

# VIRGINIA STATE BUDGET

2005 Session

## Budget Bill - HB1500 (Chapter 951)

Bill Order » Office of Administration » Item 64

Compensation Board

### Item 64

First Year - FY2005

Second Year - FY2006

<b>Crime Detection, Investigation, and Apprehension (30400)</b>	<b>\$325,503,606</b>	<b>\$332,149,656</b>
	<b>\$323,503,000</b>	<b>\$333,784,422</b>
Financial Assistance to Local Law Enforcement Officials (30405)	\$9,486,236	<del>\$9,486,236</del> \$9,726,325
Financial Assistance to Regional Jail Authorities (30410)	<del>\$69,503,898</del> \$69,494,302	<del>\$73,932,498</del> \$73,757,329
Financial Assistance for Operations of Local Law Enforcement (30412)	<del>\$246,513,472</del> \$244,522,462	<del>\$248,730,922</del> \$250,300,768
Fund Sources:		
General	<del>\$325,503,606</del> \$323,503,000	<del>\$332,149,656</del> \$333,784,422

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ [53.1-83.1](#) and [53.1-85](#), Code of Virginia.

A. The annual salaries of the sheriffs of the several counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

MsoNormal	<b>July 1, 2004</b>	<b>December 1, 2004</b>	<b>December 1, 2005</b>
MsoNormal	<b>to</b>	<b>to</b>	<b>to</b>
MsoNormal	<b>November 30, 2004</b>	<b>November 30, 2005</b>	<b>June 30, 2006</b>

### Law Enforcement and Jail Responsibility

Less than 10,000	\$54,746	\$57,385	<del>\$57,385</del> \$59,107
10,000 to 19,999	\$62,926	\$65,959	<del>\$65,959</del> \$67,938
20,000 to 39,999	\$69,150	\$72,483	<del>\$72,483</del> \$74,657
40,000 to 69,999	\$75,162	\$78,785	<del>\$78,785</del>

			<i>\$81,149</i>
70,000 to 99,999	\$83,514	\$87,539	<del>\$87,539</del>
			<i>\$90,165</i>
100,000 to 174,999	\$92,794	\$97,267	<del>\$97,267</del>
			<i>\$100,185</i>
175,000 to 249,999	\$97,677	\$102,385	<del>\$102,385</del>
			<i>\$105,457</i>
250,000 and Above	\$108,530	\$113,761	<del>\$113,761</del>
			<i>\$117,174</i>

**Law Enforcement or Jail**

Less than 10,000	\$53,651	\$56,237	<del>\$56,237</del>
			<i>\$57,924</i>
10,000 to 19,999	\$61,667	\$64,639	<del>\$64,639</del>
			<i>\$66,578</i>
20,000 to 39,999	\$67,767	\$71,033	<del>\$71,033</del>
			<i>\$73,164</i>
40,000 to 69,999	\$73,660	\$77,210	<del>\$77,210</del>
			<i>\$79,526</i>
70,000 to 99,999	\$81,843	\$85,788	<del>\$85,788</del>
			<i>\$88,362</i>
100,000 to 174,999	\$90,937	\$95,320	<del>\$95,320</del>
			<i>\$98,180</i>
175,000 to 249,999	\$95,724	\$100,338	<del>\$100,338</del>
			<i>\$103,348</i>
250,000 and Above	\$106,902	\$112,055	<del>\$112,055</del>
			<i>\$115,417</i>

**No Law Enforcement or Jail Responsibility**

Less than 10,000	\$50,410	\$52,840	<del>\$52,840</del>
			<i>\$54,425</i>

10,000 to 19,999	\$56,011	\$58,711	<del>\$58,711</del> \$60,472
20,000 to 39,999	\$62,234	\$65,234	<del>\$65,234</del> \$67,191
40,000 to 69,999	\$69,150	\$72,483	<del>\$72,483</del> \$74,657
70,000 to 99,999	\$76,834	\$80,537	<del>\$80,537</del> \$82,953
100,000 to 174,999	\$85,370	\$89,485	<del>\$89,485</del> \$92,170
175,000 to 249,999	\$89,862	\$94,193	<del>\$94,193</del> \$97,019
250,000 and Above	\$100,933	\$105,798	<del>\$105,798</del> \$108,972
MsoNormal			MsoNormal

B. Out of the amounts for Financial Assistance to Local Law Enforcement Officials, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, shall allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

E. Consistent with the provisions of paragraph B of Item 63, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be

reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding in accordance with the Board's staffing standards for alternatives to incarceration programs or court services within the sheriff's office or among other jails in the Commonwealth.

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

G. The Compensation Board shall allocate positions for alternative incarceration programs approved pursuant to Item 67, paragraph F 2 of this act, at a ratio of one position for every 16 inmates in such programs.

H.1. The Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.

2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.

3. Funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff, subject to appropriations by the General Assembly.

I. There is hereby reappropriated the unexpended balance in this program on June 30, 2004, and June 30, 2005.

J. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the Board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 63 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local Sheriff's offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.

K. Any amount in the program Crime, Detection, Investigation, and Apprehension, may be transferred between Items 64 and 67, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement in Local Facilities, and Crime, Detection, Investigation, and Apprehension.

L. The Compensation Board is authorized to use up to \$3,550,000 in the first year and \$1,150,000 the second year from projected general fund balances in Items 64, 65, 66, 69 and 70 to address constitutional officer local retirement rate increases and salary annualization costs. The Compensation Board shall receive approval from the Department of Planning and Budget prior to spending or allocating any portion of the projected amount.

*M.1. Out of the amounts included in this Item is \$240,089 the second year from the general fund for the Compensation Board to establish a Sheriffs' Career Development Program. The Compensation Board shall adopt minimum criteria for the Sheriffs' Career Development Program by August 1, 2005. The minimum criteria shall*

*include initial and continuing education requirements for the sheriffs, the adoption of certain administrative and human resources management policies, audit requirements and other matters deemed relevant by the Compensation Board. The Compensation Board shall also include accreditation by the Virginia Law Enforcement Professional Standards Commission, the American Correctional Association, or the Commission on Accreditation for Law Enforcement Agencies as an alternative to some of the established minimum criteria for the Sheriffs' Career Development Program. The Compensation Board shall submit the minimum criteria for Sheriffs' Career Development Program to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 15, 2005.*

*2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is received by the Compensation Board on or before November 1, 2005, the Compensation Board shall increase the annual salary shown in Paragraph A of this Item by the percentage shown below for a seven-month period effective December 1, 2005. Subsequent certifications shall be submitted by sheriffs as part of their annual budget request to the Compensation Board by February 1 of each year, with the salary increase becoming effective on the following July 1 for a 12-month period.*

*a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and have achieved accreditation from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, or,*

*b. For sheriffs that have not achieved one of the above accreditations,*

*(i) 3.1 percent for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program; and*

*(ii) 3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and*

*(iii) 3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and provide primary law enforcement services in the county.*