

Public Safety

The budget, as adopted, for Public Safety for the 2008-10 biennium results in a net general fund increase of \$37.9 million, or 1.1 percent more than the adjusted base budget. This total includes increases of \$40.8 million and decreases of \$2.9 million, in addition to the continuation of the Governor's October 2007 reduction strategies into the new biennium.

The adopted budget includes additional general fund spending of \$23.8 million for the biennium for inmate medical costs and \$4.5 million for the Department of Veterans Services to establish the Wounded Warrior program.

Nongeneral fund amendments for the Department of Alcoholic Beverage Control include \$36.0 million to purchase merchandise for resale over the biennium and \$9.5 million to replace cash registers and point-of-sale software in all of the ABC stores. In addition, the Department of State Police will receive \$20.8 million over the biennium from the OxyContin settlement to replace and upgrade criminal justice computer systems, augment the State Agencies Radio System (STARS), and equip a new computer forensic laboratory.

- **Secretary of Public Safety**
 - *Traumatic Head Injury.* Directs the Secretary to analyze the incidence of traumatic brain injury in the adult and juvenile correctional population.
- **Department of Alcoholic Beverage Control**
 - *Purchase Additional Merchandise for Resale.* Provides \$12.0 million the first year and \$24.0 million the second year from nongeneral funds to reflect the anticipated increase in purchases of merchandise for resale in ABC stores statewide.
 - *Financial Investigation Unit.* Includes \$0.5 million NGF and 6.0 FTE positions each year to establish an office to identify under-reported income and collect any resulting additional taxes owed.
 - *Point of Sale System Funding.* Adds \$3.5 million NGF the first year and \$6.0 million NGF the second year to update the agency's cash registers and point of sale software, which have reached the end of their useful lives.

Department of Correctional Education

- *Deep Meadow Educational Programs.* Transfers \$363,861 GF the first year and \$180,896 GF the second year from the Department of Corrections and establishes 2.0 FTE positions to support two vocational programs and a library. These programs are required due to a change in the mission of the Deep Meadow Correctional Center, which was originally a reception center and has become a full-service correctional center.

- **Department of Corrections**

- ***Inmate Medical Costs.*** Adds \$11.9 million each year from the general fund for increased medical costs.
- ***Payments in Lieu of Taxes.*** Provides \$0.4 million each year from the general fund to make payments in lieu of taxes to localities. Although prison sites are exempt from local property taxes, state law requires that payments be made to localities to cover the costs of certain local services, such as law enforcement, fire protection and solid waste disposal, even if not all of those services are actually provided by the localities.
- ***Probation Officers.*** Adds \$300,000 and five probation and parole officer positions each year from the general fund.
- ***Corrections Special Reserve Fund.*** Provides \$289,672 the first year from the general fund for the impacts of legislation on the correctional system's bed-space requirements. This legislation includes bills establishing mandatory minimum prison sentences for the manufacture, sale, or distribution of methamphetamine (Chapters 858 and 874 of the 2008 Acts of Assembly [HB391 and SB562]); increasing the penalties for failing to heed a law enforcement officer's signal to stop a vehicle or for eluding police when those actions lead to the death of a law enforcement officer (Chapters 773 and 811 of the 2008 Acts of Assembly [HB113 and SB368]), and increasing the penalties for assaulting a DMV law enforcement officer (Chapter 460 of the 2008 Acts of Assembly [SB284]).
- ***Greener Pastures.*** Adds \$50,000 NGF each year and one position, in partnership with the Thoroughbred Retirement Foundation, for the Greener Pastures program at James River Correctional Center, which provides training in horse management for minimum security inmates using former racehorses.
- ***Jail Capital Projects.*** Includes language authorizing the following regional and local jail capital projects to move forward into the planning stage:
 - Charlotte County Jail Expansion;
 - Chesapeake City Jail Expansion;
 - Prince William-Manassas Regional Jail Authority, for a second expansion of its adult detention center;
 - Richmond City Jail Replacement;
 - Southern Virginia Regional Jail Authority, for a regional jail serving Patrick and Henry Counties and the City of Martinsville;
 - Virginia Beach City Jail Work Release Center;

