2018 Special Session I

# Budget Bill - HB5002 (Chapter 2)



Compensation Board

| Item 66 | First Year - FY2019 | Second Year - FY2020 |
|---|---|---|
| **Financial Assistance for Sheriffs' Offices and Regional Jails (30700)** | **$472,543,575** | **$474,116,781** |
| Financial Assistance for Regional Jail Operations (30710) | $153,565,798 | $155,086,091 |
| Financial Assistance for Local Law Enforcement (30712) | $95,346,637 | $95,346,637 |
| Financial Assistance for Local Court Services (30713) | $57,246,941 | $57,246,941 |
| Financial Assistance to Sheriffs (30716) | $12,611,106 | $12,611,106 |
| Financial Assistance for Local Jail Operations (30718) | $153,773,093 | $153,826,006 |
| Fund Sources: | | |
| General | $464,543,575 | $466,116,781 |
| Dedicated Special Revenue | $8,000,000 | $8,000,000 |

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

A.1. The annual salaries of the sheriffs of the 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.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

| **July 1, 2018** | **July 1, 2019** | **December 1, 2** |
|---|---|---|
| **to** | **to** | **to** |
| **June 30, 2019** | **November 30, 2019** | **June 30, 2020** |

**Law Enforcement and Jail Responsibility**

| | | | |
|---|---|---|---|
| Less than 10,000 | $69,439 | $69,439 | $69,439 |
| 10,000 to 19,999 | $79,813 | $79,813 | $79,813 |
| 20,000 to 39,999 | $87,708 | $87,708 | $87,708 |
| 40,000 to 69,999 | $95,335 | $95,335 | $95,335 |
| 70,000 to 99,999 | $105,927 | $105,927 | $105,927 |
| 100,000 to 174,999 | $117,699 | $117,699 | $117,699 |
| 175,000 to 249,999 | $123,892 | $123,892 | $123,892 |
| 250,000 and above | $137,657 | $137,657 | $137,657 |

**Law Enforcement or Jail**

| | | | |
|---|---|---|---|
| Less than 10,000 | $68,048 | $68,048 | $68,048 |
| 10,000 to 19,999 | $78,217 | $78,217 | $78,217 |
| 20,000 to 39,999 | $85,952 | $85,952 | $85,952 |
| 40,000 to 69,999 | $93,428 | $93,428 | $93,428 |
| 70,000 to 99,999 | $103,809 | $103,809 | $103,809 |
| 100,000 to 174,999 | $115,343 | $115,343 | $115,343 |
| 175,000 to 249,999 | $121,415 | $121,415 | $121,415 |
| 250,000 and above | $135,593 | $135,593 | $135,593 |

**No Law Enforcement or Jail Responsibility**

| | | | |
|---|---|---|---|
| Less than 10,000 | $63,940 | $63,940 | $63,940 |
| 10,000 to 19,999 | $71,044 | $71,044 | $71,044 |
| 20,000 to 39,999 | $78,936 | $78,936 | $78,936 |
| 40,000 to 69,999 | $87,708 | $87,708 | $87,708 |
| 70,000 to 99,999 | $97,454 | $97,454 | $97,454 |

| | | | |
|---|---|---|---|
| 100,000 to 174,999 | $108,281 | $108,281 | $108,281 |
| 175,000 to 249,999 | $113,978 | $113,978 | $113,978 |
| 250,000 and above | $128,021 | $128,021 | $128,021 |

B. Out of the amounts provided for in this Item, 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, may 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 73, 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 to other jails in the Commonwealth that are experiencing overcrowding.

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.1. Subject to appropriations by the General Assembly for this purpose, 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 meet 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. Subject to appropriations by the General Assembly for this purpose, 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.

H. 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 73 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' 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.

I. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 66 and 67, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

J.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

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 submitted by sheriffs as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in paragraph A of this Item by the percentage shown herein for a twelve-month period effective the following July 1.

a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program where such criteria includes that a sheriff has achieved certification in a program agreed upon by the Compensation Board and the Virginia Sheriffs' Institute by Virginia Commonwealth University , or, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association.

3. Other constitutional officers' associations may request the General Assembly to include certification in a program agreed upon by the Compensation Board and the officers' associations by the Weldon Cooper Center for Public Service to the requirements for participation in their respective career development programs.

K. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, $8,000,000 the first year and $8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.

L. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.

M. Included in this appropriation is $1,256,649 the first year and $1,256,649 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide for SAVIN program coordination, and to maintain the interface between SAVIN and the Virginia Sex Offender Registry. All law enforcement agencies

receiving general funds pursuant to this item shall provide the data requirements necessary to participate in the SAVIN system.

N. Included in this appropriation is $1,520,293 in the second year from the general fund to support staffing costs associated with the expansion project at Prince William/Manassas Regional Jail.