

Public Safety

Amendments to the 2004-06 budget for public safety result in a net increase of \$19.7 million GF and \$96.8 million NGF compared to the 2004-06 adopted budget. General fund actions include increases of \$21.2 million and decreases of \$1.5 million, while nongeneral funds include increases of \$97.0 million and decreases of \$0.2 million.

A series of amendments totaling \$7.5 million (including capital outlay) is included for the Division of Forensic Science, which will become a separate agency on July 1, 2005. The amendments provide: 34 new forensic scientists to address case backlogs; funds to address salary compression and market competition; restoration of funds for the Institute for Forensic Science and Medicine; a new mitochondrial DNA testing program; expansion of the Eastern laboratory in Norfolk; and, land for a replacement laboratory in Northern Virginia.

The new State Police Headquarters addition is expected to open in December 2005. Five new positions are provided for the Department of Emergency Management and eight for the Department of State Police to staff the Emergency Operations Center and the Fusion Center in this facility.

An additional \$1.2 million GF is provided for National Guard tuition assistance, recruitment incentives, maintenance of armories, and the Commonwealth Challenge program at Camp Pendleton.

A series of amendments totaling \$1.7 million GF is included for intermediate sanctions for probation violators, including return-to-custody centers, day reporting centers and home electronic monitoring.

Additional funds are provided for the expanded utilization of Culpeper Juvenile Correctional Center, in tandem with the temporary closure of the Barrett Juvenile Correctional Center in Hanover County. A new gang law enforcement initiative includes funds for training Commonwealth's Attorneys and juvenile correctional center staff, and 12 State Police Special Agents (to backfill positions previously assigned to this effort).

Significant nongeneral fund amendments include \$65.4 million NGF for the Department of Alcoholic Beverage Control for purchase of additional product for sale and additional store staffing costs, as well as an increase of \$8.0 million NGF in Virginia Correctional Enterprises which reflects increased sales of prison-made goods or services. Also, projected revenues for the Fire Programs

Fund are increased by \$4.0 million NGF. Finally, increased federal revenues for the Department of Military Affairs total \$9.5 million NGF.

- **Secretary of Public Safety**

- *Fully Budget Operating Expenses.* Includes \$33,590 GF the first year and \$58,783 GF the second year to accurately reflect the operating budget of the Office of the Secretary of Public Safety. This is a technical amendment to reflect recent findings by the Auditor of Public Accounts and is one of several affecting the Office of the Governor and the Cabinet Secretaries.
- *State Responsible Offender Forecast.* Includes language requiring that the forecast include the projected number of probation violators who may be appropriate for alternative sanctions, and requires the forecast report be submitted by September 30.
- *Plan for Minimum Security Facilities.* Provides language requiring the Secretary to prepare a plan to expand the future availability and utilization of minimum security facilities for sanctions for probation violators or other low-risk offenders. The plan is to identify potential locations for such facilities, including jails.

- **Commonwealth's Attorneys Services Council**

- *Prosecution of Gang-Related Crimes.* Provides \$75,600 GF and one position the second year for training Commonwealth's Attorneys and local law enforcement officials in the prosecution of gang-related crimes.

- **Department of Alcoholic Beverage Control**

- *Purchase of Merchandise for Resale.* Includes \$19.1 million NGF the first year and \$44.7 million NGF the second year for purchase of increased quantities of merchandise for resale.
- *Sunday Store Operations.* Includes \$379,653 NGF the first year and \$398,128 NGF the second year and one position to support increased operating costs on Sundays at certain stores.
- *Additional Store Management Positions.* Provides \$756,958 NGF the second year for additional store management positions required due to an increase in the number of ABC retail outlets.

- *Transfer to the Governor's Office.* Includes language directing the department to transfer \$35,000 NGF each year to the Governor's Office of Substance Abuse Prevention to support a portion of the salary of one position for which federal funds are not available.
- **Department of Correctional Education**
 - *Offender Re-entry Program.* Provides \$549,000 GF the second year to support nine additional teachers for GED and vocational programs in prison to better prepare inmates for employment upon release into the community.
- **Department of Corrections (Central Activities)**
 - *Environmental Deficiencies.* Provides \$288,589 GF and five positions the second year to create a new pollution prevention unit, as required in a consent agreement with the U.S. Environmental Protection Agency (EPA). This unit will oversee compliance with federal and state environmental regulations, and will ensure that correctional facility staff are properly trained in the documentation and handling of the various waste streams and hazardous materials which those facilities use and generate.
 - *Corrections Construction Corps.* Includes a technical adjustment to increase the appropriation by \$1.5 million NGF the second year for the inmate capital construction unit, to reflect anticipated revenues and expenditures.
 - *Transfer to VITA.* Provides for the transfer of 58 positions the second year to the Virginia Information Technologies Agency (VITA) as part of the consolidation of these functions in the executive branch.
 - *Priority for Transferring Inmates.* Includes language requiring the department to give priority in transferring inmates from jail into the state system, to those inmates with HIV, mental illness requiring medication, and Hepatitis C.
 - *Research and Evaluation.* Provides \$130,000 GF and two positions the second year to support research and program evaluation activities.
 - *Additional Prison Construction.* Includes language reaffirming the decision of the 2004 General Assembly that the first priority for

