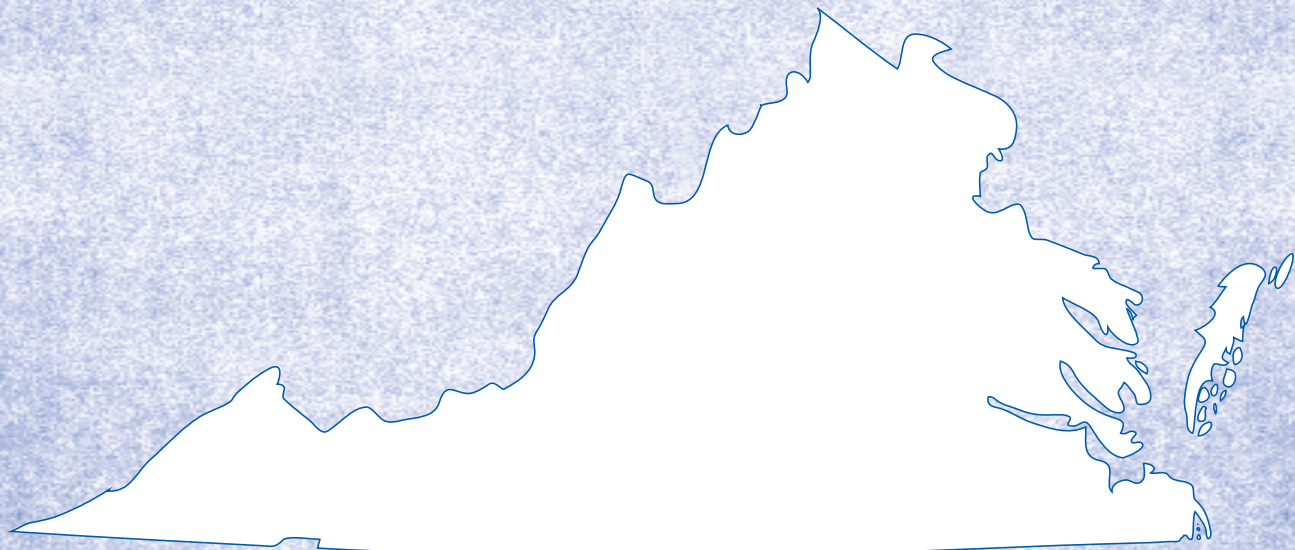


# **Blueprints for Change: Criminal Justice Policy Issues in Virginia**



**ENSURING PUBLIC SAFETY THROUGH  
SUCCESSFUL PRISONER REENTRY POLICIES**



Virginia Department of Criminal Justice Services  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

July 2010  
Richmond, Virginia

# **BLUEPRINTS FOR CHANGE: CRIMINAL JUSTICE POLICY ISSUES IN VIRGINIA**

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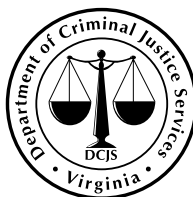
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The Department of Criminal Justice Services (DCJS) is the state criminal justice planning agency for Virginia. As part of its many responsibilities, the Department administers state and federal funds dedicated to improving state and local criminal justice practices, preventing crime and delinquency, and ensuring services to crime victims.

In its role as a planning agency, the Department initiated its *Blueprints for Change* series in 2006 to bring executive-level participants together for a facilitated exploration of leading criminal justice issues. Participants for these sessions are chosen for their knowledge of the issue at hand and their ability to advance the discussion of public policy related to the issue.

The discussions occurring in these sessions, and the recommendations which emerge, are recorded in published papers. DCJS hopes that these papers will stimulate further discussion by state and local decision makers and provide useful guidance for substantive statutory changes where necessary, as well as for decisions on funding, policies, and program development.

