



LOCAL INMATE DATA SYSTEM (LIDS) NEWSLETTER

Compensation Board

March 2005

FELONY OR MISDEMEANOR CHARGE REDUCED TO ORDINANCE VIOLATION PROCEDURE

A Judge or Commonwealth Attorney may reduce a felony or misdemeanor charge to an ordinance violation at any step in the legal process. The warrant or commitment order will show the ordinance violation.

From our auditors' perspective, the procedure below will apply when a prisoner is originally committed/arrested on a felony or misdemeanor charge and is **sentenced** as an Ordinance Violator:

COMPLETE court documentation (Disposition Notice, etc.,) is required to

back up changing the charge from a felony or misdemeanor arrest to a local violation/ordinance.

PROCEDURE:

- Release inmate (Utilizing Release Code 23, Confinement Change) on the State charge (felony/misdemeanor) effective the date of the court decision
- Recommit inmate as an Ordinance violator "O" the same day that he was sentenced as an Ordinance violator

ORDINANCE VIOLATIONS PREFERRED REPORTING METHOD

ORDINANCE VIOLATIONS - these codes start with ORD and end with S9, and can only be used with an offense type of 'O'.

The preferred reporting method is **if the locality has an ordinance code that is the same as a state misdemeanor code, use a state misdemeanor code instead** as state misdemeanor code descriptions contain more pertinent information. If the locality prefers to use Ordinance (ORD) codes in lieu of state misdemeanor codes, offense type must be changed from a 'M' (Misdemeanor) to 'O' (Ordinance).



FY06 Budget Estimates will be available on the Compensation Board Website (www.scb.virginia.gov) MARCH 11, and, as usual, will contain per diem estimates.

Compensation Board

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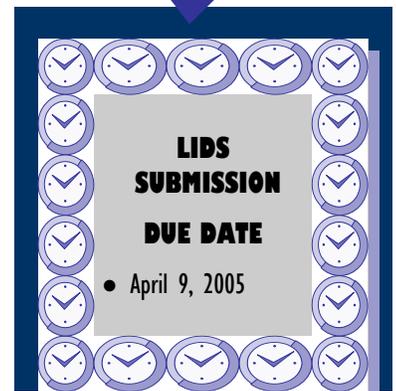
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2005 BUDGET CONFEREES REPORT SUMMARY



The 2005 Budget Conferees Report was passed February 26, 2005 indicating funding and language amendments recommended by the conferees to SB700/HB1500. Items impacting jails include:

- All constitutional officers and their employees are included in Central Accounts language and funding that provides for salary increases on December 1, 2005: for Sheriffs and their sworn staff, and all Regional Jail sworn staff, a 3.0% increase; for all other constitutional officers and their employees, and non-sworn staff in Sheriffs' offices and regional jails, a 4.4% increase.
- Funding is reduced from the Governor's proposed Budget Bill in FY05 by \$1,566,744 for per diems according to projections based upon the official jail and prison inmate population forecast, and funding is maintained at current levels for FY06. The projected need for FY06 based upon the official inmate forecast is an additional \$4.8 million.
- Reduces funding by \$1.7 million in FY05 for staffing of new or expanded jail capacities due to savings from opening delays. Based upon savings from delays in the City of Virginia Beach and Fairfax County.
- Language is included for the Compensation Board to develop options for a per diem recovery method for housing federal and out of state inmates that considers all costs, including the Commonwealth's capital construction costs, in lieu of just staffing costs.

- Language proposed in the Governor's budget bill designating a "return to custody" pilot program to be developed by the Department of Corrections has been amended to clarify the procedures for the program, and additional language has been added authorizing the Compensation Board to pay for the proposed pilot program.
- Language included provides an exception to the moratorium on jail construction to a number of local and regional jail facilities.
- Language is included prioritizing the removal of inmates from jails to the Department of Corrections when being treated for certain illnesses.
- Adds a number of different pieces of language regarding planning for the housing of probation and parole violators in local and regional jails and/or state correctional facilities.