locating an additional prison will be the Mount Rogers Planning District, followed by Charlotte County. The department is directed to provide a plan for financing additional construction, based on the next update of the offender forecast and on the projected availability of alternative minimum security facilities for probation violators and other lower-risk offenders.

- **Department of Corrections (Division of Institutions)**
 - *Correctional Enterprise Revenue.* Includes a technical adjustment to increase the appropriation for Virginia Correctional Enterprises by \$8.0 million NGF the second year to reflect the anticipated increase in sales revenue and expenditures.
 - *Virginia Correctional Center for Women.* Provides \$208,416 GF and five positions the second year to re-open a previously-closed housing unit at VCCW to expand capacity for female offenders by 50 beds.
 - *Faith-Based Services.* Provides an additional \$200,000 NGF the second year from commissary profits for expansion of faith-based services on a contractual basis. Language is included directing the department to study alternative sources of funding for these activities.
 - *Corrections Special Reserve Fund:* Includes \$395,052 GF the second year as required by Section 30-19.1:4, Code of Virginia, for the corrections bedspace impact of criminal sentencing legislation:
 - House Bill 2248, regarding elimination of the spousal exception in certain sexual offenses; and,
 - House Bill 2564, regarding penalties for sexual offenses committed by step-parents against their step-children.
- **Department of Corrections (Division of Community Corrections)**
 - *Replacement of Federal Funds.* Provides \$200,171 GF the second year to assume the cost of the federally-funded Residential Substance Abuse Treatment (RSAT) program at St. Brides Correctional Center. The budget reduction in this federal grant program has been greater than expected.
 - *Home Electronic Monitoring.* Includes \$100,000 GF the second year to expand the use of home electronic monitoring by district

probation offices. This is one of a series of amendments to enhance the supervision of technical probation violators.

- ***Return-to-Custody Programs.*** Provides \$270,400 GF the second year to support a pilot treatment program in up to 13 selected jails for technical probation violators. These funds may be used to contract for treatment services with local Community Services Boards (CSBs). Under this program, following a revocation hearing technical violators will be committed to jail for 30 days. This is one of a series of amendments, including:
 - Language directing DOC to enter into agreements with sheriffs in the participating localities to set the rate for housing the technical violators in the pilot programs. The language states that the rate shall be no higher than existing rates authorized in the act;
 - Language directing the department to convert an existing detention or diversion center into a return-to-custody facility for at least 100 offenders, for residential supervision for 30-60 days, as specified by the judge;
 - Language directing the department to consult with a number of regional jails to determine the feasibility of contracting with those jails to develop return-to-custody facilities for state-responsible offenders; and,
 - Language permitting the Pamunkey Regional Jail Authority and the Virginia Peninsula Regional Jail Authority to submit proposals to the Board of Corrections for minimum-security facilities for probation violators.

- ***Day Reporting Centers.*** Provides \$799,995 GF and 15 positions the second year. This is one of a series of amendments to enhance the supervision of probation violators. The recommended funding includes \$658,486 GF to establish two new day reporting centers (including one in the probation district serving the City of Winchester), and \$141,509 GF to add one psychologist position to expand the capacity of an existing day reporting center.
 - Language is included which directs DOC to review the treatment services provided by the centers to reflect evaluation research results, and to eliminate those treatment approaches which have shown to be ineffective.

