



# Compensation Board Funding of Local and Regional Jails

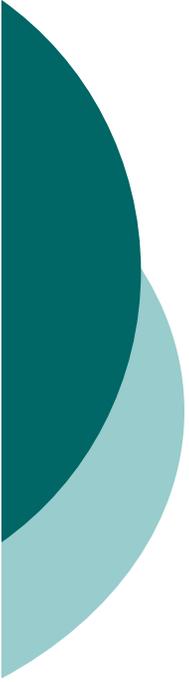
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Robyn de Socio, Executive Secretary  
Compensation Board  
June 16, 2009

# Snapshot: Compensation Board funded Jails

Local or Regional Jails	Number of Jails
Sheriff Operated County & City Jails	45
Superintendent Operated Regional Jails	21
Superintendent Operated Jail Farms	2
<b>Total Compensation Board Funded Jails</b>	<b>68</b>

15 Localities with Jails also Participating in Regional Jails	Regional Jail
Fauquier County	Northwestern RJ
Arlington and Loudoun Counties, Cities of Alexandria, Richmond	Peumansend Creek RJ
Cities of Hampton, Newport News, Norfolk, Portsmouth	Hampton Roads RJ
Chesterfield County, City of Petersburg	Riverside RJ
Accomack County	Eastern Shore RJ (Northampton)
Roanoke, Montgomery, Franklin Counties	Western Virginia RJ



# Snapshot: Compensation Board funded Jails

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- Current operating capacity established by Department of Corrections for 68 Jails: 19,197
- 4 jails have established capacity that includes bed space for 580 federal inmates built with federal capital outlay funds:
  - Western Tidewater Regional Jail – 180 beds;
  - Northern Neck Regional Jail – 154 beds;
  - Central Virginia Regional Jail – 146 beds;
  - Alexandria City Jail – 100 Beds.

# Snapshot: Compensation Board funded Jails

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- Jail capacity growing to 20,933 by June, 2010
  - 5 existing jails under construction with expansions to open and be staffed in FY10

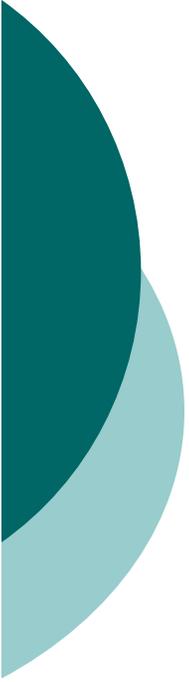
Jail Facility	Location	Projected Opening	Additional Beds	Additional Deputy/ Officer and Staff Positions	Additional Funding, FY10
Rappahannock Sec Ctr (phase 2)	Fredericksburg	July, 2009	432 (phase 1 & 2)	38	\$1.1 million
Riverside Reg Jail (phase 2)	Hopewell	September, 2009	512	135	\$3.1 million
Blue Ridge Reg Jail	Halifax	November, 2009	40	16	\$288 k
Loudoun County Jail	Loudoun	November, 2009	264	77	\$1.3 million
New River Valley Reg JI	Pulaski	December, 2009	488	142	\$2.3 million
Total FY10 Expansions			1,736	408	\$8.1 million



# Snapshot: Compensation Board funded Jails

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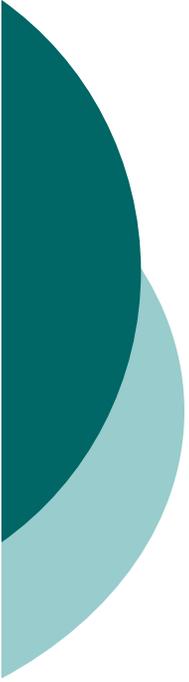
- As of March 31, 2009, there were 28,104 inmates being held in local and regional jails
  - Of these, 1,888 were federal inmates and 2,482 were state “out-of-compliance” inmates
  - There were 23,734 local inmates and state “pipeline” inmates
- 28 Jails held federal inmates in March 2009
  - 5 jails held 5 or fewer federal inmates
  - 5 jails held 100 or more federal inmates
  - 3 jails held over 200 federal inmates (Hampton Roads, Northern Neck, and Western Tidewater Regional Jails)
- “Out of Compliance” inmates defined: overdue for transfer to DOC based upon requirement to bring a fully sentenced state responsible inmate into a state correctional facility within 60 days after receipt of the complete and final court order.
- Out of compliance inmates totaled
  - 2,782 on December 26, 2008
  - 1,396 on August 29, 2008
- 16 Jails were 100% to 260% above capacity in March, 2009.