In July, 2010, three sessions were convened as part of the *Blueprints* series:

- Ensuring Public Safety through Successful Prisoner Reentry Policies
- Ensuring Public Safety through Successful Reentry Policies for Youth
- Gangs in Virginia: Status and Solutions

All *Blueprints* papers are available on the DCJS website at [www.dcjs.virginia.gov/blueprints](http://www.dcjs.virginia.gov/blueprints).

# BLUEPRINTS FOR CHANGE

## Ensuring Public Safety through Successful Prisoner Reentry Policies



### INTRODUCTION

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The growth in the incarcerated population – in Virginia and nationally – has received much attention. As policy-makers consider whether alternatives to incarceration may provide relief to overcrowded facilities, we should also consider the flip side to a growth in prison admissions: an eventual rise in releases.

In FY2001, nearly 10,000 state responsible offenders were released from incarceration in Virginia. By 2008, state responsible releases had increased to nearly 13,000.<sup>1</sup> Virginia's local and regional jails saw a similar rise but on a much larger scale. Almost 49,000 offenders were released in FY2001 after completing their sentence in jail; by 2008, that number had risen to over 63,000. The recent drop in crime in Virginia has slowed the growth of admissions and releases from prison and jail, but they remain at a high level.

It is important that the 75 to 80 thousand individuals released each year are successful in reentering their communities as law-abiding members of society. Such is in the best interest of those offenders, their potential victims, taxpayers, and the public at large.

Unfortunately, outcomes for released prisoners are frequently unsuccessful. Over half of those released from jail or prison in FY2004 were rearrested within three years; about 28% of both groups were rearrested within the first year after release. These figures are better than national rates of approximately two-thirds rearrested within three years, but each failure represents more victims of crime and, more resources wasted churning offenders through the system.

### Why Are Offenders Often Unsuccessful?

For released prisoners hoping to turn their lives around, the obstacles can seem insurmountable. A recent discussion paper on prisoner reentry in the U.S. notes that "...the challenges faced by former inmates attempting to reenter non-institutionalized society are vast. Many have tenuous housing arrangements. Prison time weakens social connections to families and friends. Most former inmates have poor job skills, and face stigma associated with their criminal records."<sup>2</sup>

Looking specifically at offenders released from Virginia prisons in 2002, an Urban Institute study found that, "Educational levels among released prisoners were severely limited: over half had not graduated from high school."<sup>3</sup> Low levels of education, training, and experience make it hard for anyone to find employment. A criminal record makes it much harder. "In all known employer surveys where employers are asked about their willingness to hire ex-offenders, employer responses reveal a strong aversion to hiring applicants with criminal history records."<sup>4</sup>

Housing is another problem for released prisoners seeking to return to their communities. A recent report from the Bureau of Justice Assistance notes that finding housing on the private market is difficult both because of cost and because landlords may be unwilling to rent to former prisoners. "Likewise, public housing often keeps out those with a history of criminal activity, based on limited federal exclusions and the generally much broader local restrictions.... And although many people leaving prison or jail would like to

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<sup>1</sup> Figures provided by the Virginia Department of Corrections on January 27, 2011 indicates 9,880 state responsible offenders were released from incarceration in FY2001 and 12,960 were released in FY2008.

<sup>2</sup> Steven Raphael, *Incarceration and Prisoner Reentry in the United States*, Institute for Research on Poverty, Discussion Paper No. 1375-10, April 2010.

<sup>3</sup> Sinead Keegan and Amy L. Solomon, *Prisoner Reentry in Virginia*, Urban Institute, October 2004.

<sup>4</sup> Steven Raphael, *Incarceration and Prisoner Reentry in the United States*, Institute for Research on Poverty, Discussion Paper No. 1375-10, April 2010.

live with family or friends, those households may be unable or unwilling to receive them.”<sup>5</sup> Failure to find a stable residence makes it harder for individuals to connect to the services and support they need to make a successful return to their communities.