- ***Jail Construction Authorization.*** Includes language permitting the Board of Corrections to consider the following projects:
 - The Roanoke County-Salem Regional Jail, to construct a new facility;
 - Franklin and Montgomery Counties, to join Roanoke County and Salem in their regional project;
 - Culpeper County, to construct a new local jail facility, based on a report indicating the costs and benefits of a regional facility, and documentation that the county has determined whether or not there is interest among the surrounding jurisdictions in developing a regional jail project; and,
 - Loudoun County, to expand the scope of its current construction project to meet anticipated needs.
- **Department of Criminal Justice Services**
 - ***House Bill 599.*** Provides \$4.2 million GF the second year for state aid to localities with police departments. The actual expenditure for FY 2004 was \$168.8 million. The appropriation for FY 2005 is \$177.6 million. With the adopted increase, the appropriation for FY 2006 is \$191.3 million, which represents an increase of 7.78 percent over the appropriation for FY 2005.
 - ***Drug Court Transfer.*** Transfers \$520,000 GF the second year from this agency to the Supreme Court to support drug courts.
 - ***Creation of New Department of Forensic Science.*** Includes language directing 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, effective July 1, 2005, pursuant to SB 1153 and HB 2216 of the 2005 Session. The report is to include:
 - Necessary administrative arrangements, including provision of support services by the Department of Criminal Justice Services for an interim period, and,
 - A memorandum of understanding on the operations of the Institute of Forensic Science and Medicine, which trains and certifies graduate students to be forensic scientists

- ***Additional Forensic Positions.*** Provides \$1.8 million GF and 34 positions the second year for the Division of Forensic Science to reduce the backlog of cases to be analyzed.
- ***Salary Adjustments.*** Includes \$1.0 million GF the second year for salary compression and market competition for scientific positions in the new Department of Forensic Science.
- ***Director of Administration.*** Adds \$130,000 GF the second year for a new director of administration for the new department.
- ***Institute of Forensic Science and Medicine.*** Restores \$900,000 GF the second year to increase the number of graduate students in the training and certification program to 25, which is the capacity of the program. Language directs the institute to require the fellows to work for the agency for a minimum of two years.
- ***Mitochondrial DNA Testing.*** Includes \$376,000 GF and three positions the second year to establish a new mitochondrial testing laboratory. This will provide a much more detailed analysis of DNA strands than is possible with current equipment.
- ***Eastern Forensic Laboratory.*** Includes \$54,000 GF the second year, along with a companion capital outlay amendment of \$1.2 million, to enable the Division of Forensic Science to lease additional laboratory space for the Eastern laboratory in Norfolk. The capital amendment will enable the division to build out an additional 6,000 square feet of leased space.
- ***Northern Virginia Forensic Laboratory.*** Includes a capital amendment of \$2.0 million GF the first year to purchase land for a replacement laboratory in Prince William County. Language authorizes the Governor to initiate a public-private partnership to develop this project.
- ***Law Enforcement Terrorism Prevention Grant.*** Provides \$246,040 NGF and two positions to administer a new federal grant program that will provide equipment, training, and other assistance to state and local law enforcement agencies for terrorism prevention.
- ***Law Enforcement Training Academies.*** Adds \$274,385 GF the second year to restore the regional academies to the level of state support provided in fiscal year 2001. Also, includes a technical

adjustment of \$558,203 NGF the second year to reflect the anticipated level of special fund revenues from court fees.

- ***Local Responsible Community Corrections.*** Provides an additional \$500,000 GF the second year for local community corrections and pre-trial release programs to reduce jail crowding.
 - ***Pre- and Post-Incarceration Services.*** Provides \$371,507 GF the second year for programs that increase the opportunities for successful re-integration of offenders into the community, through structured pre-and post-incarceration programs. A \$1.5 million earmark of federal funds for this purpose is anticipated.
 - ***Bail Bondsmen.*** Includes \$367,220 NGF and three positions to support the new program for the regulation and oversight of bail bondsmen. The special funds are provided from fees.
 - ***Fairfax Partnership on Youth.*** Adds \$75,000 GF the second year for a grant to the Fairfax Partnership on Youth for anti-gang efforts.
 - ***Alzheimer’s Training.*** Includes \$25,000 GF and one position the second year to convert an hourly position to full-time status and to expand the responsibilities of this position. This change will enable the program to expand training to fire and emergency medical services personnel on the recognition of persons with Alzheimer’s disease. Language is included which clarifies that participating first responder agencies will provide other support as needed (for example, by paying fees for training materials).
- **Department of Emergency Management**
 - ***Fusion and Emergency Operations Centers.*** Provides \$483,598 GF and six positions the second year for intelligence and emergency services coordination. This includes \$331,998 GF and one position for the new Emergency Operations Center, and \$151,600 GF and five positions (for six months only, to staff one 24-7 post) for the new Fusion Center, located in the new addition to State Police Headquarters.
 - ***Mitigation Planning.*** Provides one position to establish a full-time coordinator to manage all mitigation planning activities statewide. This position will also be responsible for training local government officials and developing the Commonwealth’s Hazard Mitigation Plan. The position will be supported with federal funds.

