



Revolving Door: How inmates end up back in jail

We followed the inmates of a random day's jail roster across almost two years.

Jeff Schwaner, Staunton News Leader

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Law enforcement in the 21st century is about more than crime and punishment. Criminal justice systems are judged based on how well they prevent convicts from re-offending once they get out.

For years Virginia has touted its record as among the best in the nation. But is it taking into consideration all the former inmates who find themselves caught in the web of restrictions that make up post-sentence probation?

The News Leader embarked on a special data investigation in 2017 to find out what happens to inmates from Middle River Regional Jail, operated by a group of local governments. We chose a random date in May that year, and learned all we could about the people in jail that single day. We then checked on the inmates' fates across almost two years. What we found illuminates the cycles of resistance, [recidivism](#) — and sometimes, redemption — that impact our community, and a system that for some inmates seems to be more about punishment, and more punishment — even when a new crime has not been committed.

‘I fell off again. Started using again.’

Kelsie Rodriguez told her oldest daughter, “Mommy’s in timeout.”

Her daughter said, “You must have been a bad girl. Because you’ve been in timeout for a real long time now.”

That real long time included giving birth to her second child on the same day she began serving time at Middle River Regional Jail — not for a new crime, but for a probation violation.

When she got out her son was 8 months old.

Things did not get any easier.

“I was working at first, then I fell off again. Started using again.” Methamphetamine was the drug she could not kick, even for her kids. “I got pregnant again, and this last time I came in I had my daughter here, so I had two of my kids here.”

Both times she came back she served jail time because of probation violations, not new crimes. She hasn’t had a new criminal charge unrelated to her 2015 drug possession charge, but she’s had four separate stints in jail, including an eight-month stay in the last four years.

Kelsie Rodriguez: Four jail stints since 2016. No new criminal charges since 2015. Release date March 29, 2019.

More: [Explaining recidivism rates in Virginia, why the conversation around them is limited](#)

'I flunked out of drug court.'

The second sign that something was wrong was the unexpected plonk of something hitting the outside of his Ozark tan and red tent.

Trevor Lane remembers the details. This was no camping excursion. Lane and his girlfriend had broken up, he was trying to hang onto his job in Waynesboro by camping out in a field owned by an acquaintance. His tent was set up by some tall grass, against which his bicycle leaned.

Lane kept his bicycle in good shape because it was how he got to work. With no car and no place to stay, the last thing he needed was to lose his job. The idea was to camp out until his next payday then find a more permanent place to live and get back on his feet.

Those plans changed when he woke from a nap to find a SWAT team shooting flares into the sky and law enforcement personnel pouring from an armored vehicle.

He's been in jail ever since.

Trevor Lane: Six jail stints since 2013 on two drug charges and failing Drug Court. No new charges since 2016. Release date July 18, 2019.

'I failed a drug test.'

Twenty-four year old Tiffany Woodward knows it's time to change.

"After doing six years incarcerated, I'm not coming back. I've been incarcerated since I turned 18, except for six months here and six months there. I've only been out a year total. So, I can't do this life any more."

Her son was with her in Walmart when her boyfriend was doing a drug deal in their car. "So I got the same charges as he did." Because the child was present, child abuse was added to the charges.

She pleaded guilty. "I got a suspended sentence (of 10 years) and three years probation. Well now, I was only out for six months. I went to detention and diversion. I did seven months, and did detention and diversion, and got out six months, and violated it."

Doing what?

"I failed a drug test," she said.

For what?

“Meth.” From behind the glass panel, she sighs, anger and frustration wrestling with something more like regret. “I was clean for five months, and then...”

Outside of her probation violations for failed drug tests, Tiffany Woodward has not been charged with any new crime since 2012.

Tiffany Woodward: Three jail stints plus prison stay since 2015. Release date May 3, 2019.

‘I didn’t do 60 hours of community service’

Christopher Via is quick to smile. He smiles when asked about why he decided to talk to The News Leader (“I’ve got nothing to hide.”) From the other side of a wall of cinderblock and glass in Visiting Room 1 at Middle River Regional Jail, he smiles as he talks about his mistakes and how drug addiction compounded them. He even smiled for his mugshot from one of his 16 trips to jail since 2009.

He smiles and shakes his head when he’s asked why he’s back in jail. “I didn’t do 60 hours of community service, and they gave me six months.”

Why didn’t he do it? He was busy, he says. Meaning?

“I was smoking methamphetamine.” In this way Christopher’s time in jail is a bit of a hidden statistic. He has no criminal drug charges to his name, but he willingly allows that drugs — specifically methamphetamine — are the reason he’s back in jail.

The only time Via’s smile falters is when he talks of his sons.

“I’m 30 years old and I’ve been doing drugs since I was 13 years old. I’ve got two kids at home. They need their daddy. I’ve got to, you know, tighten up a little bit,” he says.

The emotions are complex when it comes to being away from his kids.

“Tough thing about being inside, my youngest is 13 years old. And he tells me, ‘No matter what you do and no matter where you are, I’ll always love you.’”

He smiles again, but it’s a different kind of smile.

Christopher Via: Six stints in jail since 2009 larceny charge. He has no criminal charges beyond his second larceny charge in 2011.

The state says fewer than 1 in 4 re-offend. We found a different number at the local jail.

Middle River Regional Jail in Verona listed 838 people on its roster for May 9, 2017, including Rodriguez, Lane, Woodward and Via. That number's equivalent to over 1 percent of the adult population in Augusta County, Waynesboro and Staunton.

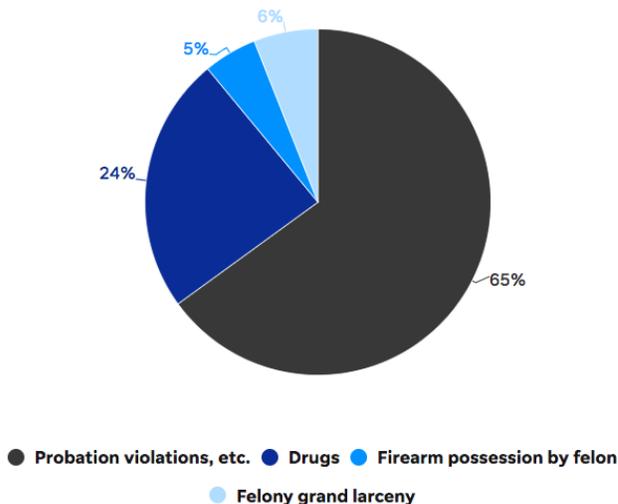
And most were familiar with those jail walls.

