITIALLY BUT NOT USUALLY SO BY THE JUDICIARY.

4. YES BUT USUALLY WITH THE OTHER JUDGES PERMISSION AND UPON APPEAL.

5. YES

6. NOT USUALLY

7. NO

8. NO, HOWEVER THERE ARE STATUTORY PRESUPTIONS AGAINST BOND ON CERTAIN OFFENSES

9. YES

10. SEVERAL JUDGES AT A TIME

11. CASE BY CASE BASIS

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12. CASE BY CASE BASIS
13. CASE BY CASE BASIS
14. COLLABORATION BY JUDGE , COURT ADMINISTRATOR , AND PROSECUTOR
15. ADVISE ,CONSENT AND ADMINISTER
16. ELECTED BY STATE LEGISLATORS.
17. COLLABRATIVE
18. PROBATION DEFERMENT AND CASE BY CASE BASIS
19. COURTS ARE OPEN FOR NEW AND CREATIVE OPTIONS
20. STATE LEGISLATORS
21. YES
22. NO
23. NO
24. YES
25. YES

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

Other Law Enforcement Agencies

1. How many arresting agencies operate in the jurisdiction?

VCU POLICE DEPT

2. Are only one or two agencies responsible for the majority of jail bookings?

RICHMOND SHERIFFS DEPT

3. How many of the following types of arrests were made last year?

a. Misdemeanor 1208

b. Parole violations

c. Felony 199

d. Failure to appear warrants

e. Traffic/ordinance 113

4. How frequently do police departments use citation release for eligible offenses (excluding traffic offenses) in lieu of detention? Are any reports available on this?

AS DEFINED BY VA STATE CODE

5. Is there a central intake?

YES RPD COCK UP

6. Do formal arrest guidelines exist?

YES

7. Do you take arrestees to the station for processing before taking them to jail?

ONLY IF INTERVIEW IS REQUIRED

8. Can arrestees be released at the station after processing?

YES

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

9. Is one police agency responsible for the majority of “book and release” type of arrests (less than 24 hours detained)?

VCU POLICE

10. Are alternative/diversion facilities available to arresting officers (e.g., detox centers, juvenile holding, mental health, etc.)?

CRISIS

11. Can/do police recommend bail amounts?

NO

12. Is there a police bail schedule?

NO

13. Do police have the authority to accept cash bail?

NO

14. Do police agencies file charges directly with the court without the initial intervention of the prosecutor?

NO

15. What is the average time that transpires between the initial arrest and delivery to the custody of the jail?

RANGES 30 MINUTES TO 3-4 HOURS

16. Are any other police-related issues currently occurring or pending?

NO

17. How long does it take to book an arrestee into the jail?

30 MINUTES TO 3-4 HOURS WHEN BACK UP
TAKEN PLACE AT COURT - UP

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

18. Do arresting officers remain in the actual booking area until the arrestee is booked?

YES

19. Is there enough room for arresting officers to do the paperwork required at the jail?

NO

20. Is there a secure location for arresting officers to remove the arrestees from their cars?

YES

21. Is there anywhere in the jail for law enforcement officers to conduct confidential interviews?

NO

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

Other Law Enforcement Agencies

1. How many arresting agencies operate in the jurisdiction? **9+ (RPD, RCSO, RRHA, Virginia State Police, Capital Police, VCU, VUU, U of R, ABC, & miscellaneous others that we don't track by agency)**
2. Are only one or two agencies responsible for the majority of jail bookings? **Yes**
3. How many of the following types of arrests were made last year?

In Richmond, 3a-e are not mutually exclusive. A Parole violation or a FTA could be either Misdemeanor or Felony, etc so 3 different reports are attached as well that answer questions 3 & 4.

- **2009 Arrests by Agency by Type includes all arrests broken down by agency, type of arrest, and whether they were Felony & Misdemeanor. It includes percentages of arrests done on Summons by Agency and percentages of arrests done by agency.**
- **2009 Traffic/Ordinance Arrests by Agency by Type gives the same information but filtered for arrest charges to include only traffic and local arrest codes.**
- **2009 FTA and Probation & Parole Arrests by Agency gives the same information but filtered for arrest charges to include Failure to Appear and Probation and Parole violations (each type on a different page).**

- a. Misdemeanor **13979**
 - b. Parole violations **1500**
 - c. Felony **6403**
 - d. Failure to appear warrants **1350**
 - e. Traffic/ordinance **2634**
4. How frequently do police departments use citation release for eligible offenses (excluding traffic offenses) in lieu of detention? Are any reports available on this?