Though they may not have homes, many prisoners will have families waiting for them upon release. In some cases these families can be a source of support, assisting the individual in returning to the community. In other cases, the families – specifically the children – are the ones in need of support. The Center for Law and Social Policy reports that 55% of state inmates are parents, and half of all parents in prison have an open child support case. “On average, parents owe \$10,000 entering prison and \$20,000+ upon release.”<sup>6</sup> While it is important that these parents make their required child support payments, this adds another layer of difficulty for released prisoners seeking employment. When child support is collected through payroll deductions, “The main way to avoid child support is to avoid formal employment. Some poor fathers respond to child support pressures... by entering the underground economy.”<sup>7</sup>

The Urban Institute report also noted that a “...majority [of released prisoners] had a history of drug or alcohol abuse.”<sup>8</sup> To the extent that this substance abuse continues after release, it will impede their ability to find and hold a job, maintain safe and secure housing, and reconnect with their families. For those on supervised release, substance abuse will likely result in revocation hearings, and possibly, reincarceration.

Finally, those released from prison may have physical or mental health problems that will make transition to the community particularly difficult. The Virginia Department of Corrections notes that in 2009, 33.4% of prisoners had a chronic medical condition and almost 20% had a mental health issue.<sup>9</sup>

## What Works

Research has identified some programs that can be successful in improving prisoner reentry. In a recent survey of the research identifying “what works”, vocational training and work release programs, drug treatment programs, halfway houses, and pre-release programs were all found to be effective in reducing recidivism and improving offender reentry to the community.<sup>10</sup> Reentry outcomes are associated with treatments that: 1) are highly structured; 2) are longer in duration; 3) provide more contact hours; 4) are delivered by trained mental health professionals; 5) focus on developing basic social skills; and 6) involve individual counseling that addresses behaviors, attitudes, and perceptions.<sup>11</sup>

Regardless of the program or treatment, the major tenets to successful reentry programs include using a risk/needs assessment to identify high risk offenders, matching services to each offender’s criminogenic needs, and using a system of rewards and sanctions to reinforce desired behavioral change. Furthermore, supervision officials working with offenders should behave in a manner that makes it clear to the offender that the official is fair, balancing the interests of the offender and society.<sup>12</sup>

Jeremy Travis, former Director of the National Institute for Justice, proposes five principles of effective reentry in his book, *But They All Come Back: Facing the Challenges of Prisoner Reentry*.<sup>13</sup>

<sup>5</sup> Katherine Cortes, *Reentry Housing Options: The Policymakers’ Guide*, U.S. Department of Justice & The Council of State Governments Justice Center, 2010.

<sup>6</sup> Vicki Turetsky, *Realistic Child Support Policies that Support Successful Re-entry*, Center for Law and Social Policy, August 28, 2006.

<sup>7</sup> Ibid.

<sup>8</sup> Sinead Keegan and Amy L. Solomon, *Prisoner Reentry in Virginia*, Urban Institute, October 2004.

<sup>9</sup> Figures provided by the Virginia Department of Corrections on January 27, 2011.

<sup>10</sup> Richard P. Seiter and Karen R. Kadela, Prisoner Reentry: What Works, What Does Not, and What is Promising, *Crime and Delinquency*, 49:3, July 2003.

<sup>11</sup> G. Roger Jarjoura, Prisoner Reentry: Evidence and Trends, School of Public and Environmental Affairs, Indiana University, 2009.

<sup>12</sup> Faye S. Taxman, “The Role of Community Supervision in Addressing Reentry from Jails,” Virginia Commonwealth University, June 2006.

<sup>13</sup> Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Urban Institute, 2005. The five effective principles listed here are as summarized by G. Roger Jarjoura, in *Prisoner Reentry: Evidence and Trends*, School of Public and Environmental Affairs, Indiana University.