Of the 838 jail residents that day in May, nearly 70 percent had been there before.

The number was determined by manually tallying the charges inmates came in with for that particular day, including probation violations and other charge types that indicate a prior conviction.

Been there, done that

The top 10 charge types make up 40% of the total charges placed against the inmates on May 9, 2017. Over 70% of the top 10 charges placed were either probation/pretrial/contempt of court or possession of a firearm by a convicted felon. Here's how they break down:



It's nearly three times larger than the state's most recent announced "recidivism rate" of 23.4 percent.

If they were working, most lost their jobs as a result of their time in jail. Some were parents, who would not be picking up their children from school or meeting them at a bus stop, or helping them with their homework.

Some, like Trevor Lane, are still there nearly two years later.

And some were released but are back behind bars.

The churn of people over a well-worn path — from jail to an

intervention program and back to jail again — is part of what a handful of dedicated individuals in local and state agencies are trying to stop.

In many cases they are successful, and people are able to stay out of jail for the months leading up to their court date. Some make it through probation upon release by completing programs

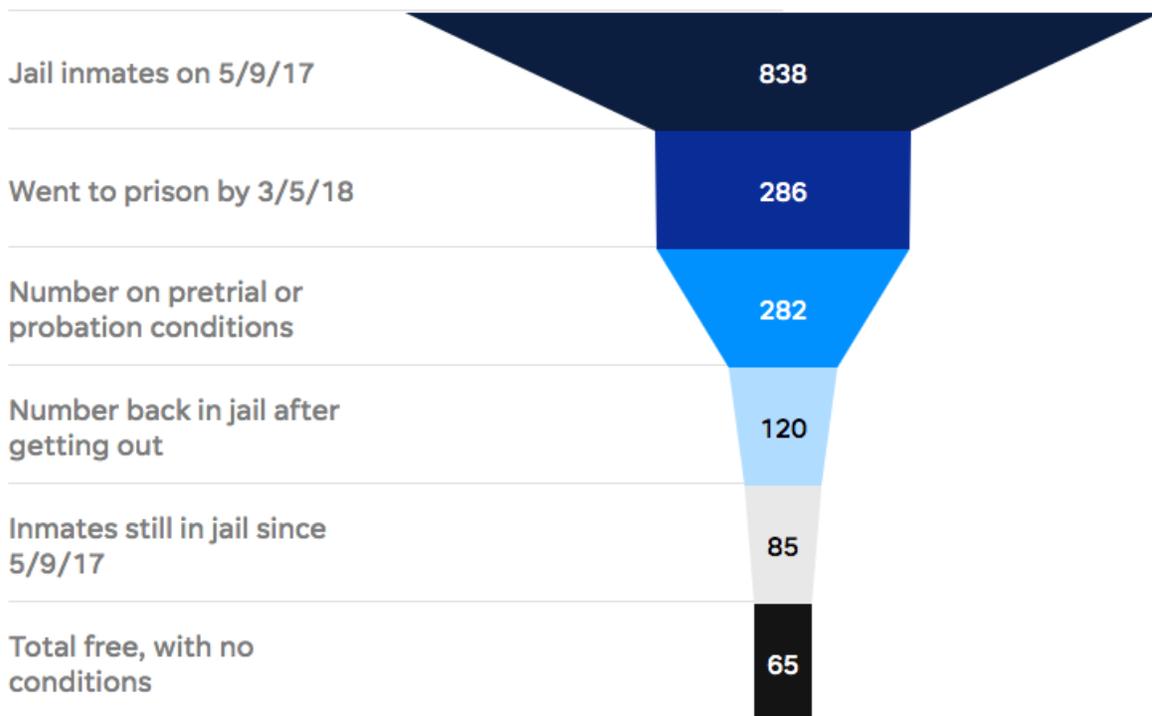
aimed to help them get back on their feet and make the most of their local support systems, including jobs, family and friends. Blue Ridge Court Services reported a 78% rate of successfully completed probations for its non-violent offenders in those cases closed in 2018.

But others return. Again and again.

Some return to the working world with serious handicaps to success such as revoked drivers' licenses, and no home to go back to because they've lost their apartment while they were in jail.

Not many get out

Jail's not prison. But it can be just as difficult to escape.



These numbers are based on figures from the jail roster, court records and DOC records as of March 5, 2018.

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It happens with both serious felons and those who commit misdemeanors.

In fact, state statistics show that locally incarcerated inmates in jails like Middle River Regional Jail are more likely to end up back in jail than serious felons kept in state penitentiaries.

And even those out of jail on the street aren't necessarily free.

10 months later, not many are free.

On March 5, 2018, almost 10 months after The News Leader first looked at the jail population, 205 of the inmates from May 9, 2017 were on the roster again.

Some — 85 inmates — had not left the jail in those 10 months.

The others — 120 people — had returned on additional charges, many of them technical violations of probation.

Eighteen months later, over 130 of the original inmates were again on the jail roster.

As of Feb. 9, 2019, 120 were still there, a number that caught even some jail officials off guard when we told them.

“If they don’t go to jail they think, ‘I’m free.’ They’re not.”

Alayna Sensabaugh starts every work-day at 6:30 a.m. by going to jail.

She's the pretrial investigator for Blue Ridge Court Services.

On May 9, 2017, some of the jail’s inmates included faces she’d seen before. Four were back in jail because they hadn’t shown up to check in with one of Sensabaugh's colleagues when they were on the street. They were pulled back in for technical violations of their probation, which include not keeping appointments with their probation officer, positive drug screens, not attending treatment programs.

If they hadn’t seen their day in court and had previously been released before their trial, they are required to report to Blue Ridge Court Services for supervision. Some just don’t report, and end up back in jail.

While May 9, 2017 records showed 838 people in jail, there are far more people tangled in the criminal justice system who aren't in jail or prison.

But that doesn't mean they're free.

In 2018 over 1,147 new inmates were screened by Blue Ridge Court Services, with hundreds left in jail because of the nature of the charge, their criminal history, or some other warning sign that put them at high risk to re-offend.

That determination is made after an evidence-based assessment is conducted that takes into account a number of different things about you.

Not everybody charged with a crime ends up in a jail cell awaiting trial. But if you do find yourself waking up in Middle River Regional Jail after being arrested, one of the faces you'll see in the morning is likely to be Sensabaugh's.