- Virginia Peninsula Regional Jail Authority, for an expansion.
- ***Charlotte County Correctional Center.*** Authorizes the department to continue planning for the construction of a new facility to be located in Charlotte County. Although the 2007 Session of the General Assembly provided \$1.2 million GF for site acquisition, the Governor’s October 2007 budget reductions eliminated that funding based upon an assumption that the project would move forward using the PPEA process.
 - Language authorizes the department to use the Public-Private Education and Infrastructure Act (PPEA) for the construction of the facility, and clarifies that statute directs the Department of Planning and Budget to conduct a cost-benefit evaluation of the project and the Department of the Treasury to evaluate the project financing to see whether state financing would be more advantageous. The language also clarifies that any PPEA comprehensive agreement must be submitted to the Governor for approval.
 - Additional language specifies that the proposed facility shall be designed and operated with the intent of reducing the rate of recidivism by offenders, and will include dormitory-style units for transition centers, habitual technical violator centers, or similar types of programs. The facility is also to offer intensive vocational education, substance abuse treatment, and cognitive remediation programs, using best practices that have been demonstrated to be effective in reducing recidivism.
- ***Liberty University Educational Program.*** Includes language authorizing a partnership with Liberty University to develop a computer-based, post-secondary education program for inmates at Green Rock Correctional Center.
- ***Planning for Minimum-Security Facilities.*** Directs the department to compare the costs and benefits associated with the use of state-run or privately-operated minimum security facilities for housing lower-risk geriatric inmates who need assisted living or nursing care services, housing minimum security offenders requiring pre-release or transitional services before leaving prison; and, return-to-custody facilities for habitual technical probation violators.
- ***Diversion of Additional Lower-Risk Offenders.*** Directs the department to report on the steps that would be required to double the current diversion rate of prison-bound, non-violent felons from 25 percent to 50 percent, using the Virginia Criminal Sentencing Commission’s risk assessment instrument.
- ***Report on Status of Jail Projects.*** Includes language requiring the department to submit an annual report on jail construction and renovation projects approved during the previous year by the Board of Corrections. This report is to include a description of the project, the state’s share of the project’s construction costs, the

increase in bed-space associated with the project, and whether any existing jail facilities will be closed due to the project.

- ***Evidence-Based Probation Practices.*** Directs the department to report on its progress in implementing these pilot programs in certain probation and parole districts and how these programs might be expanded into other probation and parole districts to reduce recidivism.
- ***Planning for Powhatan Replacement.*** Directs the department to conduct an engineering study to compare the costs of renovation versus replacement of Powhatan Correctional Center, and to submit a report on its findings and recommendations by October 1, 2008.
- ***Architectural Review Exemption.*** Includes language exempting DOC-secure correctional facilities from review by the Art and Architectural Review Board. Other facilities constructed by the agency, such as district probation offices, would still be subject to the board's review.
- ***Culpeper Land Transfer.*** Includes language directing DOC to convey about 45 acres of land near the Coffeewood Correctional Center to Culpeper County in exchange for water service improvements for both the Coffeewood Correctional Center and Culpeper Juvenile Correctional Center, which are located adjacent to the acreage. Culpeper County will use the conveyed property for a new jail facility.
- ***Deep Meadow Educational Programs.*** Transfers \$363,861 the first year and \$180,896 the second year from the general fund to the Department of Correctional Education to provide for the operations of two vocational programs and a library. A companion amendment adds these general fund dollars and additional positions to the Department of Correctional Education.
- ***Defer Opening of St. Brides Phase II.*** Saves \$2.0 million GF the first year by delaying the opening of the new Phase II expansion at St. Brides Correctional Center in the City of Chesapeake. The expected opening date will now be approximately October 2008. The 2006 General Assembly originally delayed the opening of the new expansion facility until December 2007, and the Governor's October 2007 budget reductions further delayed the opening until July 1, 2008.
- ***Craigsville Wastewater Treatment Plant.*** Includes language in Part II (the capital budget) authorizing up to \$1.0 million in Virginia Public Building Authority bonds for the state's share of the cost of constructing a local wastewater treatment plant serving Augusta Correctional Center.
- ***Governor's October 2007 Budget Reductions.*** Included within the base budget for the agency is the continuation of strategies announced by the Governor in October 2007 producing general fund savings of \$19.2 million each year and increasing

