



Report of the Subcommittee on
Public Safety

(Amendments to SB 700,
as Introduced)

Senate Finance Committee
Virginia General Assembly

February 6, 2005

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY
On Senate Bill 700, as Introduced
(February 6, 2005)

Mr. Chairman and Members of the Committee:

The subcommittee has reviewed the provisions of Senate Bill 700, the budget bill as introduced, with respect to the Office of Public Safety.

Our most important initiative this year is to place our state forensic laboratory on a sound fiscal footing. As you know, the Crime Commission completed a study this year of the increasing workload facing the Division of Forensic Science, in the Department of Criminal Justice Services. Virginia has been so successful in DNA and other types of scientific testing for crime scene analysis, that the demands for evidence testing grow larger every year.

Under Senate Bill 1153, the division will become a separate agency, effective July 1 of this year. To assure that we have adequate resources to meet the increasing workload, we recommend the following steps:

- Restoration of \$700,000 for ongoing operating expenses, such as equipment and maintenance for the laboratory;
- Restoration of \$900,000 for the Institute of Forensic Science and Medicine to increase the number of graduate students in our certification program to the capacity of 25 next year;
- The addition of twelve forensic scientists and five laboratory technicians, in addition to the 17 positions recommended by the Governor, to reduce case backlogs;
- Initiation of a public-private partnership to develop a replacement laboratory in Northern Virginia, at the George Mason University Prince William Institute, or in the adjacent technology park; and,
- A new director of administration for the new agency.

These recommendations should result in our state forensic laboratory retaining its position as the national leader in this field. And, reducing the testing backlog will help to reduce crowding in our jails as criminal cases move more quickly through the courts.

In addition, we recommend \$500,000 for our local community corrections and pre-trial release programs to expand their supervision caseloads, which will also help to reduce jail crowding over the remainder of this biennium.

The budget, as introduced, includes a series of amendments to increase funding for alternative sanctions for lower-risk offenders who violate the terms of their probation or parole. We support these initiatives. In addition, we have included language which expresses our intent to work closely with Sheriffs and regional jail administrators to develop less costly, minimum security facilities for these offenders, who might otherwise be sent back to prison. These facilities might provide for night incarceration, for example, for technical violators who would then continue to work during the day and not lose their jobs.

As a matter of policy, the subcommittee believes strongly that our judges should make the critical decisions as to which sanctions are appropriate for individual offenders, based on the sentencing guidelines and risk assessment instruments developed by the Virginia Criminal Sentencing Commission.

This is an appropriate time to note that Virginia recently marked the tenth anniversary of the abolition of parole and the implementation of truth-in-sentencing and felony sentencing guidelines. This initiative has been a resounding success. We are pleased to report Virginia is considered a national leader in this field. Given the voluntary nature of our guidelines, Virginia has avoided the turmoil now affecting the federal court system and certain other states as a result of a recent decision of the United States Supreme Court.

Even with the development of alternative sanctions, and even with the rate of violent crime at the lowest levels in three decades, additional prison construction may have to be addressed by the 2006 General Assembly. With only a few out-of-state prisoners left in Virginia's prisons, the backlog of state prisoners in jail has been reduced, but the number of our own prisoners continues to grow. We will have to revisit this issue next year.

Last year, we noted the severe budget difficulties facing our Department of Juvenile Justice. This department has been operating eight juvenile correctional centers on a budget for seven, a situation which we said cannot be permitted to continue indefinitely. The budget, as introduced, contains funds to address this situation along with language to permit the agency to temporarily close the Barrett Center in Hanover County. We support these amendments.

Mr. Chairman, this completes the report of the subcommittee.

Respectfully Submitted,

The Honorable Kenneth W. Stolle, Chairman

The Honorable Walter A. Stosch

The Honorable Janet D. Howell

The Honorable Richard L. Saslaw.

The Honorable Thomas K. Norment, Jr.

The Honorable H. Russell Potts, Jr.

The Honorable John C. Watkins

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY

(Recommended Amendments to SB 700, As Introduced. General Funds only.)

