



Report of the Subcommittee on
Public Safety

Senate Finance Committee
Virginia General Assembly

February 6, 2011

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY

On Senate Bill 800, as Introduced
(February 6, 2011)

Mr. Chairman and Members of the Committee:

Your subcommittee has reviewed the provisions of Senate Bill 800, the budget bill, as introduced, for the Office of Public Safety.

The past few years have been extremely difficult ones for our state and local agencies that are responsible for protecting public safety. There is no doubt the reductions we have imposed have affected core services, but the agencies have tightened their belts, imposed hiring freezes, cut non-essential spending, and have become leaner and more efficient. These steps are a testament to the outstanding management we are fortunate to have in Virginia, and the loyal state and local employees who have shouldered additional workload in these challenging times.

But make no mistake. We have reduced core services and there are now significant gaps in our budget that we must address. Our report today will address the most critical of these gaps.

We strongly endorse the efforts of the Governor and the Secretary of Public Safety to improve prisoner reentry. Almost all of the inmates in the Department of Corrections are eventually going to be released back into the community, and we support the addition of 45 new probation officers to reduce the chances that these former inmates will commit additional crimes and return to prison. Virginia's three-year recidivism rate is just over 27 percent – one of the lowest rates among those states that measure recidivism in the same manner – but we can do better. This is smart government.

We also recommend additional studies to explore ways to provide lower-cost options for the increasing numbers of geriatric inmates. This is an important priority for this subcommittee.

This year we welcome a new director for the Department of Corrections, Harold Clarke, so this is a good time to take stock of where we are, and what we need to do to maintain a safe, secure, and effective correctional system for the future.

The department has closed eight facilities over the past two years, and is about to close one more. We support the closure of James River Correctional Center as of April 1, but we believe the time has come to begin replacing those beds by phasing-in the new, more efficient facility which has just been completed in Grayson County. The department has maintained over 800 temporary, emergency beds for almost ten years, on top of a very high level of double-bunking in its dormitory units. We should not expect the department to maintain this level of pressure in the system on a permanent basis.

By phasing-in the new facility at Grayson County, we will create 232 new jobs in an area with high unemployment and population loss, in addition to providing a positive impact on the private economy in the region.

We have also seen significant downsizing in the Department of Juvenile Justice, where we welcome the new director, Helivi Holland. This agency has closed two facilities, and we recommend language to consider the closure of one more. We believe the savings from this closure can be redirected to several of our regional or local secure juvenile detention facilities, in order to provide transitional and reentry services on a regional basis - closer to the communities to which the juvenile offenders will be returning.

We recommend the restoration of \$2.5 million for the Virginia Juvenile Community Crime Control Act (VJCCCA), which will still be 14.4 percent below the actual level from fiscal year 2008. This program provides grant allocations to localities for juvenile diversion and crime control programs, which have helped keep down the population growth in our state juvenile facilities. We are getting close to the point that many localities will be shutting down these valuable programs due to lack of funds.

The Department of State Police currently has a vacancy rate of almost 13 percent in sworn positions, so we support the addition of funds in the introduced budget to accelerate the opening of the new Basic Trooper Schools.

The House Bill 599 program of state aid to localities with police departments is very important to us. The total amount of aid for the current fiscal year 2011 is \$178.7 million, but last year we left a huge second year hole in the budget, with the fiscal year 2012 amount dropping to \$160.0 million. Accordingly, we recommend level funding in the second year, so our amendment would restore \$18.7 million in fiscal year 2012. This action will be of great help to our localities in balancing their budgets for next year and maintaining their local police forces.

We are a nation at war, and we are grateful for the continued sacrifices of the men and women in the Virginia National Guard and Air National Guard. We welcome our new Adjutant General, Major General Chip Long, and we support the funds in the budget, as introduced, for maintenance of our National Guard armories.