1. *Prepare for reentry* – We cannot wait until prisoners are released before we address their reentry needs.
2. *Build bridges between prisons and communities* – Links should be established between the correctional facilities and other criminal justice agencies, such as the courts and law enforcement. They should then go further, and connect to businesses, faith institutions, and other community groups.
3. *Seize the moment of release* – Consider the time and location in which a prisoner is released. Travis notes, “Prisoners are often released in the early morning hours to locations where drugs, prostitutes, and alcohol are abundant. They are often discharged wearing prison gear, carrying their belongings in a plastic bag.”<sup>14</sup> Partnerships with the community can greatly improve a prisoner’s return experience.
4. *Strengthen the concentric circles of support* – With the prisoner in the circle’s center, he is surrounded first by family, then by peers, community institutions, service providers, and finally criminal justice agencies, with each group providing another layer of personal support. Reentry planning should seek to minimize the negative influences (such as criminal family members or peers) and build upon (or create) positive influences (such as mentors).
5. *Promote successful reintegration* – Recognize and celebrate a prisoner’s milestones on the way to a successful reintegration into the community.

## Reentry in Virginia

Policymakers in Virginia have recognized that reentry efforts play a critical role in reducing recidivism and public safety. Various studies have been conducted and in 2005, the *Code of Virginia* was amended to direct the Secretary of Public safety to:

[E]stablish an integrated system for coordinating the planning and provision of offender transitional and reentry services among and between state, local, and nonprofit agencies in order to prepare inmates for successful transition into their communities upon release from incarceration and for improving opportunities for treatment, employment, and housing while on subsequent probation, parole, or post-release supervision.<sup>15</sup>

In FY2004, the National Governor’s Association selected Virginia as one of seven states to participate in its Prisoner Reentry Policy Academy. Following this, the Virginia Reentry Policy Academy was established in 2006 by a Governor’s order to begin coordinating reentry efforts. In 2010, Governor Robert McDonnell took office and identified offender reentry as one of his primary focus areas. He issued Executive Order 11, reestablishing the Academy as the Virginia Prisoner and Juvenile Offender Reentry Council. The Governor also appointed a Prisoner Re-entry Coordinator as Special Assistant to the Governor on reentry.

In addition to policy, various state agencies provide or support direct adult prisoner reentry services. Those services might be provided during an offender’s incarceration, to prepare them for release, or they may be provided post-release. Agencies and services include:

- Department of Correctional Education (DCE) – DCE provides the Adult Transition Education Program, a multi-faceted approach for incarcerated adults within twelve months of release. The program includes three major components: the Productive Citizenship Program, the Parenting Education Program, and Cognitive Skills. Participants develop employment, parenting, and independent living skills.
- Department of Social Services (DSS) – DSS (in partnership with the Department of Corrections) oversees the Virginia Community Reentry Program (VCRP), “a community based reentry approach that works with local law enforcement, community service providers, the judicial system, the faith community,

<sup>14</sup> Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Urban Institute, 2005.

<sup>15</sup> *Code of Virginia* § 2.2-221.1.

ex-offenders and ex-offenders' families to identify and minimize reentry barriers.”<sup>16</sup> Initially established with five localities, the VCRP approach has expanded to seven locations, including two regional programs.<sup>17</sup> An evaluation of the program is ongoing.

- Department of Corrections (DOC) – In addition to working with DCE to provide the Productive Citizenship program in all of its institutions, DOC has reentry units established at several institutions. DOC also operates a jail-based reentry transitional program in which some prisoners serve the last part of their prison sentence at a local or regional jail. The faith-based group Prison Fellowship operates a reentry program at the James River Correctional Center.<sup>18</sup>
- Department of Criminal Justice Services (DCJS) – DCJS provides funding to locally-operated Pre-release and Post-Incarceration Services (PAPIS) programs. The nine active PAPIS programs provide services to adult men and women who are or were in Virginia state prisons or local jails and work release centers. Pre-release services might include employment skills training, counseling, mentoring, tutoring, and others in the jails, or delivering DOC's Life Skills Program and developing parole plans for those in prison. Post-release services are tailored to the individual offender's needs, and can include assistance with employment; finding food, clothing, and shelter; service referrals; and counseling.<sup>19</sup>

Efforts to bridge policy and direct services are being strengthened by the placement of reentry specialists and program managers within the Departments of Corrections and Juvenile Justice.