"A lot of people go to court, and if they don't go to jail they think, 'Well, I'm free,'" said Sensabaugh in a 2018 interview at Blue Ridge Court Services.

But that's not the way it works. "Of course, the court tells them, 'You're placed on probation, you need to go see Blue Ridge Court Services within 24 hours.'"

Blue Ridge Court Services offers a variety of programs and services to keep non-violent offenders out of the prison system and directed to making positive changes for themselves.

It starts with showing up to meet your probation officer. If a person doesn't do this, the officer will make at least three attempts to contact the person. After that, they can have the person arrested, and they end up back in jail.

"Some of those technical things are really it's not that they did something bad, it's just that they didn't show up," Sensabaugh says.

Even if you get your Get Out of Jail Free card, it's not free.

Back to Sensabaugh's morning schedule.

"I go through what's called the screening process." She looks over a list of people to determine why they are there.

In the screening process, Sensabaugh is looking for the things that may tell her this person is low-risk to re-offend or flee if they are released.

"What I'm looking for is their ties to the community." Do they have a job, a place to live, family or friends, any kind of support system?

Sensabaugh also asks them about their criminal history, but everything they tell her she will confirm later. “I ask them, then I verify that, based on their criminal history.”

"I go through my investigation packet," she says, and makes a recommendation in a memo that's passed on to the prosecuting and defense attorneys as well as the judge.

Part of the screening is a computerized risk-assessment tool referred to as PRAXIS. If she recommends to release them she can also recommend what services would be applicable to them. But first she must plug the data into PRAXIS to see what its risk assessment is.

DIG DEEPER

Inmates face revolving door

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It's part of a process that has garnered high marks from watchdog groups.

“Virginia’s really been a leader in developing evidence-based risk assessment,” says John Clark, acting director of implementation at the Pretrial Justice Institute in a 2018 interview with The News Leader. “That was the first state in the country that started to establish a risk assessment tool that can be used throughout the entire state.”

Sensabaugh's own analysis is part of the final recommendation.

“In the last three months I had a gentleman charged with assault and battery,” she says. The charge was for assault, third or subsequent offense, “and this was his multiple subsequent. He had at least eight assaults on family members prior.”

PRAXIS was recommending release but Sensabaugh hesitated. “He did have a stable job, he was not on supervision at the time. But I felt like he was a risk to himself and others.”

So she went against the PRAXIS recommendation, which she says her office does less than 15 percent of the time.

She sends the reports to the public defender and commonwealth's attorneys.

If you're accused of a non-violent crime, you may find yourself being released on your own recognizance until your court date.

But now there's a set of strings attached. You have to visit a pretrial officer at Blue Ridge Court Services. If you don't follow the rules or don't make it to your court date, you're not alone.

In 2018, over 1,000 people were jailed on charges that included contempt of court and failure to appear.

Almost 100 additional charges for unspecified "violations of conditions of pretrial release" landed people in jail last year, giving them an additional charge before they even saw their first day in court.

Last year people walked through the jail's "IN" door to become inmates 5,309 times. Some of those instances were multiple entrances by the same person going in more than once the same year.

Together they faced almost 3,000 charges of violations predicated on an earlier charge, such as probation violation and suspended sentence violations, or charges indicating earlier convictions, such as a second or subsequent DWI or larceny or narcotics charge.

Many choose to drive illegally in order to keep a job they got after getting out of jail.

Some find that not driving isn't much better.

Kelsie Rodriguez decided not to drive, but could find no ride to Drug Court, she says. Which landed her back in jail.

Looking back, she thinks Drug Court does more damage to people's records than it does help. "I should have just pulled the time. Instead, I got myself another felony."

The majority of Drug Court enrollees do not make it through to graduation.

Megan Roane, the director of Blue Ridge Court Services, acknowledges the difficulty of passing Drug Court — only 85 have successfully completed the program in the 17 years it has been running, and only 183 have enrolled because of careful screening of candidates.

She says probation periods from her office tend to be short, 6 months to a year on average. And that not all probation violations lead to more time in jail.

"And I feel like the judges we have are very therapeutic," says Tasha Harner, probation officer at Blue Ridge Court Services. Harner deals with domestic violence offenses. It's the sole charge type of a violent nature that Blue Ridge Court Services tackles.

She notes that when an offender is called back before a judge for a probation violation that "chances are they're not going back to jail on that violation. It will be continued" by the judge, "sometimes numerous times, to give the people ample opportunity to get the treatment that they need."

"We have a very short time-frame to make a difference," she says. "If there's something we have given them that helps, even two years down the road," then the effort is worth it, Roane says.

But the challenges can be daunting.

How the wheels come off: probationers without transportation miss court, counseling, gain additional charges

Rodriguez was working at Dairy Queen trying to get to a general manager position and going to Drug Court after her first conviction but was ruled non-compliant. She could not get there due to transportation, she says.

She'd had her license revoked.

Rodriguez says she's not the only one back in jail because she couldn't get a ride. "There's not enough in this area to help people at all."

Over 400 people were jailed last year for driving with a license revoked as a result of a previous conviction.

"If they want all of us to come to these programs, I'm pretty sure we need more help to get us there," says Rodriguez. "There are people out there who want to change, there are people who need the help, but there's not enough in this area, period, to help people at all."

Rodriguez is convinced if she had had transportation to drug court she would not be in jail.

Tiffany Woodward's mother, Deborah, has similar thoughts.

“Transportation to probation is a major thing,” she says during a phone call from Maryland, where she and her husband, who take care of Tiffany Woodward’s son while she is incarcerated, recently moved.

“A lot of people can’t get rides there. You miss your probation appointment and you get a violation. When I took Tiff there a lot of them were saying, ‘I got so-and-so to drop me off,’” she recalls. “Social services gives rides to everybody else who needs it. The support is out there, but not for inmates.”

Tiffany Woodward is grateful for her mother’s support. But even family support has limits. During one of her earlier incarcerations, she says, she knew her parents would bring her son to visit every month. After her second time locked up, “We said we’re not doing it any more,” Deborah Woodward said.

But she’ll be there to help her daughter get back on her feet in May when Tiffany Woodward is released.

That’s not the case for Cristopher Via, who does not know where he’ll stay or how he’ll get to the probation office on a regular basis.

“I got somebody that’s gonna give me a ride to District 12 (the probation office for most felons and violent offenders), and I’m going to talk to my probation officer and see if there’s a halfway house to go to,” Via says.

Then he shakes his head. “Which is really not a great idea, because halfway houses and AA programs — that’s where everybody goes to sell drugs.”

