

**Comments by the Honorable Janet D. Howell**  
**Joint Subcommittee on Public Safety**  
**(Monday, October 19, 2009)**

Good afternoon, Delegate Sherwood, members of the joint subcommittee, and all of you with us today. I believe the work of this joint subcommittee is very important to us this year, because, as I said back in May, we have some very heavy lifting to do in downsizing the agency budgets in public safety, and especially in the field of corrections.

As I'm sure you know, the Department of Corrections took another reduction of almost ten percent of its general fund budget for the current fiscal year 2010, based on the Governor's actions announced last month. As we look at the cutbacks, it's clear that many of the reductions are "one-time" adjustments, such as \$9 million in equipment, which virtually eliminates the equipment budget for the agency. We can't continue to operate facilities without replacing the equipment. We're also losing over \$7 million in revenue when the prisoners from Wyoming leave next spring.

All told, the department estimates that the "hole" in the fiscal year 2011 budget, starting next July 1, is in the range of \$20 million. That's not including the recurring shortfall in the base budget of \$26 million each year that the department has had to make up by holding positions vacant.

What this tells us is this: unless the 2010 General Assembly adjusts the corrections base budget upwards by \$20 million in each year of the next biennium, the department will have to absorb additional reductions of that amount in each year. We've already closed eight facilities (including two major prisons, Southampton and Brunswick), eliminating over 2,500 beds, and we've had severe reductions in community corrections. Another round of \$20 million in cuts means closing another couple of major facilities - within the next eight months.

Fortunately, both the state-responsible and the local-responsible offender forecasts have been sharply reduced, and we're able to get by on fewer beds.

And it's a good thing, because we don't have the money to open the 800 new beds at St. Brides, in the City of Chesapeake (already completed) or the thousand beds at the new facility in Grayson County, where the construction will be finished this spring.

Given the current forecast, we won't have to open the beds at St. Brides until 2013, and the new prison in Grayson County until 2015. If the forecast changes, those facilities would be needed sooner.

Without these new beds at St. Brides and Grayson, we expect the out-of-compliance backlog in the jails to increase from about 3,400 last week to at least 3,800. If this doesn't tell us that we have to do business differently, I don't know what will.

I think it's very timely that we're having this discussion today, focusing on alternatives for nonviolent offenders. You might recall that we put language in the appropriation act last winter directing the Secretary of Public Safety to create a task force to look at this area, and report back to us. In particular, during the 2009 session, we had discussions about expanding the use of electronic monitoring. The preliminary report of the Secretary's task force is the first item on our agenda. Marilyn Harris, Deputy Secretary, will be introducing several speakers who will cover this report.

We will also have a report on the recent update of the jail mental health survey, by Jim Morris and Victoria Cochran from what was until July 1 the mental health department - and now it's been renamed the Department of Behavioral Health and Developmental Services. I have been very pleased to hear that the additional funding we have provided for jail diversion seems to be making a difference.

Lastly, Gary Bass will update us on the new Behavioral Corrections Program that we adopted in budget language in the 2009 session, which may offer the prospect of shorter time served for offenders who complete two years of drug treatment.

With today's meeting and our previous three meetings this year, we've covered a lot of ground, considering both jail financing and alternatives for nonviolent offenders. I would hope that we will be able to make some progress this year in the sense of making selected recommendations, where we find ourselves in agreement. I also hope we can continue this joint effort, because we're not going to resolve all of these issues this year, and there will be much more work for us to do in 2010.

Marilyn, let me start by thanking you for the work you and Secretary Marshall and your staff have done in coordinating this task force this year. We look forward to your presentation today.