- *2005 National Boy Scout Jamboree.* Includes \$40,000 GF the second year to support law enforcement, traffic management, fire suppression, emergency medical services, and overall incident management coordination for the national jamboree, which has been held at Fort A. P. Hill every four years since 1981.
- **Department of Fire Programs**
 - *Dry Hydrant Program.* Includes a technical reduction of \$100,000 NGF to transfer the appropriation for the dry hydrant program to the Department of Forestry. A companion amendment is included for this purpose in the Department of Forestry.
 - *Fire Programs Fund.* Increases the appropriation for the Fire Programs Fund by \$2.0 million NGF each year to more accurately reflect revenues collected by the State Corporation Commission from property insurance companies doing business in Virginia.
 - A language amendment was adopted during the reconvened session on April 6, 2005, that authorizes the Virginia Fire Services Board to increase the minimum level of funding for cities, counties and towns as revenues increase. With this language, the board may increase the minimum payments from \$4,000 for towns and \$10,000 for cities and counties, to \$6,000 and \$12,000, respectively.
 - *Curriculum Development Specialist.* Provides \$78,860 NGF and one position the second year to add a full-time curriculum development specialist position.
 - *Fire Data Research Analyst.* Provides \$63,167 NGF and one position the second year to add a full-time data research analyst to study and report on statewide fire trends.
 - *SAFER Grant Program.* Includes language capping the state's contribution to the Staffing for Adequate Firefighters and Emergency Response (SAFER) federal grant program. The SAFER program provides federal grants for localities to hire additional first responders. The local match requirement increases from ten percent the first year to 100 percent the fifth year of the program.
 - Language is included to establish a special fund to reimburse localities for the first year match, and to require the department to report on expected expenditures.

- The estimated funding required the first year of the program is \$250,000, so the appropriation of \$1.25 million GF in the introduced budget is reduced by \$1.0 million.
- **Department of Juvenile Justice**
 - *Reorganization of Juvenile Correctional Centers.* Includes \$1.2 million GF and \$1.0 million NGF the second year to make better use of existing space at the state juvenile correctional centers, based on a plan required by the 2004 General Assembly that called for utilization of space based on current and projected juvenile offender population levels.
 - A language amendment provides that the agency may “mothball,” or temporarily close the Barrett Juvenile Correctional Center in Hanover County, as of July 1, 2005. The savings from this action are needed because the agency has been operating eight secure facilities with a budget for only seven since the budget cutbacks approved in 2002.
 - The \$1.0 million NGF is from special fund balances from fees charged localities for housing juveniles at Culpeper. These funds will be used to equip the housing units at Culpeper to provide for expanded utilization. Culpeper would house older, more violent male juveniles under this plan.
 - The proposed plan will provide compliance with federal requirements for sight and sound separation of offenders age 18 and over who are convicted in Circuit Court, from younger offenders or those convicted in juvenile court.
 - The proposed plan will also provide a 4.5 percent pay differential for security staff at Culpeper Juvenile Correctional Center, the same as that which is provided at Beaumont.
 - The female offenders currently housed at Culpeper would be transferred back to Bon Air Juvenile Correctional Center.
 - Language is added directing the department to consult with the Department of Human Resources Management on workforce issues, and to report on the status of the plan.
 - *Security Enhancements.* Provides \$89,862 GF the second year for the state share of the cost of security enhancements at three local

secure detention facilities, including James River, Chesterfield Group Home, and Tidewater Juvenile Detention.