Sometimes the only way to get away from drugs is to avoid all your old haunts, hangouts and associates, which is easier said than done.

Rodriguez said she wants to get away from her old friends. “They hung out with me when I had dope, when I had money. But they weren’t there when I’m here, you know what I mean?”

Tiffany Woodward knows how difficult staying away from drugs and friends can be.

Her five months being clean were as good as it got for her.

Her problem, she says, is “I like to latch on to the people who are worst for me.”

Her solution: “I’m going to be away from this area.”

“I have a really good support system at home.” She’s originally from Bridgewater. Her parents want to get her out of the area as soon as she’s released and into a safer environment for her to conquer her drug addiction issue.

That's what Drug Court is for, but two of the inmates who spoke to The News Leader said that entering Drug Court only complicated their situations and gave them additional charges when they could not make things work.

Trevor Lane says, "I got locked up in like April of 2015 and I opted out to go into Drug Court in October, which was a bad mistake because it negated my chance of having a first offender status. Cause then I flunked out of drug court and wound up back in jail."

Roane acknowledges the issue many people have with getting transportation to court and treatment. She says tokens for public transportation are available. Recognizing the limitations of such tokens for many who don't live near bus stops, she says Blue Ridge Court Services has been discussing making Uber credits available for probationers to get more flexible rides to and from appointments.

Working their way back

Some non-violent inmates have the opportunity to participate in work-release programs. It helps them pay off their court fees, fines and jail debt, get into a positive work-related routine, and make non-criminal contacts beyond the walls of the jail.

After a day's work, the inmates come back to the jail and spend the rest of their time incarcerated.

When Kelsie Rodriguez talks about work-release her mood noticeably lightens and she warms to the subject.

"This job is a good routine for me, it's 8-5."

Rodriguez says that without the work-release program, "I don't know where I'd be right now. I was really depressed when I came in, with the general population."

It's not as if the job itself is exciting. She works at the chicken plant George's in Harrisonburg. "We debone chicken all day long."

It's what she gets from it: income, a new set of friends, a steady rhythm to the day.

"And I love it there. I plan to stay there when I'm home. I love my supervisor Nikki. She's wonderful. She doesn't treat us any different. She's amazing, I love her to death. And she's one of the reasons I'm staying at George's when I get out."

Trevor Lane's taken his work-release to heart as well. And then some.

He's an electrician by training, and once he was eligible for work-release in the fall of 2017 he was able to get employment in the field of his expertise.

It seems far from another field, where he was arrested for plying his illegal expertise at making meth.

He paid off his court costs in his first year working nine months in the jail as a baker, he says.

Work-release comes with a cost. "\$105 a week goes to the jail," Lane says. "\$100 for rent, \$5 for the urine drug test." If the inmate owes court fees, \$25 is put aside to work down those fees.

Lane and a friend who works for the same construction company plan on going into business together after Lane's release on July 18.

Lane's got a mind for details. He's only now started to turn that mind to the serious business of getting on with his life. He's leveraged his work-release to pay debts and put some money aside for when he gets out.

He had already pleaded to a drug charge in 2015. Like many people considered low risk of being a danger to his community, he was offered Drug Court, which enables nonviolent drug offenders to go into a program that keeps them out of jail or prison time.

Like most enrollees, he could not meet the stringent standards of the court. He served a few months in jail for his efforts, and began his probation time.

While Lane was not considered a danger to his community, he considers his community a danger to him.

"I grew up around a bunch of kids pretty much that wound up doing drugs all the time, and it was kind of a rough way to grow up and I just done 'em all my life," he says. Unlike the other inmates, who were interviewed in the visiting rooms at the jail, Lane's interview takes place in a reporter's car in the parking lot of the Fishersville Sheetz, where he puts aside 10 minutes of his short lunch break from his work-release job to talk.

As a younger man, Lane made a strategic mistake when it came to drugs. "I learned how to make 'em so I wouldn't have to pay for them," he says. It made sense at the time. As with Rodriguez, meth was the drug of choice.

"Eventually down the road I got to a very rough patch in my life." That patch was the edge of a field on a property where other drug activity was going on, and where eventually a friend asked Lane to make a batch of meth for him. Though he says he was resistant to the idea, eventually he left the premises to make the meth at another location, being careful to keep his drug-making separate in case police showed up. He was already on probation from a drug charge, and being

found with those "precursors" would be enough to get him in more trouble, even if no drugs were found.

All those things came together again, and in a bad way, when the cops showed up. Lane remembers seeing a drone hovering over the field earlier in the day. He remembers how much of what he had was carefully loaded into various bags in his tent, one bag for clothes, one with his toiletries so he could bike to a friend's house for a shower later. His air mattress. Several lamps, extra batteries. He was trying to stay organized.

When the trucks rolled in for the raid, none of that mattered much.

But in the two-plus years since that night, he's found purpose in getting back on his feet and set up for his release this summer.

"The punishment I have endured has broken me of ever wanting to break the law again," he says.

Christopher Via can't participate in work-release programs.

He says the nature of his crimes, which include larceny, will also make it hard to find work. "I stole stuff," he admits. But all of his recent jail time has been because of failure to meet probation requirements, and the difficulty of getting work.

Meanwhile, the debt continues to pile up.

"I have three years probation when I get out, and court fines and all that," he says.

"I also have back-child support, which I go to court for in April, so," he pauses, "so, I might be doing some more time."

Getting out... for good this time?

All four of the inmates who spoke with The News Leader are being released in the next four months.

Kelsie Rodriguez was released just before publication of this story, on March 29.

She says she's ready. "I need to better myself for myself so that I can be better for them."

Rodriguez is aware of the challenges ahead of her, both as a citizen and as a mother.

"My son's get separation anxiety — he does not like to be out of sight of his grandmother because he's always scared she'll never come back."

Tiffany Woodward is scheduled to be released on May 3, and her family will be waiting for her.

She knows she's missed a lot of time with her son. "Yeah, too much."

She wants to be able to spend time with him doing the things he likes. "He's really big into hand boards now. So I want to take him to the skatepark."

What will be the hardest thing? "Staying away from drugs."

Her family's plan is to get her a change of scenery, moving her to a town in Maryland that Tiffany's parents have long visited as a vacation spot. Now they're relocating there, with Tiffany and her son.

Deborah Woodward says that their new home is more open about supporting people going through drug addiction problems.

"There's more awareness here. Stores have 'go purple' signs to support drug addiction help. They're doing more about it."