## POLICY/RESEARCH QUESTIONS

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In order to stimulate thought, participants in *Blueprints for Change* sessions are provided with various policy questions prior to the meeting date. The questions serve as a basis for the facilitated discussion, which is limited to three-hours. Results may range from a consensus perspective or suggestions for broad topics to specific conclusions and recommendations for more narrowly defined topics.

The following questions were sent to participants of the session *Ensuring Public Safety through Successful Prisoner Reentry Policies*:

- How can state and local criminal justice agencies, judges and service providers best participate in the re-entry plan and provide clear expectations to the offender, the system professionals and the community at the time of sentencing?
- Where should we begin to improve release decision-making and how might Virginia's policies regarding technical violations be revised in light of these issues (e.g. existing laws or regulations; burgeoning case-loads; coordination and information sharing between law enforcement, community supervision agencies and service providers; data collection)?
- How can we assure that adequate provisions are made for the safety of victims and to ensure public security?
- What can be done to enhance education and preparation for employment opportunities in the communities to which offenders are released?

<sup>16</sup> Virginia Department of Social Services website [www.dss.virginia.gov/community/prisoner\\_reentry/index.cgi](http://www.dss.virginia.gov/community/prisoner_reentry/index.cgi).

<sup>17</sup> *Virginia Community Reentry Program*, Virginia Department of Social Services, February 10, 2010. [www.dss.virginia.gov/community/prisoner\\_reentry/vcrp.pdf](http://www.dss.virginia.gov/community/prisoner_reentry/vcrp.pdf).

<sup>18</sup> *Status of Prisoner Reentry Programming*, Senate Finance – Public Safety Subcommittee, January 22, 2010, <http://sfc.state.va.us/pdf/Public%20Safety/2010/January%2022%20mtg/012210%20Reentry%20Presentation.pdf>.

<sup>19</sup> *Virginia Prisoner Reentry Evaluation Programs: Interim Report*, Virginia Department of Criminal Justice Services, October 2007, and the DCJS website [www.dcjs.virginia.gov/grants/grantDescription.cfm?grant=13&code=1](http://www.dcjs.virginia.gov/grants/grantDescription.cfm?grant=13&code=1).

## DISCUSSION

Leaders from over thirty different agencies and organizations, representing various programmatic, geographic, and policy perspectives, participated in the *Blueprints for Change* session on *Ensuring Public Safety through Successful Prisoner Reentry Policies*. The topic of prisoner reentry in Virginia is a broad one that has been studied and discussed in multiple forums in recent years. Many participants therefore had an understanding of what is in progress regarding reentry and what has been done. Several themes emerged from the discussion: 1) collaboration and coordination; 2) evidence-based practices; 3) measuring and reporting rates.

### Collaboration and Coordination

With a number of agencies involved in prisoner reentry efforts, collaboration and coordination is essential to ensuring that resources are used effectively, that efforts are not duplicated, and that ex-offenders receive the services needed. True collaborations are difficult to achieve for a multitude of reasons, including competition for resources and “turf” protection. In order for a true collaboration to arise, a concerted effort must be put forth. The various agencies, organizations, and policymakers involved must also understand that reentry is a process, not a program, and that there are roles for various players.

A key area that collaborative and coordinated reentry efforts can have an impact in is assessing and providing a continuity of care in mental health services. Many offenders have mental health needs which require ongoing attention. Another issue that has recently surfaced concerns the increasing numbers of “wounded warriors” who are becoming entangled in the criminal justice system following their return from multiple combat deployments. Many have post-traumatic stress disorders or have suffered traumatic brain injury; others return to high unemployment, family problems, and the complications of alcohol and drug abuse. To address all of these mental health needs effectively, proper assessment and treatment must begin during the incarceration period and then be continued upon release. Connecting returning offenders to appropriate services in the community is essential to provide a continuity of care which helps ensure mental stability.

