

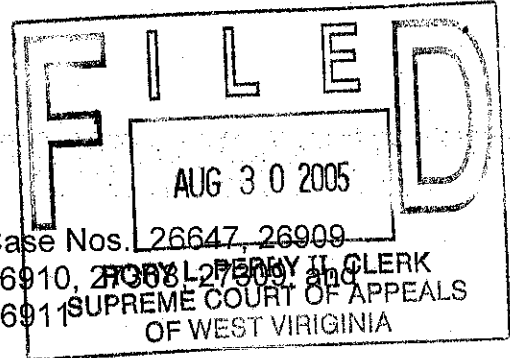
26647

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA EX REL.  
DANIEL L. SAMS, et al.,  
Petitioners/Appellant,

v.

PAUL KIRBY, Commissioner, Division of  
Corrections, STEVEN D. CANTERBURY,  
Executive Director of the West Virginia Regional  
Jail and Correctional Facility Authority, et al,  
Respondents/Appellees



**PROGRESS REPORT**

Chad M. Cardinal  
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NO. 26647

IN THE WEST VIRGINIA SUPREME COURT OF APPEALS

STATE OF WEST VIRGINIA ex rel.,  
**DANIEL L. SAMS**, et al.,  
Petitioner,

vs.

**PAUL W. KIRBY**, Commissioner of Division  
of Corrections, **STEVEN D. CANTERBURY**,  
Executive Director of the Regional Jail and  
Correctional Facility Authority, et al.,  
Respondents.

**PROGRESS REPORT**

COMES NOW Respondent, West Virginia Regional Jail and Correctional Facility Authority, by and through counsel Chad M. Cardinal, Esq., to submit this progress report as follows:

**I. REPORT**

The Tygart Valley Regional Jail, has now opened. This completes West Virginia's regional jail system. West Virginia is now the first state in the nation to become fully regionalized with a modern jail system. As a result, the Division of Corrections' inmate backlog is now housed in modern regional jail facilities which, while not desirable, vastly improves the living conditions for these inmates.

It appears that the population predictions presented early in this litigation are accurate. Unfortunately, the "*Long-Term Plan for Reducing the Number of State Prisoners Held in County and Regional Jails*" has not been as successful

as planned in reducing the backlog of Division of Corrections' inmates housed in regional jails. While the Division of Corrections' has significantly improved inmate turn around time over the last few years, the total number of Division of Corrections' inmates housed in regional jails' system has continued to climb.

Attached hereto as Exhibit 1 is a "snapshot" of the regional jail population throughout the last year. The number of inmates committed to the custody of the regional jail system is consistent with the design capacity of the system. Unfortunately, the Division of Corrections' population housed in regional jails has continued to grow and as of this writing reaches more than 1,500 inmates. The current design capacity of the West Virginia Regional Jail and Correctional Facility Authority system is 2,784.<sup>1</sup> The regional jail system is housing approximately 1,200 inmates beyond the original design capacity. This has forced many inmates to sleep on roll up mattresses on the floors simply to accommodate the burgeoning Division of Corrections' backlog.

The regional jail system currently has the capacity and ability to manage this excess Division of Corrections' population. However, population pressures are approaching the point where serious management problems could occur.

## **II. CONSTRUCTION**

### **A. LAKIN CORRECTIONAL CENTER**

The Lakin Correctional Center Dorm construction project is underway and the site-work is completed. The expected completion date is October 2006. This will provide 120 minimum-security additional beds for the Division of Corrections.

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<sup>1</sup> On August 29, 2005, the West Virginia Regional Jail and Correctional Facility Authority housed approximately 3,928 inmates.

## **B. STEVEN'S CLINIC**

While the West Virginia Regional Jail and Correctional Facility Authority is not directly involved in the Stevens' Clinic project, it is almost nearly complete with an expected completion date of October 28, 2005.

## **C. MARTINSBURG CORRECTIONAL CENTER**

All renovation of the old Eastern Regional Jail which has been renamed Martinsburg Correctional Center have been completed with the exception of some minor painting and touch-up work. It should begin accepting inmates within months. This facility will house 120 inmates, and also serve as the intake unit for the entire Division of Corrections.

## **D. HUTTONSVILLE CORRECTIONAL CENTER**

All The Huttonsville Correctional Center project has an expected completion date of December, 2006, and all construction is on schedule.