Tiffany has anxieties about moving. "It's just gonna be weird going to somewhere that I've never been before and starting completely over. My son is my main focus. Even though all this, he's been my best friend. We kind of grew up together. I had him when I was 15."

She hopes to continue her nursing studies, though she's not sure she will be able to with her drug convictions. At any rate, she's ready for the change from her current situation.

"I can't do this life anymore."

Christopher Via's release date is May 23, but he's not sure he'll be getting out then. He has that April court date about back-owed child support. That could net him more jail time, which could accumulate additional debt with no work-release to get a jump on paying it all down.

He laughs. "It don't make no sense. But that's the way the system is."

When he gets out, things won't get much easier. "I don't really have a place to go. My dad, he really doesn't speak to me, because of my addiction and my past." He plans on going to a program at Destiny's Revival, a Stuarts Draft church, for help.

He'd also like to go for six to 18 months for rehab. "But then again, I don't have money to do that. So that's how it is."

Via's an electrician, and had previously worked with his dad. But his behavior under the influence of addiction has broken many bridges, most recently with his father and his last employer.

He speaks highly of Kevin and Robbie Whitesell, who gave him work in his time out of jail. "They gave me a couple of chances every time I got locked up."

Will they help him again in May?

"I doubt it." Even resigned to live in the wake of poor decisions goaded by his addiction. He manages a smile and owns up to his troubles.

He likes his probation officer. "She wants to help, and she's doing everything that she can."

He hopes there's a way out of addiction that does not lead to a jail cell.

"That's an epidemic now. It's really bad out there now. That's why I agreed to do this, because I think giving awareness to that kind of thing is a great idea. Maybe somebody can make a program to help these people, who want to help themselves but don't have a way of doing it."

Trevor Lane's release date is July 18. He feels he's ready. It's been a difficult path.

Lane was eligible for work-release and made the best of it. He was not considered a danger to his community, but he considers his community a danger to him.

"You grow up in a life with drugs and misfits, and when you get older it's a way of life. Breaking your self of that way of life is the hardest thing I've ever done," he says.

"Now I'm broke of it. Now I just want to build houses." He sees his workmates are back from Sheetz with food, loading up the van to return to the job site. "And get this company off the ground," he finishes, and climbs into the truck to go back to work.

Explaining recidivism rates in Virginia, why the conversation around them is limited

Jeff Schwaner, Staunton News Leader Published 5:00 a.m. ET April 1, 2019 | Updated 12:31 p.m. ET April 1, 2019

When you try to compare statistical-based claims of recidivism, it's not as bad as comparing apples to oranges. It's more like comparing apples to apples — but they're all different types in the same orchard.

And they're all, in one way or another, bad apples.

Recidivism rates are ostensibly created to judge [how well the corrections system is doing](#) by tracking how many convicted offenders re-offend after being released from prison or jail back into the community.

The rate could help determine the effectiveness of post-sentence probation programs in lowering the number of re-offenders with certain criminal histories, such as domestic violence or drugs.

The more general number can be seen as a bellwether of sorts to show whether a state's convicts are trending toward a life in crime or toward becoming more responsible members of society.

The rates can vary greatly, though, based on the data and how it's used.

How is re-offending and recidivism characterized?

Re-offending can be defined as a person with a criminal record getting arrested. That arrest can be based on a technical violation of the terms of their probation, or for a brand new crime. Re-offending could also be defined as being convicted of a crime, not just arrested or charged. It could also be defined as being sentenced for that crime, with the sentence having to be for a minimum period of time. Obviously that last definition would render a smaller group of people.

And then there's the time involved in any recidivism study. A shorter timeline, like six months or a year, would capture data for only those offending immediately after release.

The wheels of justice grind somewhat slowly. A study that combined a definition of re-offending that necessitated a sentence but which tracked released convicts for a single year might have a re-offender rate that's extremely low as a result of those variables.

The combination of timeline and the definition of a re-offense can create big differences in recidivism numbers, even when they are pulled from the same data.

How big of a difference?

Let's look at three different ways of characterizing recidivism in our area.

The state's most publicized recidivism rate could be overlooking key information

This is the state's most publicized standard recidivism rate, which comes from the state Department of Corrections.

At 23.4%, it is the best rate of any of the 45 states which follow this standard. In essence, it means that fewer than 1 in 4 convicted felons released back into the community are re-convicted with a sentence of a year or more within 3 years.

But that doesn't mean a whole lot more aren't getting in trouble with the law.

The rate focuses only on prisoners convicted of a felony with a sentence of at least a year, referred to as "state responsible" inmates. If in the first three years after their release they are convicted again and sentenced to at least a year, they are considered to be re-offending, or "recidivating."

"Therefore, if an offender has a violation that results in a sentence of incarceration of one year or more, he/she would be a recidivist by our standard," explains Gregory Carter of the Virginia Department of Corrections.

Offenders who would not be considered as recidivist include:

- those arrested for probation violations but who are sentenced to any time less than a year;
- those arrested for misdemeanors with sentences less than a year;
- those arrested for any crime but who have not yet been convicted;
- those arrested and convicted for a crime but not sentenced to a year or more in prison before the end of their first three years after release; or

- those who plea down to a lesser charge with no prison time or incarceration time of less than a year.

Re-offending inmates serving time in a local jail as opposed to a DOC facility are also not counted in the state's number.

The state does track other types of recidivism based on re-arrest and re-conviction. Those numbers are not considered for the state recidivism rate. They use "state responsible" sentencing as their official measure "because it is consistent with the Association of State Correctional Administrators standard and the measure used in the majority of state DOCs," says Carter.

As the state notes in its own report, "only 18% of the offenders who started community supervision during FY2013 transferred to supervision directly from an SR term of incarceration. This means that the success or failure of offenders on supervision cannot be assessed through a re-incarceration rate alone."

Translation: more than 8 of 10 convicted offenders released back into the public did not even qualify for being tracked for the state's main "official" recidivism rate.

Another recidivism rate, from Blue Ridge Court Services, focuses on a program for a specific subset of offenders that represent a large percentage of the charges in the jail population on May 9, 2017 — people with drug charges.

Drug Court grads illustrate an encouraging, but also limited rate

7.2%. That's the rate of recidivism for local Drug Court graduates. Like the state's number, it's low. In fact, it's extremely low: 92.8% of Drug Court graduates do not re-offend? That's an A grade, most would agree.

Unlike the state, it measures recidivism against charges resulting in convictions, not re-incarceration/sentencing.