We also recommend restoring funds to fill seven vacant positions in the Department of Veterans Services, and to provide security and enhance the programs at the new Paul and Phyllis Galanti Education Center at the Virginia War Memorial.

I want to close by recognizing the outstanding work being done in our public safety agencies at both the state and local level to keep Virginians safe. The men and women on the front line in adult and juvenile corrections, law enforcement, fire and emergency services, and in the Virginia National Guard and Air National Guard, and in Veterans Services, stand ready to serve. They deserve our sincere thanks for their dedication to public service.

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

Respectfully Submitted,

The Honorable Janet D. Howell, Chairman

The Honorable Walter A. Stosch

The Honorable Frederick M. Quayle

The Honorable Thomas K. Norment, Jr.

The Honorable Henry L. Marsh, III

The Honorable L. Louise Lucas

The Honorable William Roscoe Reynolds

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY

(Proposed Amendments to SB 800, As Introduced, 2011 Session)

Amendment	General Funds		
	FY 2011	FY 2012	Biennium
1 Department of Correctional Education			
2 DCE: Open DCE school for the new Grayson County correctional center (12 FTE)		1,000,000	1,000,000
3 Department of Corrections			
4 DOC: Open Grayson County prison, phase-in first 2 of 4 housing units (220 FTE)		12,000,000	12,000,000
5 DOC: Savings from closing James River Correctional Center in FY 2011 (1,300,000)	(1,300,000)	(200,000)	(1,500,000)
6 DOC: Restore payments in lieu of taxes to FY 2010 level and localities		1,221,831	1,221,831
7 DOC: Section 30-19.1:4 impact of SB 745 -- synthetic marijuana		50,000	50,000
8 DOC: Section 30-19.1:4 impact of SB 772 -- assault of fire marshal		75,543	75,543
9 DOC: Section 30-19.1:4 impact of SB 904 -- assault of family member		50,000	50,000
10 DOC: Section 30-19.1:4 impact of SB 1185 -- certain sex offenses		50,000	50,000
11 DOC: Section 30-19.1:4 impact of SB 1222 -- stalking, protective orders		93,767	93,767
12 DOC: Inmate food services vocational program, \$150,000 NGF (Gov)		Language	
13 DOC: NGF appropriation for inmate medical records (Gov; technical)		Language	
14 DOC: Follow-up 2010 Board of Corrections report on jail double-bunking capacity		Language	
15 DOC: Board of Corrections approval of temporary jail facilities, with certain restrictions		Language	
16 DOC: Distribution of report on controlling inmate health care costs		Language	
17 DOC: Task Force on alternative parole release facilities for geriatric inmates		Language	
18 Department of Criminal Justice Services			
19 DCJS: HB 599: Level funding (increase FY 2012 from \$160 to \$178.7 million)		18,673,282	18,673,282
20 DCJS: HB 599: Level funding for each local allocation		Language	
21 DCJS: HB 599: Allocation for the new City of Alleghany Highlands, if approved by referee		Language	
22 DCJS: Law enforcement training grant to VCPI for in-person and photo line-ups; federal		Language	
23 DCJS: Law enforcement training grant to VCPI for high-speed pursuit driving; federal fur		Language	
24 DCJS: Drive to Work Program; federal funds		Language	
25 DCJS: Regional law enforcement training academies (review of fiscal condition and outk		Language	
26 DCJS: Hampton Police Training Academy - approve separation from HR regional acade		Language	
27 Department of Juvenile Justice			
28 DJJ: Partially restore Virginia Juvenile Community Crime Control Act (VJCCCA) grants		2,521,000	2,521,000
29 DJJ: Provide flexibility for VJCCCA local match requirement		Language	
30 DJJ: Plan for closing one state juvenile facility and regionalizing transitional services		Language	
31 Department of State Police			
32 DSP: State Trooper overtime (Gov)		2,988,795	2,988,795
33			
34			