Amendment	FY 2005	FY 2006	Biennium
Judicial Department -Virginia Criminal Sentencing Commission			
VCSC - Implement Risk Assessment for Probation Violators on Pilot Basis	Language		
Secretary of Public Safety			
Sec'y PS - Offender Forecast (Reporting Date, Estimate Probation Violators)	Language		
Sec'y PS - Minimum Security Facilities Plan	Language		
Department of Corrections			
DOC - Financing Plan for Additional Prisons	Language		
DOC - Pilot Program for Return-to-Custody Centers (GOV)	Language		
DOC - Consultation with jails for minimum security facilities	Language		
DOC - Pamunkey Regional Jail (minimum security facility)	Language		
DOC - Peninsula Regional Jail (minimum security facility)	Language		
DOC - Culpeper County Jail	Language		
DOC - Franklin & Montgomery County Jails (join Roanoke County-Salem)	Language		
DOC - Eliminate NGF Positions (GOV)	Language		
DOC - Priority for transferring inmates into state system from jail	Language		
DOC - Restore Research Analyst/Program Evaluation Positions (2 FTE)	0	130,000	130,000
Department of Criminal Justice Services			
DCJS - Dept. Forensic Science - Administrative Transition (SB 1153)	Language		
DCJS - DFS Director of Administration (SB 1153)	0	130,000	130,000
DCJS - Restore Forensic Lab Operating Budget Reductions	0	700,000	700,000
DCJS - Restore GF for Institute of Forensic Science and Medicine (Language)	0	900,000	900,000
DCJS - Forensic Lab Positions (5 Lab Techs, July 1, 2005)	0	225,000	225,000
DCJS - Forensic Lab Positions (12 Forensic Scientists, January 1, 2006)	0	510,000	510,000
DCJS - NVA Lab (PPEA Project at or near GMU Prince William Insitute)	Language		
DCJS - Restore Law Enforcement Training Academies (and adjust NGF)	0	274,385	274,385
DCJS - Pre- and Post-Incarceration Services	0	(371,507)	(371,507)
DCJS - Local Community Corrections and Pre-Trial Diversion	0	500,000	500,000
DCJS - Fairfax Partnership on Youth	0	75,000	75,000
DCJS - Portsmouth Gunshot Location Technology Pilot Program	0	125,000	125,000
DCJS - Alzheimer's Program (Clarify Administrative Responsibilities)	Language		

Report of the Subcommittee on Public Safety (Continued)

Amendment	FY 2005	FY 2006	Biennium
Department of Fire Programs			
DFP - Adjust GF Match for Federal SAFER Grants to Localities (Language)	(1,000,000)	0	(1,000,000)
Department of Juvenile Justice			
DJJ - Crossroads Group Home Replacement Project	Language		
DJJ - Richmond Juvenile Detention Home Security Damage (State Share)	0	43,550	43,550
DJJ - Corrections Special Reserve Fund (SB 1067)	0	204,796	204,796
Department of Military Affairs			
DMA - Maintenance of Armories Statewide (@ \$2 psf)	0	229,167	229,167
DMA - Recruitment Incentive Bonus Program	0	95,200	95,200
Department of State Police			
DSP - Exempt VCIN personnel and equipment from VITA	Language		
Sub-Total - Public Safety	<u>(1,000,000)</u>	<u>3,770,591</u>	<u>2,770,591</u>

Capital Outlay Reduction Included in the Report of the Subcommittee on General Government

DOC - Adjust Funding for Environmental Mediation (EPA Consent Agreement)	(1,000,000)	0	(1,000,000)
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Judicial Department

Virginia Criminal Sentencing
Commission

Language

Language:

Page 27, after line 41, insert:

"The Commission shall implement Recommendation 2 contained in its 2004 annual report on a pilot basis, in selected judicial circuits. The Commission shall consult with the Department of Corrections in selecting the pilot circuits, in order to coordinate the testing of its risk assessment instrument with the availability of new funds made available under this Act for specific Probation Districts for appropriate alternative sanctions for probation violators identified as posing the lowest risk to public safety."

Explanation:

(This amendment directs the Virginia Criminal Sentencing Commission to implement recommendation 2 of its 2004 Annual Report on a pilot basis, consistent with the availability of new funds for alternative sanctions for probation violators. The intent of the General Assembly is to assure that those judges who will be using the new risk assessment instrument will have access to additional resources for alternative sanctions for probation violators, to the maximum extent possible.)

Public Safety

Secretary Of Public Safety

Language

Language:

Page 382, at the beginning of line 11, insert "A."

Page 382, line 17, strike "October 15" and insert "September 30".

Page 382, line 18, after "FY 2011." insert: "The Secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast through FY 2011, who may be appropriate for alternative sanctions, including return-to-custody facilities."