But the timeline is a year shorter, just 2 years, and the measure does not take into consideration the drug court enrollees who fail to graduate at all, which are the majority of enrollees, according to Blue Ridge Court Services 2018 annual report.

And if you adjust the parameters to measure re-arrest as opposed to convictions, the rate doubles to 14.4%.

It's also a much smaller pool of candidates than you might think.

Despite the fact that drug charges represent one of the top charge types for inmates in jail, only 183 offenders have been enrolled in Drug Court since its inception in 2002, according to the annual report. And of those, only 85 have graduated.

It's only those 85 who are being tracked for the impressive 7.2% Drug Court recidivism rate.

So in a way it's just as limited as the state's number. It's like reporting what the test scores of A students are in two-year academic period, instead of reporting that the majority of students dropped out.

What a simpler, overarching recidivism rate might tell us

Here's a much simpler, and perhaps more realistic, recidivism number: 69%. The News Leader counted the number of inmates in jail on a random day in 2017 who were facing charges that indicated they'd already had prior convictions.

The News Leader number, based on a snapshot of a random day, shows the reality of a turnstile-like system of people treading water as they fight days or weeks or months in jail followed by suspended sentences, probationary periods, breaks in those periods because of violations of the terms of their probation, and the initiation of charges based on new crimes.

All the "recidivism rates" above are accurate. None are based on the same set of principles and numbers, or duration. But one thing becomes clear — they're all apples, and none of them are falling far from the tree.

Both the state and local departments point out issues with mental illness and drug addiction as major signposts of recidivism.

The state Department of Corrections even suggested that drug addiction might have been a cause of the number of re-incarcerations for technical violations doubling since last year statewide.

"It is commonly believed that, in light of higher overdose deaths in the community, some judges sentenced opioid users to SR incarceration for safety and treatment," according to the Department of Corrections most recent annual report.

Gregory Carter, community relations coordinator for Virginia Department of Corrections, did not respond when asked what data was behind that suggestion.

An even simpler way to look at recidivism comes from someone who ought to know: pretrial investigator Alayna Sensabaugh says, "Some people are just not ready" to do the work necessary to re-establish themselves in a life that does not include problematic friends, addiction and crime.

Who's in jail and why? A deeper dive into the 'Revolving Door' story data

[Virginia's prison system](#) enjoys one of the country's best [recidivism rates](#) — the rate tracks how many felons, once released from prison, end up incarcerated again within three years.

Virginia's most recently announced rate of 23.4% from Jan. 10, 2019 — while up a full percentage point from the previous year — is still the lowest rate in the country.

In essence it means that over 7 out of every 10 released felons aren't back behind bars three years later.

Locally, at Middle River Regional Jail, that number appears to be flipped upside down.

Nearly 7 in 10 people who were in jail on May 9, 2017 had been there before.

How did they end up there?

Breaking down the top 10 charges

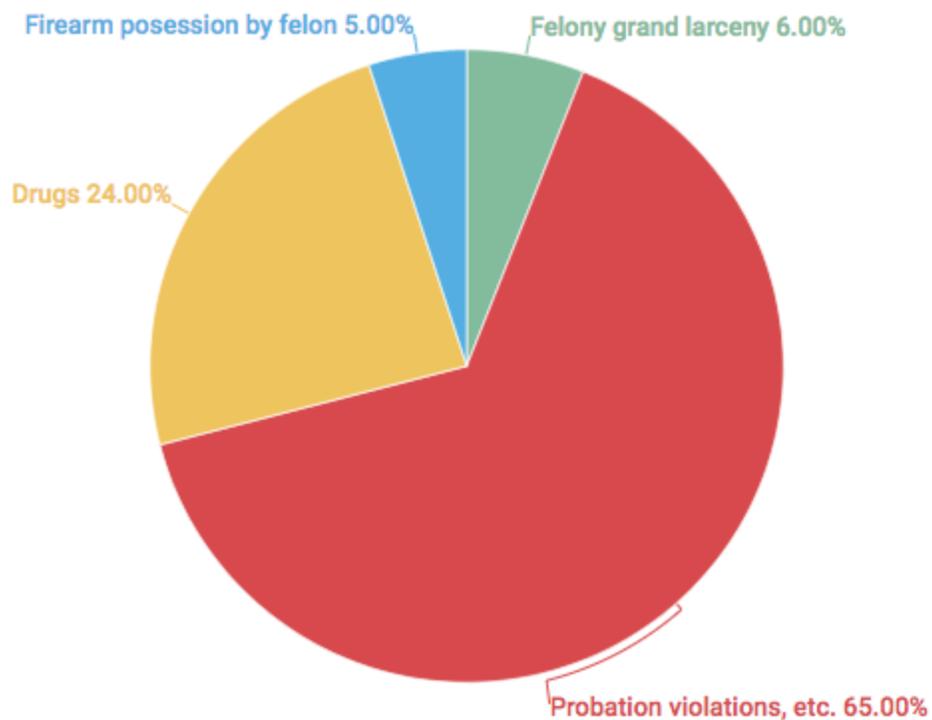
Inmates in the jail on May 9, 2017 were charged with a total of 316 different types of charges, ranging from misdemeanors to murder.

The top 10 charge types alone make up 41% of all charges.

Examining them gives us insight into who's in jail.

Been there, done that.

The top 10 charge types make up 40% of the total charges placed against the inmates on May 9, 2017. Over 70% of the top 10 charges placed were either probation/pretrial/contempt of court or possession of a firearm by a convicted felon. Here's how they break down:



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NUMBER OF CHARGES	CHARGE TYPE
396	PROBATION VIOLATION-FELONY
123	POSSESS SCH I / II CONTROLLED SUBSTANCE
87	CAPIAS FAIL TO APPEAR
65	NARCOTICS POSSESSION W/INTENT TO SELL - DIST-ETC.
53	GRAND LARCENY \$200 OR MORE NOT FROM PERSON
53	PROBATION VIOLATION - MISDEMEANOR
43	DRIVE AFTER LICENSE REVOKED (1ST OFFENSE)
43	NARCOTICS DISTRIBUTION SCHEDULE I OR II DRUGS
42	FIREARM POSSESS BY CONVICTED FELON-NON-VIOLENT
40	CONTEMPT OF COURT GENERAL - WITHOUT A JURY
945	TOTAL CHARGES of the top 10 charge types

Repeat-offenders: 619 charges

Charge types within the top 10 indicating a return visit — probation violation, failure to appear, contempt of court and 1st offense of driving with revoked license — make up 619 charges or 66% of the top 10 charges.