	Amendment	General Funds		
		FY 2011	FY 2012	Biennium
35				
36				
37				
38	Department of State Police (Continued)			
39	DSP: STARS maintenance positions, move NGF to GF (Gov; technical)		Language	
40	DSP: Move NGF appropriation reduction to correct program (Gov; technical)		Language	
41	DSP: Study feasibility of alternative NGF funding sources for Aviation Unit		Language	
42	Department of Veterans Services			
43	DVS: Fill 7 vacant positions in regional offices		402,403	402,403
44	DVS: Virginia War Memorial, security and operating expenses		150,000	150,000
45	DVS: Pilot local veterans services office (SB 1357)		50,000	50,000
46				
47	TOTAL (Part 1: Operating Expenses)	(1,300,000)	39,126,621	37,826,621
48				
49	Part 2: Capital Outlay			
50	DOC: Wastewater treatment plant, Augusta Correctional Center (\$11.5 million VPBA bond authorization)			
51	DOC: Wastewater treatment plant, Augusta Correctional Center (Language)			
52	DOC: New water line on Route 6 from DOC water treatment plant to Town of Goochland (\$1,927,000 GF)			

Public Safety

Department Of Corrections

Language

Language:

Page 321, following line 51, insert:

"3. The Board of Corrections may grant approval for the utilization by regional and local jails of temporary housing units, subject to the application of the Board's standards for community custody. Based on the application of these standards, the Board may grant temporary approval, for a period of up to five years, for temporary housing units to be constructed or installed at regional or local jails, subject to the following conditions: (i) the temporary units shall house only outside workforce (outside trustees), work and study release, and weekender inmates; (ii) temporary housing units shall not exceed 20 percent of a facility's rated capacity; (iii) no state reimbursement shall be provided for the capital cost of such temporary units; (iv) such temporary units may not be used to house inmates other than Virginia state- or local-responsible offenders, nor shall federal or other non-Virginia inmates comprise more than ten percent of the jail's overall rated capacity; (v) the Department of Corrections shall conduct at least one inspection of the facility each year; and (vi) the five-year approval period may not be extended without an exemption from the General Assembly. As part of the report provided as of October 1 of each year pursuant to Paragraph B. of this item, the Board of Corrections shall provide information on any temporary facility approvals granted pursuant to this paragraph."

Explanation:

(This amendment provides the Board of Corrections with authority to grant approval for regional or local jails to add temporary housing units, subject to certain conditions. This is intended to encourage jails to pursue the least restrictive and least costly construction options that still provide for an appropriate level of security, for Virginia state- or local-responsible offenders.)

Public Safety

Department Of Corrections

Language

Language:

Page 322, line 13, strike "A report on this revised measure of jail capacity" and

insert: "A report including the double-bunking capacity, as well as the standard Board of Corrections measure of rated capacity, for each jail,".

Page 322, line 15, strike "October 15, 2010" and insert "October 1 of each year."

Explanation:

(This amendment directs the Board of Corrections to report each year on the double-bunking capacity of regional and local jails in Virginia. A preliminary study was completed during 2010.)

Item 379 #1s

Public Safety	FY 10-11	FY 11-12	
Department Of Corrections	\$0	\$12,000,000	GF
	0.00	220.00	FTE

Language:

Page 322, line 48, strike "\$827,716,927" and insert "\$839,716,927".

Page 325, following line 33, insert:

"P. 1. Included in this appropriation is \$12,000,000 from the general fund the second year and 220 positions to open the first two of the four housing units at the new correctional facility in Grayson County, on or after July 1, 2011.

2. If the Governor determines that this facility is required to be opened at an earlier date in order to accommodate contractual obligations to house out-of-state inmates, the Director, Department of Accounts is authorized to provide a Treasury Loan to support the necessary start-up operations in an amount sufficient to accommodate the earlier opening date, subject to the approval of the Governor."