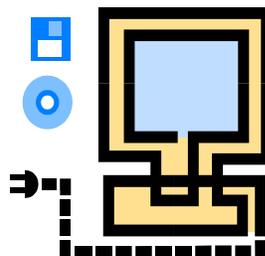
These matters remain subject to change at the upcoming "veto" session.

If you have questions, please contact Robyn de Socio at 804-786-0786 Ext. 212 or robyn.desocio@scb.virginia.gov.

UPGRADING OR REPLACING JAIL MANAGEMENT SYSTEMS DON'T LET THIS HAPPEN TO YOU!

Implementing or upgrading of Jail Management Systems can cause serious problems when proper testing and implementation practices are not followed. This became very apparent during a recent LIDS audit. What started as a routine audit became an intensive round of on-site visits. The data reviewed was so tainted that audit staff was unable to form an opinion regarding the overall quality of the data, and further per diem payments were suspended until data quality was improved and reviewed by the audit staff.

The jail had implemented a new system without performing adequate interface testing or communicating with the Compensation Board on the impending transition. New systems need to be tested with new commitment data



as well as commitment data from the original system. LIDS has its own training region for this very purpose. Testing minimizes, if not totally prevents, tainted data from becoming part of the production LIDS. Many entities use LIDS for a variety of reasons and it is crucial that accurate and complete information is recorded. Massive problems in a single jail affect the quality of the entire LIDS database.

Please keep us posted and up to date with significant changes in your operations and systems. Let us know if you are encountering problems that could lead to data quality issues. Customer Service, IT and Audit staff are more than willing to assist you during the testing process. Keeping people informed is important at all times and becomes critical during system implementation.



2003 AND 2004 CODE OF VIRGINIA STATUTE REVISIONS

Several slight changes occurred to the following Statutes in 2003 and 2004, which were inadvertently overlooked. The changes are italicized in *red*:

§ 53.1-131.1. Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.

Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and sentenced to confinement in jail, impose the time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment. *A person sentenced pursuant to this section shall pay an amount to defray the cost of his keep, which amount shall be the actual cost of incarceration but shall not exceed that amount charged to the Compensation Board for purposes of reimbursement as provided in the general appropriation act. Such amount shall be collected by the sheriff, if he is responsible for operating a jail, or by the regional jail superintendent, and remitted by the sheriff to the treasurer of the appropriate county or city, or by the regional jail superintendent to the regional jail board or authority, solely for the purposes of defraying the costs of such weekend or nonconsecutive incarceration. The funds collected pursuant to this section shall not be used for purposes other than those provided for in this section.* The assessment provided for herein shall be in addition to any other fees prescribed by law. If the defendant willfully fails to report at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a straight jail sentence imposed.

The time served by a person sentenced for violation of state law in a local jail, regional jail, or local jail farm pursuant to this section shall be included in the count of prisoner days reported by the Department for the purpose of apportioning state funds to local correctional facilities for operating costs in accordance with

§ 53.1-84. (1983, c. 172; 1984, c. 490; 1994, c. 901; 1999, c. 9; 2002, cc. 805, 831; **2003, c. 1039.**)

§ 18.2-90. Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson; penalty.

If any person in the nighttime enters without breaking or in the daytime breaks and enters or enters and conceals himself in a dwelling house or an adjoining, occupied outhouse or in the nighttime enters without breaking or at any time breaks and enters or enters and conceals himself in any *building permanently affixed to realty*, or any ship, vessel or river craft or any railroad car, or any automobile, truck or trailer, if such automobile, truck or trailer is used as a dwelling or place of human habitation, with intent to commit murder, rape, robbery or arson in violation of §§ 18.2-77, 18.2-79 or § 18.2-80, he shall be deemed guilty of statutory burglary, which offense shall be a Class 3 felony. However, if such person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

(Code 1950, § 18.1-88; 1960, c. 358; 1970, c. 381; 1975, cc. 14, 15; 1985, c. 110; 1992, c. 546; 1997, c. 832; **2004, c. 842.**)

This page should be printed and inserted in your copy of the July 1, 2004 LIDS Users Guide, Pages 13-11 and 13-14.