## **III. CONCLUSION**

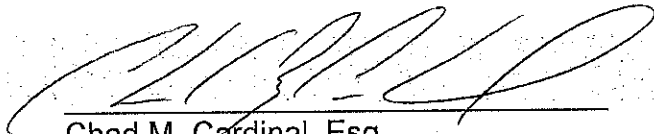
Current construction plans remain on track, and sentencing alternatives are being utilized; however, the total number of Division of Corrections' inmates housed in regional jails awaiting transfer to a prison has increased. It remains the desire of all the parties that Division of Corrections' inmates be housed in Division of Corrections' facilities. This is a long-term goal.

The Regional Jail Authority, in our original pleading, argued that eighteen months was the maximum optimal time an inmate should stay in a regional jail.

Though this goal has not been completely achieved, the Division of Corrections has worked diligently to shorten this waiting period. This is progress. The backlog of inmates are housed in much better living conditions than they were in years past. This is good. However, the backlog remains, and is increasing. That is troubling.

**Respectfully Submitted,**

**WEST VIRGINIA REGIONAL  
JAIL AND CORRECTIONAL  
FACILITY AUTHORITY**



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CERTIFICATE OF SERVICE

I, Chad M. Cardinal, do hereby certify that the foregoing "Progress Report" was served upon the following by depositing a true and exact copy thereof in the United States mail, first class, postage prepaid, this 30<sup>th</sup> day of August, 2005 as follows:

To:

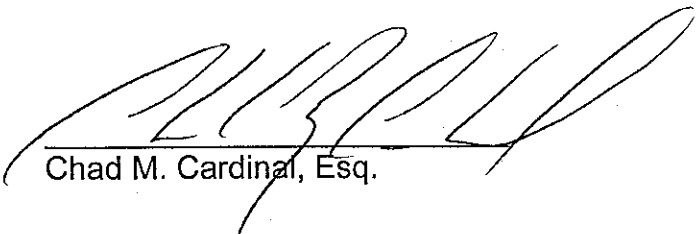
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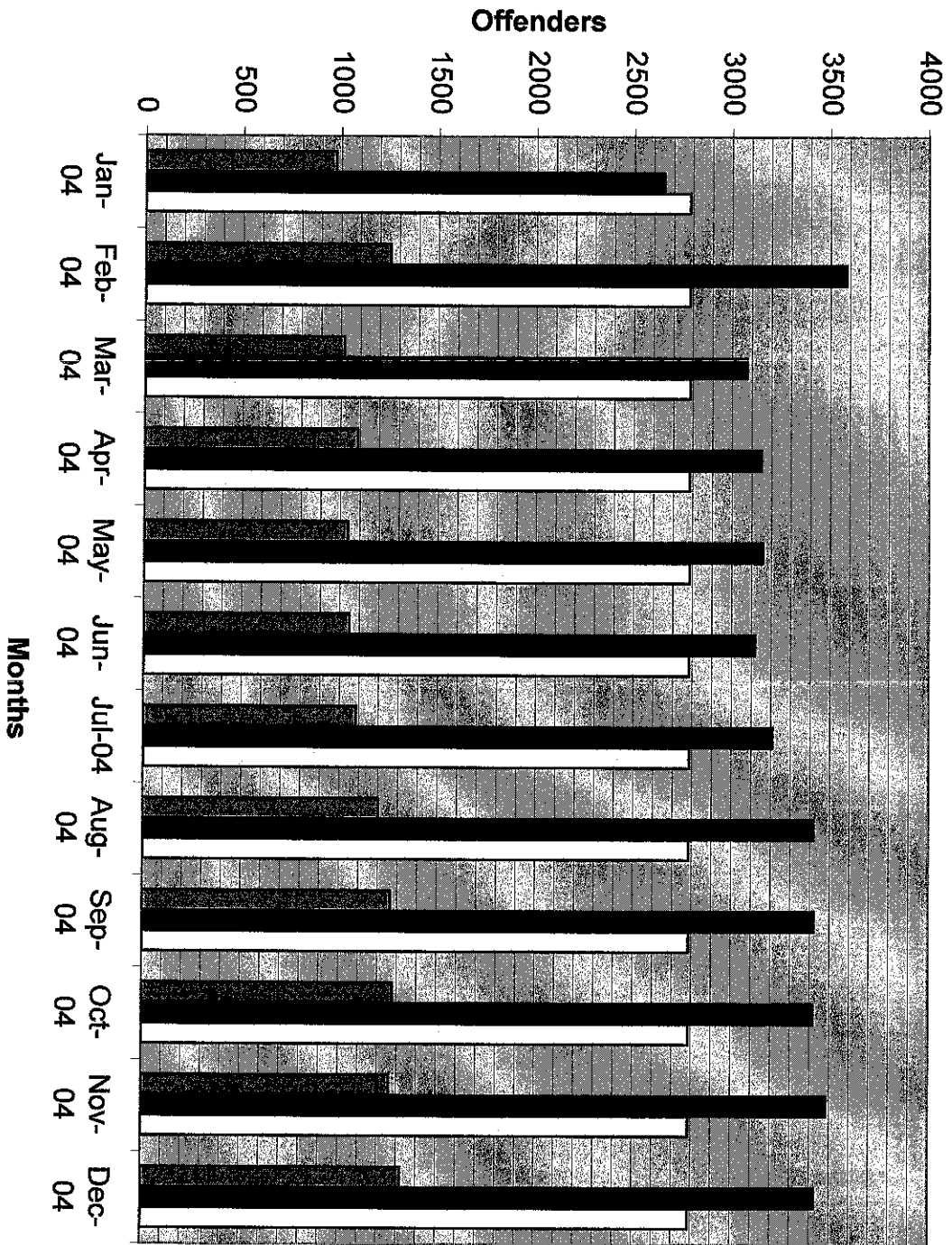
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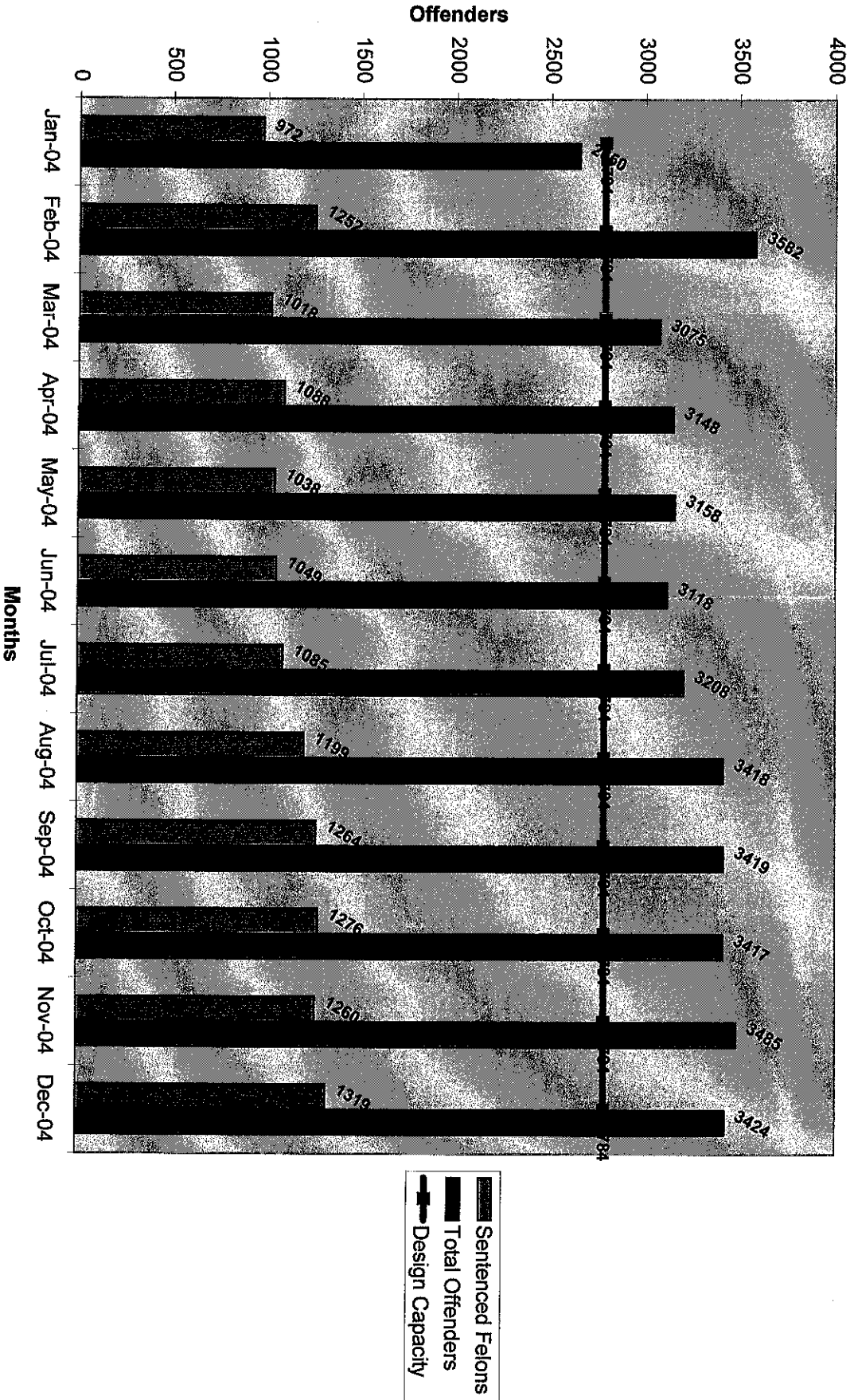
# Monthly Totals and Design Capacity