Explanation:

(This amendment provides \$12,000,000 from the general fund and 220 positions the second year to open the first two of the four housing units at the new adult medium security correctional facility in Grayson County. A companion amendment to Item 375 provides funds and 12 positions to the Department of Correctional Education to open the school at this new facility. Accordingly, the opening of this facility will provide a total of 232 jobs in Grayson County, not including the indirect impact on private sector employment in the area.)

Item 379 #1g

Public Safety	FY 10-11	FY 11-12
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"H. Included within this appropriation is \$1,221,831 from the general fund the second year for the Department of Corrections to make payments in lieu of taxes to those localities to which payments were made in fiscal year 2010, pursuant to Section 58.1-3403, Code of Virginia."

Explanation:

(This amendment provides \$1,221,831 from the general fund the second year to restore funding for payments in lieu of taxes which the Department of Corrections previously paid to certain localities in which state correctional facilities are located.)

Item 380 #20s

Public Safety

Department Of Corrections

Language

Language:

Page 327, following line 33, insert:

"N. The Department of Corrections, with support from the Department of Medical Assistance Services, the Department of Behavioral Health and Developmental Services, the Virginia Criminal Sentencing Commission, the Virginia Parole Board, and the Department of Planning and Budget shall establish a task force to consider the feasibility of providing a geriatric parole release facility for older correctional inmates with special medical needs who could be released on parole on condition of living in this facility. The work group shall assess the extent to which other states may have addressed the requirements for housing older inmates, the extent to which federal funding for such a facility may be available, potential cost savings from such alternative facilities, and the potential availability of existing facilities within the Commonwealth which might be converted for such use. The preliminary findings of this review shall be provided to the Secretaries of Public Safety and Health and Human Resources, and the Chairmen of the Senate Finance and House Appropriations Committees, by October 15, 2011."

Explanation:

(This amendment directs the Department of Corrections to establish a task force to consider options for housing its growing geriatric inmate population.)

Item 384 #3s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 329, following line 40, insert:

"e. The Board of Criminal Justice Services may approve a new criminal justice academy for the City of Hampton, to be supported with local funds, consistent with the memorandum of understanding dated January 5, 2011, by and between the City of Hampton and the Hampton Roads Criminal Justice Training Academy."

Explanation:

(This amendment permits the Board of Criminal Justice Services to authorize a new criminal justice training academy for the City of Hampton. No state funds are to be provided for the operation of this new academy.)

Item 384 #5s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 330, following line 15, insert:

"8. To the Virginia Center for Policing Innovation, \$300,000 for the development and implementation of a training program for law enforcement officers in the use of in-person and photo lineups, including legal and policy issues surrounding the use and conduct of police lineups, procedural issues, and recommended methodologies, ethical and diversity considerations, and other related issues as appropriate, consistent with the recommendations of the Virginia State Crime Commission. This training program is intended to reach the maximum number of law enforcement officers, and is to be provided at no charge to the agencies or law enforcement officers for whom the training is provided."

Explanation:

(This amendment directs the Department of Criminal Justice Services to provide federal Byrne Justice Assistance Grant funding for the Virginia Center for Policing Innovation to develop and deliver a training program for law enforcement officers on in-person and photo lineups.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 330, following line 15, insert:

"8. To the Virginia Center for Policing Innovation, \$75,000 for the development and implementation of a training program for law enforcement officers in pursuit driving, consistent with the recommendations of the Virginia State Crime Commission. This training program is intended to reach the maximum number of law enforcement officers, and is to be provided at no charge to the agencies or law enforcement officers for whom the training is provided."

Explanation:

(This amendment directs the Department of Criminal Justice Services to provide federal Byrne Justice Assistance Grant funding for the Virginia Center for Policing Innovation to develop and deliver a training program for law enforcement officers to enhance the driving skills necessary for high-speed driving and pursuits.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 330, following line 15, insert:

"8. To Drive to Work, \$75,000 to provide assistance to low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job."