Explanation:

(This amendment directs the Secretary of Public Safety to complete the offender

population forecast report by September 30 rather than October 15, 2005, and to include an estimate of the number of probation violators included in the forecast.)

Public Safety Subcommittee

Item 403 #2s

Public Safety

Secretary Of Public Safety

Language

Language:

Page 382, at the beginning of line 11, insert "A."

Page 382, after line 44, insert:

"B. The Secretary of Public Safety, in conjunction with the Department of Corrections, shall develop a plan to expand the future availability and utilization of minimum security facilities for sanctions appropriate for probation and parole violators, or other offenders, identified as having low risk of reoffending, consistent with the sentencing guidelines and risk assessment instrument as developed by the Virginia Criminal Sentencing Commission. The plan shall identify potential locations for such facilities, in jails, nonprofit or privately-operated facilities, and shall include recommendations to address the punishment, treatment and other needs for such offenders. In developing this plan, the Secretary shall consult with the State Board of Corrections, the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Commonwealth's Attorneys, the State Compensation Board, the Office of the Attorney General, the Executive Secretary of the Supreme Court of Virginia, the Virginia Indigent Defense Commission, and the Virginia Criminal Sentencing Commission. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2005."

Explanation:

(This amendment directs the Secretary of Public Safety to develop a plan to provide minimum security facilities for offenders who violate the conditions of their probation or parole and are identified as having low risk of reoffending.)

Public Safety Subcommittee

Item 410 #1s

Public Safety

Department Of Corrections, Central
Activities

Language

Language:

Page 386, line 37, after "available" insert ", placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C".

Explanation:

(This amendment requires the Department of Corrections to place a priority on transferring certain inmates from local and regional jails into the state correctional system. The intent of this amendment is to provide another mechanism for relieving local and regional jails of the expense of providing high-cost medications to state-responsible inmates who have been diagnosed and are being treated for HIV, mental illnesses requiring medication, or Hepatitis C.)

Public Safety Subcommittee

Item 410 #3s

Public Safety

Department Of Corrections, Central
Activities

Language

Language:

Page 386, line 54, strike "I" and insert "I.1".

Page 387, after line 9, insert:

"2. The Department, in consultation with the Secretary of Public Safety and the Secretary of Finance, shall develop a plan, consistent with the updated forecast for state and local responsible adult offenders pursuant to Item 403.A. of this act, and consistent with the report of the Secretary of Public Safety pursuant to Item 403.B. of this act, to finance, construct and operate additional correctional facilities for the Department, as required to meet projected bedspace requirements through FY 2011. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2005."

Explanation:

(This amendment directs the Department of Corrections to present a plan to finance, construct and operate additional correctional facilities.)

Public Safety Subcommittee

Item 416 #3s

Public Safety

Division Of Community
Corrections

Language

Language:

Page 390, after line 30, insert:

"5. Culpeper County, in order to proceed in planning for a new local jail facility estimated at 150 beds. Notwithstanding the provisions of Section 53.1-82.3, Code of Virginia, Culpeper County may submit the required community-based corrections plan, facility specifications, and expected financing costs to the Department of Corrections and State Board of Corrections for review prior to March 1, 2006. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2007 session. Included within the required submissions to the Department from Culpeper County shall be a report indicating the costs and benefits to the County of developing a regional jail, and documentation that the County has determined whether or not there is interest among surrounding jurisdictions in developing a regional jail project."

Explanation:

(This amendment permits the Board of Corrections to consider the request for Culpeper County to proceed with planning for a new local jail. The amendment also adjusts the deadline for submission of the required plan for this project to March 1, 2006, and requires the County to study the costs and benefits of a regional jail.)

Public Safety Subcommittee

Item 416 #4s

Public Safety

Division Of Community
Corrections

Language

Language:

Page 391, after line 44, insert:

"G. The Department of Corrections may review the community-based plan, facility specifications, and the expected financing costs, submitted to the Department of Corrections, prior to March 1, 2005, by the Counties of Franklin and Montgomery. Furthermore, the Counties of Franklin and Montgomery may join, either jointly or separately, Roanoke County and the City of Salem in a regional jail project. The Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2006 session."

Explanation:

(This amendment permits the Board of Corrections to consider the request for Franklin County and Montgomery County to join Roanoke County and the City of

Salem in a regional jail project.)