- ***Gang Response Training Position.*** Provides \$64,985 GF and one position to provide training to enable security staff to identify and intervene with gang members inside juvenile correctional centers, and to develop a plan to counter gang activities among juvenile offenders in the community.
- ***Crossroads Group Home.*** Permits the Board of Juvenile Justice to consider state reimbursement for a capital project for the Colonial Group Home Commission to replace the Crossroads Community Youth Home (serving Gloucester, James City and York Counties and the City of Williamsburg).
- ***Information Technology Positions.*** Transfers 15 positions the second year to the Virginia Information Technologies Agency (VITA) as part of the consolidation of information technology activities in the executive branch.
- ***Eliminate Nongeneral Funds.*** Includes a technical amendment to eliminate a nongeneral fund appropriation from drug offender assessment fees eliminated in an earlier round of budget cuts.
- **Department of Military Affairs**
 - ***Federal/State Cooperative Agreements.*** Includes \$2.8 million NGF each year from federal funds. This is a technical adjustment to increase spending authority for federal funds for environmental services, security and other support costs for Fort Pickett.
 - ***Security Positions.*** Provides \$2.9 million NGF and 70 positions for security at Fort Pickett and Camp Pendleton.
 - ***Armory Maintenance and Repair.*** Provides \$344,002 GF the second year for routine maintenance and repairs at armories statewide, to increase the maintenance budget to \$2 per square foot.
 - ***Maintenance Positions.*** Provides \$26,375 GF and \$79,125 NGF and two positions the second year for one buildings and grounds superintendent and one trades technician. The superintendent will oversee all service contracts related to base maintenance.
 - ***Commonwealth Challenge.*** Includes an additional \$389,536 GF and \$360,000 from federal funds the second year to increase enrollment

at the Commonwealth Challenge program at Camp Pendleton in Virginia Beach.

- ***Recruitment Incentive Bonus.*** Adds \$95,200 GF the second year for a new recruitment incentive program that will provide bonuses of \$200 to Virginia National Guard recruits who successfully recruit another person to join the National Guard.
 - ***Tuition Assistance.*** Provides an additional \$650,000 GF the second year for National Guard tuition assistance, to meet the expected increase in demand for college tuition by members of the guard who are returning from active duty.
 - ***Billeting Fund.*** Includes a technical amendment of \$267,568 NGF each year to increase the appropriation authority for the billeting fund at Fort Pickett. The funds are paid by National Guard units from out-of-state who come to Fort Pickett for military training.
 - ***Life Insurance Benefit.*** Includes an amendment (in Economic Contingency, Item 506) adopted during the reconvened session on April 6, 2005, to provide \$350,220 to pay the employee share of the premiums for the \$250,000 federal military life insurance benefit on behalf of all soldiers deployed with the Virginia National Guard.
- **Department of State Police**
 - ***Network Operations Center.*** Proposes \$176,715 GF and six positions the second year to staff the Statewide Agencies Radio System (STARS) Network Operations Center that is scheduled to come on-line by December 2005. These positions will support one 24 hours per day, 7 days per week post, and will monitor and manage the STARS system.
 - ***Fusion Center.*** Recommends \$292,502 GF the second year and eight positions to staff the new Fusion Center in the new addition at State Police Headquarters. These Special Agent positions will support one 24 hours per day, 7 days per week post, and one 16 hours per day, 7 days per week post. The agents will monitor intelligence for criminal and terrorism investigations.
 - ***Increased Operating Costs.*** Provides \$979,162 GF the second year for increased operating costs. This includes funding to address cost increases in gasoline, workers compensation, and aviation insurance premiums.

- ***Gang Law Enforcement and Investigation.*** Recommends \$951,305 GF and 12 positions the second year to phase-in the Gang Reduction Initiative. These positions will be based in the Salem, Culpeper, Chesapeake and Richmond Divisions (three each). These positions will back-fill existing Special Agent positions which have already been assigned to this initiative.
- ***Occupational Safety.*** Provides \$62,429 GF the second year to replace a federal grant which is expiring in March 2005. The federal grant supported a mandated respiratory program, which is intended to ensure that law enforcement officers are provided the proper education and equipment to respond safely in potentially hazardous biological situations.
- ***Asset Forfeiture.*** Includes a technical adjustment of \$100,000 NGF the second year to reflect the interest on drug investigation trust accounts and state and federal asset forfeitures.
- ***Transfer to VITA.*** Provides for the transfer of 14 positions the second year to the Virginia Information Technologies Agency (VITA) as part of the consolidation of these functions in the executive branch.
- ***Traffic Enforcement.*** Includes \$110,000 GF the second year for overtime for State Troopers to increase traffic enforcement on Interstate 81. Language directs the department to provide a report on this effort.
- ***Med-Flight Operations.*** Language directs the department to review the use of rescue squad assistance funds for aviation (Med-Flight) operations, and to provide a report.
- ***STARS.*** Includes an additional \$250,000 GF the second year for operating expenses associated with project management for the State Agencies Radio System (STARS) project.
 - The remaining \$2,260,000 GF second year appropriation which had been included in Central Accounts is transferred to the State Police operating budget. Accordingly, the total amount for STARS operating expenses is \$2,510,000 GF the second year, included in the State Police budget.