# Commonwealth Funding for Local and Regional Jails

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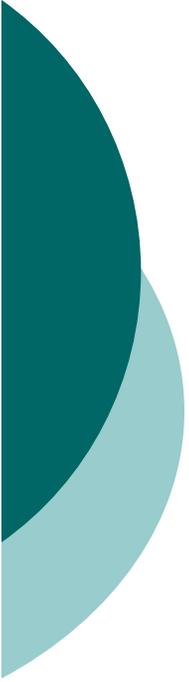
- Commonwealth involvement in jail costs includes the Compensation Board, as well as other agencies:
  - Board of Corrections: jail standards and approval of new jail construction costs
  - DOC: jail inspection, renovation costs, community based corrections plan review
  - DCJS: Community Based Corrections Plan Review
  - Treasury: Public Housing Authority issues bonds for the state's share of jail construction
- Operating costs funded by the Compensation Board include:
  - Jail Staffing - Salaries/fringes of Corrections Officers and support staff
  - Operating expenses (office expenses, office equipment)
  - Inmate Per Diem Payments



# Snapshot: Positions and Funding for Jails in Chapter 781, Items 69, 70 and 76

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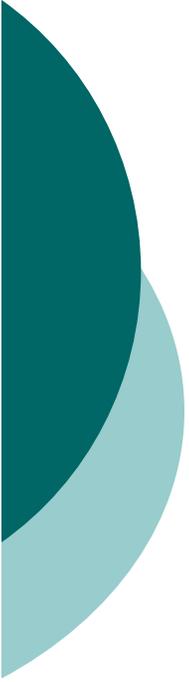
	<u>FY09</u>	<u>FY10</u>
Corrections Officers/Deputies	6,255	6,622
Medical/Treatment	765	793
Cooks	175	179
Admin (RJ)/LIDS	<u>160</u>	<u>169</u>
Total (Item 76, Compensation Board)	7,355	7,763
Staffing/Operating Costs for Jails (Item 69, Compensation Board)	\$255,291,168	\$267,747,658
Inmate Per Diem Costs (Item 70, Compensation Board)	\$80,140,529	\$71,735,798
Total Direct Compensation Board Costs	\$335,431,697	\$339,483,456



## Overview – Jail Funding and Staffing

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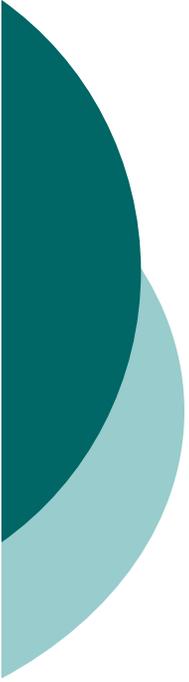
- Compensation Board responsible for setting budget for Sheriff or Regional Jail, and reimbursement to locality or regional authority for expenses incurred;
- Non-staff related expense budgets virtually eliminated in FY03/04 biennium; almost all jail operating expenses provided are for staffing;
- Chapter 781, Item 76 provides for use of staffing standards for the allocation of all positions for local jails and regional jails
  - Staffing standards for jails are established by appropriation act language and by Compensation Board policy;
  - Allocation of positions is first dependent upon approval of positions and funding by the legislature.



## Jail Staffing Standards

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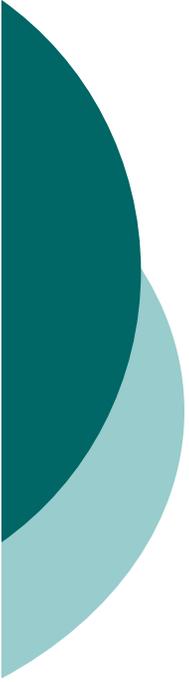
- Corrections Deputy/Officer staffing guided by Chapter 781, Item 69, establishing maximums for staffing for facility established operating capacity
  - Staffing for operating capacity is recommended by DOC based upon facility design, supervision type/level
  - Maximum is one deputy/officer per 3 inmates of operating capacity
- Emergency Corrections Deputy/Officer staffing also guided by Item 69, establishing staffing ratio for overcrowded facilities with inmates in excess of operating capacity
  - Staffing for overcrowded conditions based on one deputy/officer per 5 inmates of average daily population in excess of operating capacity
  - Average daily populations over past year indicate emergency staffing need of 1340 positions; 390 positions currently funded and allocated, leaving a variance of 950 positions due per standards
  - For facilities with crowding of 100% or greater above capacity, 16 jails are due 120 emergency positions statewide
  - Language provides for reallocation of emergency positions to other crowded facilities when crowding is reduced in currently staffed facilities