The capacity of communities, and the various agencies involved in service delivery, is largely unknown. However, communities play a vital role in the success or failure of a returning offender. Not all services that a returning offender would need are available in every community. From the releasing agency’s perspective, this makes planning for an offender’s release, and providing for a continuity of care, difficult. Communities that do not have needed services available, or are unaware of the strain returning offenders may place on their services, may not be prepared to provide what is necessary for this population along with others in the community.

### Evidence-Based Practices

We are fortunate to be positioned to take advantage of research that has shown what does, and does not, work with offenders and what is needed for successful reentry efforts. With a goal of reduced recidivism, it is important to adhere to the lessons learned from years of research.

Correctional agencies typically operate from a “risk management” position. This does have its place and is important. However, it does nothing to reduce the risk of recidivism; for that, we need to adopt a “risk reduction” position. Research shows that programs and approaches which “work”, that is, which reduce the risk of recidivism, are those which address the risk factors of attitudes, beliefs, and personal associations of the individuals in our criminal justice system. If we don’t confront and deal with assessed risk, and think in terms of risk reduction, the impact of expanded resources for reentry and improved coordination among agencies will be less effective.



There is a history of putting programs in place, and establishing policy based on what looks good or what is popular. However, with the research that has come forth in recent years, policymakers are now able to make well informed policy decisions, including program establishment and funding, based on evidence of what will work with the offender population and what will improve the chances of recidivism reduction.

On a broader level, the programs and policies that we create must produce desired outcomes that can be tested and replicated so that elected officials are not placed in the position of being thought of as “soft on crime” or wasting taxpayer dollars.

### Measuring and Reporting Rates

Data collection and reporting is important for planning purposes and to demonstrate effectiveness. For planning, it helps identify who will need what type of service in which community. It is also helpful to agencies in their collaborative efforts with other agencies and service providers and is useful in making resource allocation decisions.

Data can be used to show the impact that recidivism has on jails, prisons, and communities. Reported recidivism measures, however, do not usually provide a complete picture which leads to questions of reliability and misperceptions of recidivism. For example, published reports tend to only show figures of Virginia inmates who are re-incarcerated in Virginia prisons, not on those who may be re-incarcerated in local jails or convicted of a new offense for which they receive probation time.



## CONCLUSIONS

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States with the most success in reentry efforts have benefited from the power of support from a Governor’s Cabinet level, which sees reentry as a broad reaching topic and places emphasis on policies, programs, and practices which are evidence-based. The Governor has positioned and staffed the Virginia Prisoner and Juvenile Offender Reentry Council to bring a collaborative and coordinated reentry effort to the forefront of State policy. In order to move the work of the Council forward, focus area committees and workgroups have been established and charged with developing recommendations for the Governor. The focus area committees and workgroups address the following areas: juveniles; women; veterans; employment, education, and workforce; housing; mental health and substance abuse; financial obligations; health/family reintegration; and offender reentry preparation.

Participants in the *Blueprints for Change: Ensuring Public Safety through Successful Prisoner Reentry Policies* expect that the Governor’s focus on the topic could address many of the outstanding collaboration and coordination issues that still exist. Other recommended suggestions from participants include:

- Gather and report data on both local and state incarcerated populations which can be used for identifying the needs of offenders to be released and providing to local agencies for planning and resource allocation purposes.
- Publish recidivism rates which provide a more detailed and complete picture of recidivism (expand the definition beyond the prison walls).

With several of the *Blueprints* session participants sitting on one or more of the Council groups, the session provided an excellent opportunity for various perspectives and multiple concerns to be shared. The first report of the Council with specific recommendations will be presented to the Governor in December, 2010.



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