- Sentenced Felons
- Total Offenders
- Design Capacity

Chart2

### Monthly Totals and Design Capacity



DATE	FACILITY	IMP STAT	SENT FELONS	OTHER	TOTAL	DESIGN CAPACITY
15-Jan-04	CRJ	SF	133	136	269	
15-Jan-04	ERJ	SF	86	262	348	
15-Jan-04	NCRJ	SF	210	265	475	
15-Jan-04	NRJ	SF	108	139	247	
15-Jan-04	PHRJ	SF	78	112	190	
15-Jan-04	SCRJ	SF	111	256	367	
15-Jan-04	SRJ	SF	154	294	448	
15-Jan-04	SWRJ	SF	92	214	306	
<b>TOTALS</b>	<b>Jan-04</b>		<b>972</b>	<b>1678</b>	<b>2650</b>	<b>2784</b>
15-Jan-04	WRJ	SF	88	262	350	
15-Feb-04	CRJ	SF	121	147	268	
15-Feb-04	ERJ	SF	83	280	363	
15-Feb-04	NCRJ	SF	237	283	520	
15-Feb-04	NRJ	SF	107	174	281	
15-Feb-04	PHRJ	SF	105	121	226	
15-Feb-04	SCRJ	SF	122	266	388	
15-Feb-04	SRJ	SF	160	311	471	
15-Feb-04	SWRJ	SF	115	213	328	
15-Feb-04	WRJ	SF	114	273	387	
<b>TOTALS</b>	<b>Feb-04</b>		<b>1252</b>	<b>2330</b>	<b>3582</b>	<b>2784</b>
15-Mar-04	CRJ	SF	97	138	235	
15-Mar-04	ERJ	SF	78	264	342	
15-Mar-04	NCRJ	SF	173	311	484	
15-Mar-04	NRJ	SF	91	172	263	
15-Mar-04	PHRJ	SF	100	105	205	
15-Mar-04	SCRJ	SF	110	264	374	
15-Mar-04	SRJ	SF	156	309	465	
15-Mar-04	SWRJ	SF	110	220	330	
15-Mar-04	WRJ	SF	103	274	377	
<b>TOTALS</b>	<b>Mar-04</b>		<b>1018</b>	<b>2057</b>	<b>3075</b>	<b>2784</b>
15-Apr-04	CRJ	SF	95	150	245	
15-Apr-04	ERJ	SF	78	252	330	
15-Apr-04	NCRJ	SF	191	305	496	
15-Apr-04	NRJ	SF	91	186	277	
15-Apr-04	PHRJ	SF	115	100	215	
15-Apr-04	SCRJ	SF	134	247	381	

15-Apr-04	SRJ	SF	147	324	471
15-Apr-04	SWRJ	SF	113	227	340
15-Apr-04	WRJ	SF	124	269	393

**TOTALS** Apr-04 **1088** **2060** **3148** **2784**

15-May-04	CRJ	SF	96	155	251
15-May-04	ERJ	SF	81	273	354
15-May-04	NCRJ	SF	179	306	485
15-May-04	NRJ	SF	90	197	287
15-May-04	PHRJ	SF	95	113	208
15-May-04	SCRJ	SF	120	228	348
15-May-04	SRJ	SF	141	329	470
15-May-04	SWRJ	SF	113	212	325
15-May-04	WRJ	SF	123	307	430

**TOTALS** May-04 **1038** **2120** **3158** **2784**

15-Jun-04	CRJ	SF	95	153	248
15-Jun-04	ERJ	SF	85	260	345
15-Jun-04	NCRJ	SF	173	307	480
15-Jun-04	NRJ	SF	75	194	269
15-Jun-04	PHRJ	SF	92	106	198
15-Jun-04	SCRJ	SF	145	225	370
15-Jun-04	SRJ	SF	148	333	481
15-Jun-04	SWRJ	SF	104	201	305
15-Jun-04	WRJ	SF	132	290	422