## Jail Staffing Standards

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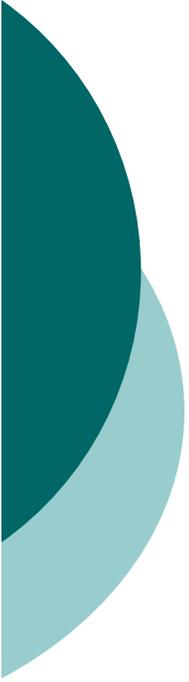
- Staffing standards set by Compensation Board also include standards for allocation of partially-funded medical, treatment, classification, and records positions in jails (positions funded at 2/3 by the CB and 1/3 by the locality/regional jail), cook positions in jails, and administrative staff at the following ratios:
  - 1 medical, classification, treatment, or records positions for every 25 inmates of average daily population;
  - Between 1 and 5 cook positions may be allocated, depending upon the operating capacity of the facility;
  - 1 administrative position for every 100 inmates of average daily population;
  - 1 LIDS technician.
  
- Not all facilities have all staffing due based upon these standards, as allocation is subject to funding and positions provided in the Appropriation Act.



## Staffing and Funding for New or Expanded Capacity

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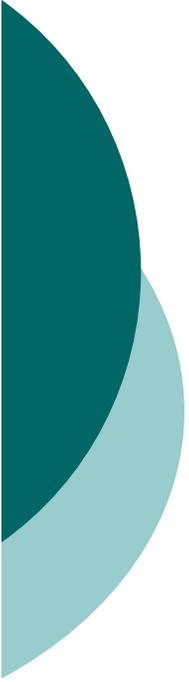
- Jail must have moratorium exemption through Item 388 for Compensation Board to provide operating costs for new or expanded capacity
  - Compensation Board cannot provide funds for facilities using local or federal funds for expansion if no moratorium on construction is approved (SOA exception available)
  
- Approval process for additional positions and funding for new capacity:
  - DOC provides staffing recommendation based upon approved construction plans, maximum staffing in Chapter 781 and Compensation Board staffing standards;
  - Compensation Board reviews recommendations and standards, projected opening dates and bed capacity, and includes cost requests in fall budget development cycle;
  - Once funding approved by legislature, Sheriffs and Jail Superintendents request funding in annual budget request process to Compensation Board;
  - Compensation Board can fund no earlier than budgeted date, but can provide up to 45 days of early funding if opening is delayed past budgeted opening date.



## Overview: Per Diem Funding

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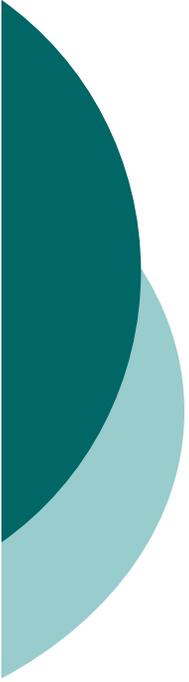
- Compensation Board pays localities and jail authorities four quarterly per diem payments each year, based upon actual inmate populations in the jails for the three preceding months.
- Per diem payments funded at \$71.7 million for FY10
  - Reflective of proposed reduction of 7% for FY10 in introduced budget last December
  - Revised forecasting of inmate populations and funding projections will be completed in the coming months
  - Appropriation Act language provides for pro-rating payments when funding is not sufficient
  - Per diems have been fully funded since FY05



# Per Diem Rates

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- \$8 per day for local responsible inmates housed in local and regional jails;
- \$22 per day for local responsible inmates housed and maintained in a separate jail farm not under the control of the sheriff
  - this funding is provided in lieu of staffing for the farm by the Compensation Board, provided in 2 localities: Danville and Newport News
- \$8 per day for state responsible inmates housed in local and regional jails – these are individuals confined in jail after having been fully sentenced and with no additional charges pending, awaiting transfer to DOC
- \$6 'bonus payment' per day for state responsible inmates that have not been processed into the DOC by the 91st day after the complete and final court order
  - bonus payment start date based upon law requiring Circuit Court Clerk to send complete and final court order to the DOC within 30 days of completion of the case, and an inmate's designation as being "out of compliance" on the 61st day after the Department of Corrections receives the court order
- \$14 'Jail Contract Bed payment' per day for jails agreeing to house state responsible inmates to participate in special local programming or work release programs
  - Agreements between jails and DOC reduce the overall number of out of compliance inmates.
  - Compensation Board funded to pay up to 500 jail contract beds at any time