Explanation:

(This amendment directs the Department of Criminal Justice Services to provide federal Byrne Justice Assistance Grant funding for Drive to Work, a Virginia non-profit, tax-exempt corporation which assists low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 329, following line 40, insert:

"e. The Department of Criminal Justice Services, with the assistance of the Department of Planning and Budget and the Auditor of Public Accounts, shall prepare an analysis of the current and projected financial operations and the financial outlook for the regional law enforcement training academies. Copies of this analysis shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by September 15, 2011."

Explanation:

(This amendment directs the Department of Criminal Justice Services to analyze the current and projected financial condition of the regional law enforcement training academies.)

Public Safety

Department Of Criminal Justice
Services

FY 10-11

\$0

FY 11-12

\$18,673,282 GF

Language:

Page 331, line 28, strike "\$160,012,837" and insert "\$178,686,119".

Page 331, line 36, strike "160,012,837" and insert "178,686,119".

Page 332, following line 9, insert:

"E. It is the intention of the General Assembly that each individual locality receiving an allocation of state aid for localities with police departments in fiscal year 2011 shall receive the same allocation in fiscal year 2012."

Explanation:

(This amendment provides \$18,673,282 the second year from the general fund to support state aid to localities with police departments, pursuant to House Bill 599 of the 1979 General Assembly, at the same total level of funding in fiscal year 2012 as provided in fiscal year 2011, and to provide the same allocation to each participating locality in fiscal year 2012 as it received in fiscal year 2011.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 331, line 34, after "(HB 599)" insert:

", except that, in accordance with the requirements of § 15.2-1302, Code of Virginia, such funds shall also be distributed to a city without a qualifying police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of Chapter 35 (§ 15.2-3500, et seq.) of the Code of Virginia".

Page 331, line 38, after "FY 2010." insert:

"The amount to be distributed to such a city created by consolidation shall equal the sum distributed to the city during the year prior to the effective date of the consolidation, as adjusted in proportion to the increase or decrease in the total amount distributed to all localities during the applicable year."

Explanation:

(This amendment provides that the new City of Alleghany Highlands, if approved by voter referendum, will receive an allocation of state aid to localities with police departments, in an amount equal to the funds that would have otherwise been provided to the City of Covington. The referendum on the merger of Covington and Alleghany County is expected to be held before the end of calendar year 2011.)

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 338, line 11, after "Code of Virginia." insert:

"Notwithstanding § 16.1-309.6 of the Code of Virginia, localities participating in this program and contributing through their local match an amount of local funds which is greater than they receive from the Commonwealth under this program are authorized, but not required, to provide a contribution greater than the state general fund contribution. In no case shall their local match be less than their state share."

Explanation:

(This amendment authorizes localities participating in the Virginia Juvenile Community Crime Control Act (VJCCCA) program to reduce their local match to an amount equal to, but not less than, the state allocation for this program.)

Item 400 #1s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 339, following line 45, insert:

"D.1. The Department of Juvenile Justice shall prepare a report on the future of juvenile correctional centers (JCC's) in the Commonwealth. The report shall include: (1) an analysis of JCC utilization rates; (2) an analysis of local and regional secure juvenile detention center utilization rates; (3) a determination of the appropriate number and types of beds, including security levels, necessary to manage the projected state-responsible and local-responsible juvenile population; and (4) an analysis of options for providing regional transitional programs and re-entry services at selected local and regional juvenile secure detention facilities.