nongeneral fund revenue by a corresponding \$19.2 million each year. The nongeneral fund revenue is expected to be realized by contracting to house non-state prisoners, including federal inmates or illegal aliens, in state correctional facilities.

- Language is included authorizing the agency director to increase this appropriation in order to support non-recurring expenses of the department.

- **Department of Criminal Justice Services**

- *State Aid to Localities with Police Departments.* No additional funding is included for either the first or second year. The HB 599 program's general fund appropriation is level funded at \$205.0 million each year.
 - Total funding for the HB 599 program for FY 2007 was \$206.3 million, and the amount appropriated by the 2007 Session of the General Assembly for FY 2008 was \$215.8 million. The Governor's October 2007 budget reductions reduced the FY 2008 amount to \$205.0 million (a 5 percent reduction).
- *Sexual Assault Crisis Centers.* Includes \$450,000 each year from the general fund for local programs providing services to victims of sexual violence, including Sexual Assault Response Teams, volunteer programs, and community outreach.
- *Internet Crimes Against Children.* Provides \$1.5 million the first year from the general fund for the Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces (Alicia's Law). The funding will be equally divided between the Bedford County Sheriff's Office and the Virginia State Police, which operate the two task forces. Language exempts this appropriation from inclusion in the amounts distributed to localities from the HB 599 program.
- *Immigration Training.* Adds \$150,000 each year from the general fund to provide basic training in immigration law and policy and Spanish language skills to local law enforcement officers. This instruction will be provided by the Virginia Center for Policing Innovation.
- *Campus Security.* Provides \$0.1 million each year and one position from the general fund for the Office of Campus Policing and Security. This office is responsible for developing and implementing a comprehensive campus security program for Virginia's institutions of higher education. This initiative is based on a recommendation of the Virginia Tech Review Panel.
- *Virginia Public Safety Memorial Commission.* Provides \$45,000 the first year from the general fund to plan a memorial dedicated to Virginia's public safety professionals who have lost their lives while safeguarding the Commonwealth.

- *Regional Police Training Academies.* Adds \$275,000 NGF each year from court fees to reflect the current level of support provided to these regional academies.
- *Reduce State Match for Federal Grants.* Reduces the general fund amounts available for matching federal grants to state agencies by \$100,000 in the second year due to an anticipated reduction in federal funds, and requires the agency to submit an annual report on federal anti-crime and related grants that will require state matching funds.

- **Department of Emergency Management**

- *Transfer Civil Air Patrol.* Transfers funding responsibility for the Civil Air Patrol to the Department of Aviation, which will support it using nongeneral funds. A companion amendment is included in the Department of Aviation.
- *Remove Hazardous Materials Funding.* Eliminates the existing general fund appropriation of \$285,588 in the second year for the hazardous materials training and response program in anticipation of legislation that will be introduced during the 2009 Session to establish a fee to cover this program's costs. Language is included directing the agency to prepare a report on options for implementing this fee, which will be submitted by September 15, 2008.
- *Fund Integrated Flood Observation and Warning System Equipment Replacement Program.* Provides \$187,500 each year from the general fund to begin replacing equipment for the Integrated Flood Warning System.
- *Additional Positions.* Provides 14 nongeneral fund positions each year to move existing wage employees to full-time status in order ensure oversight of federal grant awards and to provide technical support to individuals, localities, and state agencies during and after emergencies or disasters.
- *Emergency Positions.* Includes language authorizing the agency, with the Governor's approval, to hire additional positions to assist in response to emergencies and disasters and recovery following such events. These positions would be paid solely from funds authorized by the Governor or federal government for the emergency or disaster event.