Public Safety Subcommittee

Item 416 #5s

Public Safety

Division Of Community
Corrections

Language

Language:

Page 391, line 9, strike "E" and insert "E.1".

Page 391, after line 18, insert:

2. In the development of the plan as provided in Item 403.B. of this act, the Department shall consult with the following regional jails to determine whether such a minimum security facility might be an appropriate part of the additional capacity as authorized in Paragraph C. of this Item:

- a. The Roanoke County - Salem Regional Jail.
- b. The Riverside Regional Jail.
- c. The Rappahannock Regional Jail.

3. In the development of the plan as provided in Item 403.B of this act, the Department shall consult with the following regional jails to determine whether it may be appropriate for the Department to contract for a portion of the new capacity in these facilities for housing state responsible offenders:

- a. Southwest Virginia Regional Jail.
- b. Middle River Regional Jail.
- c. Clarke-Fauquier-Frederick-Winchester Regional Jail.
- c. Other regional or local jails as the Department may deem appropriate.

4. The Board of Corrections may grant an exception to the provisions of Paragraph B of this Item, for the following regional jails to develop minimum security facilities for housing state-responsible offenders, including probation and parole violators, under contract with the Department of Corrections, consistent with the plan as provided in Item 403.B of this act. The following authorities may submit the required community-based corrections plans, facility specifications, and the expected financing costs to the Department of Corrections by September 1, 2005:

- a. Pamunkey Regional Jail Authority.
- b. Peninsula Regional Jail Authority."

Explanation:

(This amendment directs the Department of Corrections to determine the feasibility of contracting for minimum security facilities and bedspace for selected

state-responsible offenders, including probation and parole violators. This amendment also permits the Board of Corrections to consider certain projects for the Pamunkey and Peninsula Regional Jail Authorities. The intent of the General Assembly is that these projects be consistent with the plan as specified in the companion amendment to Item 403.)

Public Safety Subcommittee

Item 426 #1s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 398, line 4, after "oversee" insert " and conduct".

Page 398, line 8, strike "trainer position" and insert "training coordinator position and the leadership role for developing, implementing, organizing, conducting, and promoting train-the-trainer courses".

Page 398, line 9, strike "other".

Explanation:

(This amendment clarifies administrative responsibilities for the Alzheimer's law enforcement and first responder training program.)

Public Safety Subcommittee

Item 427 #1s

Public Safety

Department Of Criminal Justice
Services

FY 04-05

\$0

FY 05-06

\$900,000 GF

Language:

Page 398, line 13, strike "\$29,198,089" and insert "\$30,098,089".

Page 398, line 23, insert "A."

Page 398, after line 29, insert:

"B. 1. Included in this appropriation is \$900,000 the second year from the general fund for the Virginia Institute of Forensic Science and Medicine. Prior to the release of these funds, the Governor shall approve a memorandum of understanding between the Division of Forensic Science and the appropriate state agencies and institutions, setting forth the terms and conditions for the operation of the institute. Copies of this memorandum shall be provided to the Auditor of Public Accounts and the Chairmen

of the Virginia State Crime Commission and the Senate Finance and House Appropriations Committees, prior to the release of these funds.

2. The Division of Forensic Science shall require the development and use of an employment contract to specify that student fellows receiving stipends pursuant to this Item shall agree to work for the Division of Forensic Science for at least two years following the completion of their certification program. The Division shall consult with the Office of the Attorney General in the development of such contract."

Explanation:

(This amendment provides \$900,000 the second year from the general fund for the Virginia Institute of Forensic Science and Medicine to train and certify forensic scientists for the state forensic laboratory.)

Public Safety Subcommittee

Item 427 #6s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 398, line 23, insert "A."

Page 398, after line 29, insert:

"B. The Secretary of Public Safety shall prepare a report on the transition of the Division of Forensic Science into a new Department of Forensic Science, consistent with Senate Bill 1153, as adopted by the 2005 General Assembly. The report shall address the administrative requirements for the new agency, including a memorandum of understanding for the new department to contract with the Department of Criminal Justice Services for administrative support services for an interim period. The report shall also include a memorandum of understanding to set forth the appropriate roles and responsibilities of the Virginia Institute of Forensic Science and Medicine and the relevant state agencies and institutions with which it cooperates. Copies of this report shall be provided by May 1, 2005, to the Auditor of Public Accounts and the Chairmen of the Virginia State Crime Commission and the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment directs the Secretary of Public Safety to prepare a report on the transition of the Division of Forensic Science into a new Department of Forensic Science. This amendment is contingent upon final passage of Senate Bill 1153, which creates the new department.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 398, at the beginning of line 23, insert "A."