2. In preparing this report, the Department shall consult with representatives of the following: (1) the Department of Correctional Education; (2) the Department of Education; (3) the Virginia Council on Juvenile Detention; (4) juvenile court service unit directors; (5) juvenile and domestic relations district court judges; (6) juvenile justice advocacy groups; (7) the Virginia Prisoner and Juvenile Offender Re-entry Council; (8) the Virginia Municipal League; and (9) the Virginia Association of Counties. This consultation shall address the prospect of implementing a plan for: (1) the closing of one state juvenile correctional center and reallocating the cost savings to regional transitional programs and reentry services at selected local and regional juvenile secure detention facilities; and (2) identifying funding to be transferred for the purpose of reinvesting in such programs and services. The report shall detail the feasibility and core components of such a plan and shall include a fiscal analysis of the impact on localities and on the Department of the plan. The fiscal analysis shall address state responsibilities related to transportation, education, medication, assistance to support security services provided directly by the juvenile detention facility, and comprehensive programming provided on a contractual basis by private, for-profit and nonprofit providers, based on evidence based practices.

3. The report shall be provided to the Governor, the Secretary of Public Safety, and the Chairmen of the Senate Finance and House Appropriations Committees on or before October 1, 2011."

Explanation:

(This amendment provides for the development of a plan for closing a state-operated juvenile correctional center and reallocating the cost savings to transitional programs and reentry services in selected regional or local juvenile secure detention facilities in the 2012-14 biennium.)

Item 408 #5s

Public Safety

Department Of State Police

Language

Language:

Page 345, following line 21, insert:

"S. The Department of State Police shall review the feasibility of generating alternative sources of nongeneral fund revenue to support its med-flight program by seeking federal licensing as a commercial operation as compared to the current licensing under general aviation regulations. A report on the costs and benefits of this proposed change shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by July 15, 2011."

Explanation:

(This amendment directs the Department of State Police to review the feasibility of generating alternative sources of nongeneral fund revenue to support its med-flight program. The agency is currently projected to receive \$1,045,375 in nongeneral funds in fiscal year 2012 from the Emergency Medical Services program in the Department of Health.)

Capital Outlay - Special Projects Subcommittee

Item C-78 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 441, strike lines 29-46 and insert:

"The Commonwealth shall construct and operate a wastewater treatment plant at Augusta Correctional Center to provide wastewater treatment for that facility. The plant shall also have sufficient capacity to serve the Town of Craigsville, provided that prior to March 15, 2011 the town does the following: (1) notifies the Department of Corrections in writing that it elects to have its wastewater treated by the department at the department's new plant; (2) deeds to the Commonwealth that land previously deeded by the Commonwealth to the town for the construction of the town's currently existing wastewater treatment plant; and (3) relinquishes and provides for the transfer of the town's current treated wastewater discharge permit from the town to the Department of Corrections by the Department of Environmental Quality. As a further condition of this arrangement between the department and the town, the town shall continue to treat the wastewater from Augusta Correctional Center under its current contract with the department until such time as the department's new wastewater treatment plant is operational. In return the department shall treat the town's wastewater at no cost for the first 36 months after the plant becomes operational and thereafter shall treat the town's wastewater at rates essentially the same, local conditions being considered, as the rates charged other municipalities for which it provides wastewater treatment."

Explanation:

(This amendment provides a policy framework for the construction of a new wastewater treatment plant at Augusta Correctional Center, with sufficient capacity to serve the needs of the Town of Craigsville. A companion amendment to Item C-85.10 provides \$11,500,000 in bond authorization through the Virginia Public Building Authority for this project.)

Capital Outlay - Special Projects Subcommittee

Item C-78.20 #1s

Public Safety

FY 10-11

FY 11-12

Department Of Corrections

\$0

\$1,927,000 GF

Language:

"C-78.20.

\$1,927,000

Fund Sources: General

\$1,927,000".

Explanation:

(This amendment provides \$1,927,000 from the general fund the second year to

plan and construct a new water line from the Department of Corrections' water treatment plant to the Town of Goochland, and to plan for the replacement of two additional sections of the same water distribution system, including: (i) the Powhatan Correctional Center service, and (ii) the Virginia Correctional Center for Women, including on-site distribution, James River Detention Center, and Beaumont Juvenile Correctional Center service.)