Drugs and narcotics: 231 charges

Narcotics charges make up 231 of the 945 charges or 24% of the top 10 charges.

The combination of the two — drugs and probation violations — were noted by the state in a press release in January.

"Between last year and this year, the percentage of offenders returning for technical violations more than doubled. Increases in technical violations may be associated with a response to the opioid epidemic; some judges sentence opioid users to state-responsible incarceration for their safety and treatment."

Felons, guns and money: 95 charges

The only charge types to make the top 10 that were not probation or drug-related were felony grand larceny (53) and possession of a firearm by a convicted felon for a non-violent felony (42).

Top 4 charge types represent 30% of all charges

The top 4 charges faced by jail residents that day were felony probation violation, possession of drugs, failure to appear in court, and possession of drugs with intent to sell or distribute.

Trevor Lane, who spoke to The News Leader, faced two of those charges.

Those four charge types represent almost 30% of all individual charges faced by jail inmates that day.

All in all, inmates were being held on 2,314 total charges composed of the 316 charge types. Most (610) were being held on three or fewer charges, but 10 inmates were being held on over 10 charges each.

Besides the probation-related charges, the top 10 charge types are mostly drug-related

Six of the top 10 charges are related to probation violations or restrictions placed on previously convicted people (such as possessing a gun after a felony conviction or driving after license being revoked).

Take them away and three of the remaining top four charges, including the top two, are drug-related.

Single-charge inmates (286) make up one third of all inmates

One third of the jail population that day faced only a single charge.

Over half of those were in jail not for new crimes but for violating some detail of their pretrial or probation arrangements.

Of inmates in jail for a single charge, 139 of 286 or 49% are facing a probation violation charge only.

An additional 18 inmates faced charges for failing to appear, pretrial violations, or driving with a revoked license, bringing the total to 55% of single-charge inmates being those charged with violations stemming from earlier court appearances and not new crimes.

How did they end up back in jail? In many cases they were serving in a program outside of jail and they failed to continue to go. At a certain point their probation officer made the decision to swear out a warrant for them, and they were arrested and brought eventually back to jail.

The 1%: Repeat offenders, liars, thieves and vandals

Aside from knowing what most people were charged with, who were the inmates with the most number of charges?

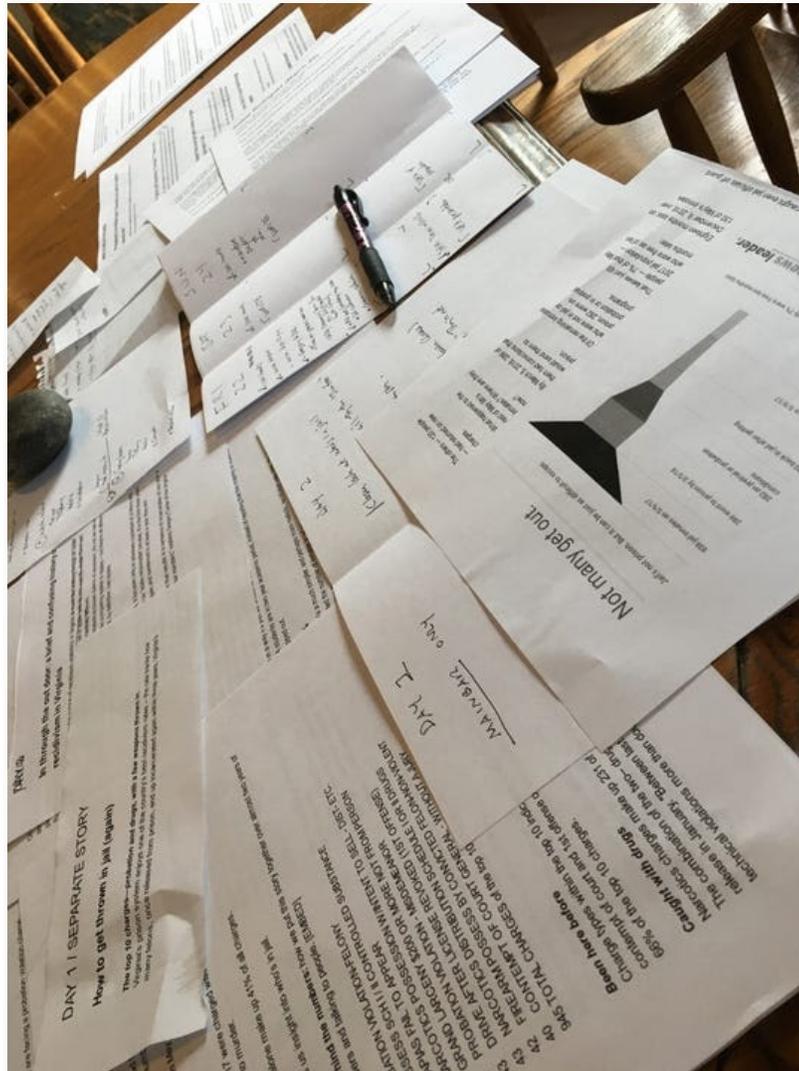
These inmates had 10 to 14 charges against them.

That 1% of the total inmates account for 5% of the total charges.

So, 10 of 839 inmates (1%) account for 114 of the 2,314 total charges (5%). Six of them were repeat offenders, and four of them were charged with burglary, four with vandalism, four with fraud. Half of them had weapons charges in addition to the above charges.

Behind The News Leader's reporting: How we built 'Revolving Door'

Jeff Schwaner and Julia Fair, Staunton News Leader Published 10:00 a.m. ET April 2, 2019



The News Leader's Jeff Schwaner and Julia Fair spent almost two years looking at numbers provided by Middle River Regional Jail, court records and online data from the Department of Corrections.

(Photo: Jeff Schwaner/The News Leader)

It started with a sample jail roster in January 2017 and a single question: Who's in jail?

The roster was a daily report generated from the widely used Offender Management System software. The system is used in 340 correctional facilities across 40 states.

With the assistance of Middle River Regional Jail's information technology officer Wyatt Brown, we were able to craft a request for a custom report to tell us more than the standard daily roster does.

That roster gave us [names of those inmates](#) for a day — May 9, 2017 — and what charges they were being held on, mugshots for each inmate, as well as other data including bond information and dates of entry and expected release.

Brown advised early on that the jail data might create more questions than it could answer.