Page 398, after line 29, insert:

"B. 1. The Governor shall prepare a plan to provide for the site selection, planning and construction of a replacement Northern Virginia Forensic Laboratory, to be located at or adjacent to the Prince William Institute of George Mason University or in the adjacent Prince William Innovations technology park. The Governor shall provide copies of this plan to the Chairmen of the Senate Finance and House Appropriations Committees on or before December 1, 2005.

2. The plan shall specifically consider the feasibility of entering into public-private partnerships, including a comprehensive agreement with a private entity, for the completion of such project pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (Section 56-575.1 et seq. of the Code of Virginia). The Department of General Services and other state agencies and institutions shall cooperate in the development of this plan, as needed."

Explanation:

(This amendment authorizes the Governor, through the Department of General Services, to initiate plans for a public-private partnership to develop the new Northern Virginia Forensic Laboratory project, to be located at the Prince William Institute of George Mason University or in the adjacent Prince William Innovations technology park.)

Public Safety

Department Of Fire Programs

FY 04-05
(\$1,000,000)

FY 05-06
\$0 GF

Language:

Page 404, line 16, strike "\$20,373,574" and insert "\$19,373,574".

Page 404, strike lines 26-40 and insert:

"A. There is hereby created on the books of the Comptroller a special fund which

shall be known as the Staffing for Adequate Firefighters and Emergency Response (SAFER) Matching Grant Fund. Included within this appropriation is \$250,000 the first year from the general fund which shall be deposited into this fund.

1. The Department of Fire Programs shall develop a plan to allocate these funds to localities in the form of a reimbursement for the first year local matching requirement for federal grants which may be made available to fire departments in Virginia under the SAFER program.

2. The state reimbursement to localities shall be limited to the first year matching requirement of 10 percent, after which the participating localities shall assume the matching costs as specified by the federal grant requirements.

3. The Department shall provide a report on expected expenditures from this fund to the Chairmen of the Senate Finance and House Appropriations Committees prior to the 2006 Session of the General Assembly."

Explanation:

(This amendment creates a special fund to reimburse localities for the local share of a new federal grant program to encourage localities to hire more firefighters. The amendment limits the Commonwealth's contribution to the first year local matching share, after which the participating locality would assume the increasing cost of the new firefighters. This amendment also caps the state contribution to the program in the second year at \$250,000. This cap is based on three factors: (i) the actual Congressional appropriation of \$65 million for the first year of the program; (ii) the best estimate of the share of this federal appropriation which will likely be awarded to localities in Virginia, which will probably not exceed 3.5 percent or about \$2.3 million; and (iii) the 10 percent local matching requirement the first year, which is estimated to be \$250,000. Over the succeeding four years the local contribution will increase from 10 to 20 to 50 to 70 to 100 percent of the cost of the new firefighters.)

Public Safety Subcommittee

Item 443 #3s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 408, line 1, strike "A" and insert "A.1".

Page 408, after line 11, insert:

"2. The following project is hereby exempted from the provisions of Paragraph A.1 in order to proceed to planning, subject to the review and approval of the Board of Juvenile Justice:

a. The Colonial Group Home Commission, for the Crossroads Community Group Home."

Explanation:

(This amendment provides an exemption for the Colonial Group Home Commission (serving Gloucester, James City and York Counties and the City of Williamsburg) from the moratorium on approval by the Board of Juvenile Justice of capital projects requiring state financial participation, so that the Crossroads Community Group Home replacement project may proceed. It is the intention of the General Assembly that the Commonwealth will reimburse the Colonial Group Home Commission for up to 50 percent of the capital cost of this project, subject to the review and approval of the Board of Juvenile Justice.)

Public Safety Subcommittee

Item 454 #2s

Public Safety

Department Of State Police

Language

Language:

Page 413, following line 16, insert:

"D. The Department of State Police, Virginia Criminal Information Network (VCIN) personnel, related equipment and VCIN activity is hereby transferred from the Virginia Information Technologies Agency to the Department of State Police."

Explanation:

(This amendment exempts Virginia Criminal Information Network (VCIN) personnel, related equipment and activity at the Department of State Police from the Virginia Information Technologies Agency.)