- **Department of Fire Programs**

- *Transfer of State Fire Marshal.* Included in the base budget for the agency is \$2.5 million GF, \$0.4 million NGF, and 31.0 FTE positions each year to reflect the transfer of the State Fire Marshal from the Department of Housing and Community Development to the Department of Fire Programs, pursuant to Chapter 647 of the 2007 Acts of Assembly (HB2356).

- *Fiscal Support Services.* Includes \$178,000 NGF and three positions each year for a new fiscal services office.
- *Address Agency Growth and Expansion.* Adds \$92,500 NGF and three positions each year to account for the administrative and technology costs associated with the expansion of the agency's size and mission.
- *Waiver of Fees for Fire Inspections.* Provides \$49,900 the first year and \$52,800 the second year from the general fund, pursuant to Chapter 499 of the 2008 Acts of Assembly (HB320), to eliminate the inspection fees which the Fire Marshall has been charging public and private schools for enforcement of the Fire Prevention Code.

- **Department of Forensic Science**

- *Payments in Lieu of Taxes.* Provides \$219,000 each year from the general fund for payment to the City of Richmond for the agency's central laboratory.
- *Adjustment of Federal Grant Funding.* Adds \$1.5 million NGF each year to reflect anticipated growth in federal grants.
- *Eastern Forensic Laboratory.* Includes three positions each year for facility management. The City of Norfolk is responsible for providing maintenance for the Eastern Forensic laboratory through FY 2008, after which the agency will assume that responsibility.
- *Notification of Offenders Regarding DNA Testing.* Includes language directing the Forensic Science Board to notify persons convicted of criminal offenses for which case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing and that such evidence exists and may be suitable for testing. There is a possibility that testing this evidence could exonerate these persons of the crimes for which they were convicted.

- **Department of Juvenile Justice**

- *VJCCCA Balances.* Includes language accelerating the return of funds unspent by localities from their allocations from the Virginia Juvenile Community Crime Control Act (VJCCCA). The language also authorizes the reappropriation of any unexpended balances by the department for use in providing short-term, supplementary grants to localities for those programs and services that improve juvenile outcomes, including reductions in juvenile recidivism rates.
- *Juvenile Gang Activity.* Includes language directing the agency to analyze the effect of gangs on Virginia's juvenile courts and correctional facilities.
- *Juvenile Delinquency Prevention.* Directs the agency to analyze the levels of federal, state, and local funding for delinquency prevention programs and to

assess the effectiveness of those programs, especially those funded through the Virginia Juvenile Community Crime Control Act.

- **Department of Military Affairs**

- ***Soldier Recognition.*** Provides \$38,068 each year from the general fund to support the increased cost of the Governor's National Service Medal program. This program has grown as overall troop strength and the numbers of National Guard members deployed have increased.
- ***Commonwealth Challenge.*** Includes \$253,040 each year from the general fund for the Commonwealth Challenge program serving at-risk youth at the State Military Reservation in Virginia Beach. The additional funding will be used for facility maintenance, replacing program equipment, and other operating expenses.