RPD issues summons roughly 25% of the time for all arrests and approximately 44% of the time for Traffic and/or Local Ordinance violations.

5. Is there a central intake? **Yes**
6. Do formal arrest guidelines exist? **Yes**

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

7. Do you take arrestees to the station for processing before taking them to jail? **Sometimes – it depends on the situation of the arrest. Sometimes the individual is taken to the precinct and debriefed before being taken to Lock-up.**
8. Can arrestees be released at the station after processing? **Yes but not for a full custodial arrest. Officers can serve releasable warrants or summonses and release the individual(s).**
9. Is one police agency responsible for the majority of “book and release” type of arrests (less than 24 hours detained)? **N/A**
10. Are alternative/diversion facilities available to arresting officers (e.g., detox centers, juvenile holding, mental health, etc.)? **No for detox centers and juvenile diversion facilities**
11. Can/do police recommend bail amounts? **No**
12. Is there a police bail schedule? **No**
13. Do police have the authority to accept cash bail? **No**
14. Do police agencies file charges directly with the court without the initial intervention of the prosecutor? **Yes, if referring to officers obtaining warrants without the initial intervention of a prosecutor. This happens regularly.**
15. What is the average time that transpires between the initial arrest and delivery to the custody of the jail? **Officers average amount of time per event/call spent in lockup for May 2010 was 3 hours/20 minutes.**
16. Are any other police-related issues currently occurring or pending? **No**
17. How long does it take to book an arrestee into the jail? **Officers average amount of time per event/call spent in lockup for May 2010 was 3 hours/20 minutes.**
18. Do arresting officers remain in the actual booking area until the arrestee is booked? **Yes**
19. Is there enough room for arresting officers to do the paperwork required at the jail? **Yes**
20. Is there a secure location for arresting officers to remove the arrestees from their cars? **Yes**

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

21. Is there anywhere in the jail for law enforcement officers to conduct confidential interviews? **Yes**

Appendix #3

NIC TA 10J1074 – Richmond Jail and Justice System Assessment

Court Administration

1. Does the jurisdiction have a court administrator? If so, how is he/she selected, and what are his/her responsibilities?

The Clerk of Court is the court/judicial administrator. I am responsible for my office and courtrooms running smoothly. To this end, I ensure that my staff is properly trained in all aspects of case management so that we are able to properly process paperwork and assist all agencies.

2. Does the court employ a case expediter to track and consolidate cases?

No

3. Describe the level of office automation. Are reports generated that relate to jail population or case processing?

All our cases are on a computerized case management system. Once a case is entered, it is updated each time it is in court. When a case is finalized, the disposition is entered. Upon completion of a case, the jail is sent a disposition if the person was incarcerated awaiting trial or if the individual received an active jail sentence.

4. Who has case docketing responsibility?

The new cases are entered each morning by my staff. Everybody in the office is able to enter a case; however, there are only a few who normally do.

5. Does the jurisdiction have an elected clerk of the court? If so, what his/her responsibilities?

I am the Clerk of Court; however, it is not an elected position.

6. At how many locations is the initial court appearance held? How often are they held?

We now participate in video arraignment; therefore, the judges arraign an individual via video at whatever facility that person is presently incarcerated. If an individual was bonded or recognized on a charge, they report directly to the courthouse. They will be arraigned in the same location that the trial or preliminary hearing will later take place. The judges will try to set the court date out 30-45 days. We strive to have only one continuance after arraignment; however, due to scheduling conflicts of the witnesses, that does not always happen.

7. Does paper flow between the court and the jail affect the inmates' length of stay?

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NIC TA 10J1074 – Richmond Jail and Justice System Assessment

Paperwork is given to the deputy working in court. The deputy is given paperwork throughout the day by the deputy clerk who is working in the courtroom. In this way, the sheriff's department is responsible for the transportation of the paperwork to the jail on a daily basis. If paperwork is needed immediately, my office can fax it to the jail.

8. What is the notification process regarding appearance dates?

The defendant is notified of his/her next court date while physically in the courtroom, or by the judge when being arraigned by video. If the person is in custody, paperwork is sent to the jail the same day.

9. Are cases delayed because of insufficient foreign language or hearing impaired translators?

Rarely. We get very few individuals through our system that do not speak English. If the individual speaks Spanish, we have interpreters on hand daily. If it is another language, the arraignment process can generally be handled via the telephone with an interpreter, and then I contact an interpreter that will physically be here for the trial or preliminary hearing.