# Federal Inmates & Cost Recovery

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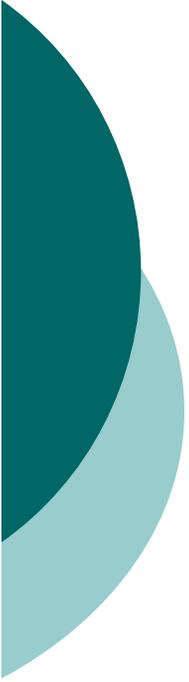
- Chapter 781, paragraph H, directs Compensation Board to recover state funded personnel costs associated with housing federal and out of state inmates in local and regional jails facilities from quarterly per diems
  - Three jails currently exempt from this provision as federal capital contributions exceeded the state's capital contribution in the construction of the jail facility (Alexandria City Jail, Central Virginia and Northern Neck Regional Jails)
  - In FY09, \$9.9 million was recovered from facilities housing federal inmates
- Methodology modified slightly in 2009 general assembly to recover all state funded costs
  - Not a significant change – amendment provided for additional annual recovery of \$256,000
- Recovery methodology is a per diem calculation, applying per inmate day salary cost reported in jail cost report for each facility by actual daily population of federal inmates in the jail for each quarter.
  - Average recovery amount per federal inmate day from the 2007 jail cost report is \$20.83
- The recovery reduces the per diem payment amount owed for state and local responsible inmates
  - If jail's per diem payment is not sufficient to cover the amount of federal recovery due for the quarter, the locality or regional jail must remit the federal overhead recovery amount to the Compensation Board
  - One jail facility has submitted payment to Compensation Board for federal cost recovery and has not received quarterly per diem payments.



# Jail Cost Report & Historical Operating Costs

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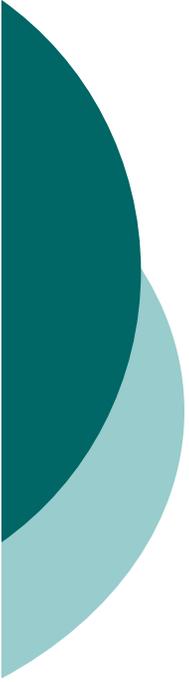
- Overall cost to operate jails in Virginia was \$358 million in FY98, and grew to \$728 million in FY07 (103% growth)
  - Cost increase bases include a 48% growth in operating capacity from 12,309 in FY98 to 18,257 in FY07
  - Cost increase bases also include a 81% growth in average daily population from 16,223 in FY98 to 29,402 in FY07
  - Appendix chart shows historical total operating costs and funding from FY98 to FY07
- Operating Costs per Inmate Day averaged \$50.35 statewide in FY98, and have increased by 21% to an average of \$61.05 statewide in FY07
  - In FY98, per inmate day operating costs ranged from a low of \$30.27 in Patrick County to a high of \$126.69 in Bath County
  - In FY07, per inmate day operating costs ranged from a low of \$35.48 at the Piedmont Regional Jail to a high of \$156.91 in Loudoun County
  - FY07 Jail Cost Report, page 23, provides a chart of historical operating costs per inmate day by locality from FY05 to FY07, along with a three year average.



# Jail Cost Report & Historical Operating Costs

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- Overall percentage of jail operating costs paid by the Commonwealth was 51.7% in FY98 with 40.0% paid by the localities; these figures changed to 43.4% paid by the Commonwealth in FY07, with 45.9% paid by the localities. Federal funding increased from 6.6% in FY98 to 6.1% in FY07
  - In FY98, Commonwealth funded jail operating costs ranged from a low of 19% of total costs in Fairfax County to a high of 98% in Tazewell County
  - In FY07, Commonwealth funded jail operating costs ranged from a low of 19% of total costs in Loudoun County to a high of 86% in Charlotte County
- Percentage of funding provided by Commonwealth tends to indicate where jails have varying levels of funding provided by Localities or other sources, but does not necessarily reflect that the Commonwealth provides that vast of a range of support to local and regional jails
  - Using these two facilities as an example, the Commonwealth provides approximately \$29.74 per inmate day for the Loudoun Jail and \$42.00 per inmate day in Charlotte County;
  - Another example, in Henrico the Commonwealth provides approximately \$29.38 per inmate day – a figure very close to Loudoun - but this figure represents approximately 41.7% of the total per inmate day cost versus the 19% it represents in Loudoun County.



## Thank You

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- Questions?
- Contact:

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