**TOTALS** Jun-04 **1049** **2069** **3118** **2784**

15-Jul-04	CRJ	SF	100	142	242
15-Jul-04	ERJ	SF	87	270	357
15-Jul-04	NCRJ	SF	182	315	497
15-Jul-04	NRJ	SF	75	200	275
15-Jul-04	PHRJ	SF	96	102	198
15-Jul-04	SCRJ	SF	141	254	395
15-Jul-04	SRJ	SF	167	324	491
15-Jul-04	SWRJ	SF	104	204	308
15-Jul-04	WRJ	SF	133	312	445

**TOTALS** Jul-04 **1085** **2123** **3208** **2784**

15-Aug-04	CRJ	SF	100	178	278
15-Aug-04	ERJ	SF	84	280	364
15-Aug-04	NCRJ	SF	201	337	538

15-Aug-04	NRJ	SF	127	167	294
15-Aug-04	PHRJ	SF	105	118	223
15-Aug-04	SCRJ	SF	157	261	418
15-Aug-04	SRJ	SF	158	354	512
15-Aug-04	SWRJ	SF	119	210	329
15-Aug-04	WRJ	SF	148	314	462

<b>TOTALS</b>	<b>Aug-04</b>		<b>1199</b>	<b>2219</b>	<b>3418</b>	<b>2784</b>
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15-Sep-04	CRJ	SF	112	160	272
15-Sep-04	ERJ	SF	80	297	377
15-Sep-04	NCRJ	SF	200	310	510
15-Sep-04	NRJ	SF	123	180	303
15-Sep-04	PHRJ	SF	139	76	215
15-Sep-04	SCRJ	SF	152	267	419
15-Sep-04	SRJ	SF	164	350	514
15-Sep-04	SWRJ	SF	112	198	310
15-Sep-04	WRJ	SF	182	317	499

<b>TOTALS</b>	<b>Sep-04</b>		<b>1264</b>	<b>2155</b>	<b>3419</b>	<b>2784</b>
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15-Oct-04	CRJ	SF	114	157	271
15-Oct-04	ERJ	SF	81	279	360
15-Oct-04	NCRJ	SF	213	311	524
15-Oct-04	NRJ	SF	124	166	290
15-Oct-04	PHRJ	SF	151	93	244
15-Oct-04	SCRJ	SF	156	272	428
15-Oct-04	SRJ	SF	151	366	517
15-Oct-04	SWRJ	SF	113	197	310
15-Oct-04	WRJ	SF	173	300	473

TOTALS		Oct-04	1276	2141	3417	2784
15-Nov-04	CRJ	SF	112	160	272	
15-Nov-04	ERJ	SF	94	303	397	
15-Nov-04	NCRJ	SF	214	302	516	
15-Nov-04	NRJ	SF	122	199	321	
15-Nov-04	PHRJ	SF	144	96	240	
15-Nov-04	SCRJ	SF	142	300	442	
15-Nov-04	SRJ	SF	132	370	502	
15-Nov-04	SWRJ	SF	141	201	342	
15-Nov-04	WRJ	SF	159	294	453	
<b>TOTALS</b>			<b>1260</b>	<b>2225</b>	<b>3485</b>	<b>2784</b>
15-Dec-04	CRJ	SF	122	149	271	
15-Dec-04	ERJ	SF	92	319	411	
15-Dec-04	NCRJ	SF	224	276	500	
15-Dec-04	NRJ	SF	123	194	317	
15-Dec-04	PHRJ	SF	133	78	211	
15-Dec-04	SCRJ	SF	141	278	419	
15-Dec-04	SRJ	SF	165	340	505	
15-Dec-04	SWRJ	SF	136	205	341	
15-Dec-04	WRJ	SF	183	266	449	
<b>TOTALS</b>			<b>1319</b>	<b>2105</b>	<b>3424</b>	<b>2784</b>
<b>GRAND TOTAL YEAR</b>	Dec-04		<b>12622</b>	<b>25282</b>	<b>39102</b>	

Jan-04	972	2650	2784
Feb-04	1252	3582	2784
Mar-04	1018	3075	2784
Apr-04	1088	3148	2784
May-04	1038	3158	2784
Jun-04	1049	3118	2784
Jul-04	1085	3208	2784
Aug-04	1199	3418	2784
Sep-04	1264	3419	2784
Oct-04	1276	3417	2784
Nov-04	1260	3485	2784
Dec-04	1319	3424	2784