- **Department of State Police**

- ***Gasoline Expense.*** Adds \$2.7 million the first year from the general fund to increase the agency's gasoline budget from \$1.19 to \$2.20 per gallon.
- ***Highway Safety Enforcement.*** Adds \$1.4 million the first year and \$0.8 million the second year from the general fund to increase the availability of existing State Troopers for law enforcement and highway patrol services. Among the methods the agency is to consider when using these funds is the payment of overtime compensation to State Troopers.
- ***Sex Offender Registry.*** Provides \$59,345 GF the first year and \$58,133 GF the second year for the Sex Offenders and Crimes Against Minors Registry to maintain compliance with the federal Adam Walsh Child Protection and Safety Act of 2006, pursuant to Chapter 877 of the 2008 Acts of Assembly (SB590).
- ***Determination of Legal Status.*** Adds \$62,220 GF the first year and \$8,040 GF the second year to develop an automated link between the Compensation Board and the federal Immigrations and Customs Enforcement agency to determine the legal status of inmates in state and local correctional facilities, pursuant to Chapter 415 of the 2008 Acts of Assembly (SB609).
- ***Virginia Intelligence Management System.*** Includes \$8.5 million NGF the first year from the OxyContin settlement to provide a statewide, secure information sharing function for all law enforcement agencies in Virginia.
- ***Criminal History System.*** Provides \$2.4 million NGF the first year and \$3.3 million NGF the second year from the OxyContin settlement for replacement and enhancement of the Computerized Criminal History system. This is the sole repository for the Commonwealth's arrest and court disposition data.

- ***Metropolitan Washington Airports Authority.*** Provides \$1.5 million NGF and 16 positions each year to support the department’s agreement to provide security for the authority, including highway patrol on the Dulles access road.
- ***Central Criminal Databases.*** Provides \$0.7 million NGF the first year and \$1.5 million NGF the second year from the OxyContin settlement for replacement of the firearms and other central criminal repository databases and related applications, including the Computerized Criminal History System, Sex Offender Registry, Automated Fingerprint Identification System, Firearms Transaction Processing System, and the Virginia Criminal Information Network.
- ***Increased STARS Costs.*** Provides \$2.2 million NGF the second year from the OxyContin settlement for additional equipment not included in the original contract for the State Agencies Radio System.
- ***Incident-Based Reporting System.*** Provides \$0.8 million NGF the first year and \$0.4 million NGF the second year from the OxyContin settlement for replacement and enhancement of the current incident-based reporting system.
- ***Computer Forensic Laboratory.*** Provides \$1.0 million NGF the first year from the OxyContin settlement for equipping a new computer forensic laboratory to be built for State Police in space provided by VCU in the new BioTech 8 facility in downtown Richmond.
- ***Federal Grant.*** Includes \$100,000 NGF the first year to reflect an anticipated federal grant for enhance high-technology crime-fighting capabilities.
- ***Information Technology Position.*** Adds one nongeneral fund position each year to develop the motor vehicle inspection automated system. The funds to support this position will be provided from the motor vehicle inspection fee.
- ***Medevac Helicopters.*** Includes language authorizing the purchase of two replacement helicopters using debt service funds which are already included in the base budget. The current helicopters were purchased in 1993 and have reached the end of their useful lives. The current helicopters will be paid off in the first year, so the funds in the existing base budget for debt service can be applied to the new helicopters beginning in the second year.

- **Department of Veterans Services**

- ***Wounded Warrior Program.*** Includes \$2.5 million the first year and \$2.0 million the second year and five positions from the general fund, as well as \$150,000 in nongeneral funds each year, to establish the Wounded Warrior program, pursuant to Chapters 584 and 754 of the 2008 Acts of Assembly (HB475 and SB297). Also included within the first year appropriation is \$100,000 for the continued development of the TurboVet program.

- ***Offset General Funds With Special Funds.*** Includes an additional \$288,236 NGF each year from Medicare, Medicaid and other third party reimbursements. The additional funds will be used to offset the impact of the Governor’s October 2007 budget reductions by substituting these funds for the general fund support previously provided for three positions added by the 2007 Session of the General Assembly to manage the agency’s increased responsibilities.
- ***Transfer of the War Memorial.*** Transfers \$430,174 GF and three positions each year from the general fund from the Department of General Services to manage the Virginia War Memorial in Richmond.
 - Language specifies that DGS will continue to provide routine buildings and grounds maintenance as part of the services provided under the seat of government rental plan.
- ***Donation Fund.*** Adds \$75,000 NGF each year for the donation fund administered by the Veterans Services Foundation Board.
- ***Revise Language Regarding Military Survivors and Dependents Education Program.*** Updates the language included in the Appropriation Act to reflect the actions taken by the General Assembly during the 2007 Session.