In a March 1, 2017 email, he wrote, "A great deal of our 850-some guests are both serving time and awaiting new charges in multiple jurisdictions or the same one. If you want to get to the nitty-gritty on each one, it will require a review of each inmate's case individually and compiling that info."

Boy, was he right.

Seeing double — and triple — what we thought we'd see for re-offenders

We started by manually creating a spreadsheet that matched inmate names with the specific charges they faced. Inmates held on that day faced over 2,300 individual charges. Those charges we filtered by actual charge type, say PRB4850F6, a charge of

felony probation violation. (There's also a misdemeanor probation violation charge, PRB4851M9, and the somewhat curious PRB4839S9, "probation violation - type not clear.")

For that day alone, we charted over 300 specific charge types. For some offenses, like weapons charges, there were multiple separate charge types: 18 different types of weapons charges, 19 types of assault charges, 23 types of DWI charges, 26 types of fraud charges, 28 types of larceny charges, 39 types of narcotics charges, and ... well, you get the picture.

Some of these charge types indicate that the person being charged has offended before. For example, NAR3087F9 is a charge for possession of drugs with intent to distribute, a "3rd or subsequent" time.

When we started counting charges, it became clear that felony probation violation was by far the most-charged offense, with 455 people facing that charge. We went back and found all the other inmates who did not have probation charges but had charges indicating a return trip to jail, such as FTA (fail to appear in court) CON (often contempt charges or other charges resulting from failing to appear).

The number was astounding: 579 of the 838 inmates — 69% — fell into the "been here, done that" category.

The number was astounding because we were aware that Virginia is recognized as a leader nationwide for having a strong evidence-based pretrial and probation assessment program, and that the state's Department of Corrections regularly touted its recidivism rate, 23.4% as of their latest press release in early 2019, as the lowest in the country.

How to explain the gap between the state's 23.4% and the 69% we found? We decided to talk to the people caught up in that gap — inmates in jail who, despite their repeated trips to jail, did not show up in the state's official number.

Cleaning up the data just took ...more data... and more time...

By this time it was nearly a year into our investigation and we acquired another jail roster, for March 5, 2018. The names of 205 inmates appeared on both.

We were able to determine by their entry dates that some had remained in jail for those 10 months since May. Others had been released from jail and found their way back in, and so had a new entry date that was later than May 9, 2017.

What about the rest of the 838 inmates? I enlisted the services of our new government reporter, Julia Fair, to help us find them.

For several months, Fair used court records and Department of Corrections website data to find out where people ended up. In this way we were able to determine the outcomes that show up in the funnel chart in our main story.

"I've worked in three different states, each with different court website layouts," says Fair. "The first challenge was understanding how Virginia's system works, what's available online and what isn't — which required more reporting."

With Fair's help we performed additional analyses on the data. For instance, we looked at all the inmates who had larceny charges for racial or gender disparities compared to the local population. This searches did not yield any notable disparities.

"If there were racial or gender disparities, we would have found them," says Fair. "For weeks my only task was running queries on race and gender for each of the 300 charges."

It was important for us to understand as we worked that these are moments-in-time glimpses of the jail population, and not comprehensive tracking. So while 286 of the original roster's inmates ended up in prison by March 5, 2018, some may have gone straight to prison from jail, some may have been released and then violated probation and received a "state-responsible" sentence of a year or more that got them transferred into prison. Some may have been released and committed an entirely different crime that led to their prison sentence.

"We had to remember all we had was a snapshot in time. It was as comprehensive as we could get with the information available. And even that took us two years to analyze and package for our readers," says Fair.

In the same way, there may have been inmates from the original roster who got out of jail, violated probation and got put back in jail, served a few weeks or months and were released again on probation before March 5, 2018.

So the 120 inmates who were back on the roster in March were the absolute minimum number of inmates who were released but ended up back in jail on either technical violations or a new charge. The real number is likely higher since even a six-month sentence is on the long side for the jail. In the ten months between our two rosters, it is almost certain that some inmates from the original date were released, came back after a violation for a few days or weeks or even months, and were released again.

Eighteen months after sending us the first jail roster, Wyatt Brown ran another report and we found 130 inmates from Nov. 9, 2018, who were also on the original roster.

"We were able to utilize Microsoft Excel and Access to do the heavy lifting for us," says Fair. "Simple tools within the software allowed us to compare our snapshot lists to see who kept returning to jail. We needed to find out why."

Three months later that number was around 120. All this time we'd been looking at data, some people had made multiple trips to jail and the community and back again. It was time to meet with some of those inmates.

'Revolving Doors' is built on data, but about people

While the story was built on data, it's important to remember that it leads to human beings. Members of our community.

Among our community there are those who have been convicted of horrible crimes, but those are not the ones who find themselves back in our area jail time and time again, and are not the subject of this story. Serious violent felony offenders are the ones sent to state-responsible incarceration in a penitentiary run by the state's Department of Corrections.

We met with jail officials in early March, who agreed to put aside a special time to visit with inmates who would be willing to speak with The News Leader. By doing so the inmates would not be using up their weekly visitation time with the interviews, which might have discouraged some from accepting invitations to be interviewed if it meant they would not get to see their family or friends that week. Inmates can only receive one 15-minute visit each week, according to the jail's website.

On the night of the interviews, one inmate decided at the last minute that he did not want to be interviewed.

All four inmates interviewed mentioned a lack of mental health and drug addiction programs during their time in jail.

State-run prisons have more funding for therapeutic programs than the local jail, which in some ways is a "lockdown" and not meant for long term stays, as Middle River Regional Jail's Major Eric Young said in a recent interview.

Young said that there are programs at the jail contracted through Valley Community Services Board, for both mental health and drug addiction, and all inmates are screened upon entry for eligibility to those programs. He says most inmates requesting help get some response in "a few hours to a few days." But most of the inmates are not in for fixed sentences which can make it harder to prioritize and schedule such help, according to Young.

Likewise, Blue Ridge Court Services director Megan Roane emphasized that the probationary periods her team supervises with offenders tend to last only 6 to 12 months, also making the time of contact between probation officer and offender relatively brief.

Roane says 553 of 727 probation cases that were opened and closed in Fiscal Year 2018 (July 1, 2017-June 30, 2018) were closed successfully.

A 78% successful probation rate on the one hand in 2018. On the other hand, the jail doors opened over 5,300 times to take in an inmate last year, and about 3,000 charges faced by those inmates were indicative of a return visit.

What is undeniable about the numbers is that of those people coming to jail, far more are coming back again than our area's more glowing statistics seem to imply.