

# Introduction

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- Budget reductions in the Department of Corrections (DOC) have reduced the number of secure beds as well as substance abuse residential treatment capacity.
- As a result, the backlog of “out-of-compliance” state-responsible prisoners in local and regional jails is growing.
- Virginia’s jails, as well as state and local community corrections programs, will have to “do more with less,” as the availability of prison beds is limited in the short term.
- In the current biennium, the Commonwealth may not have sufficient funds available to open new beds for which construction has been completed.
- Decisions on corrections and jail funding should recognize the importance of maintaining security and fostering long-term reductions in crime.

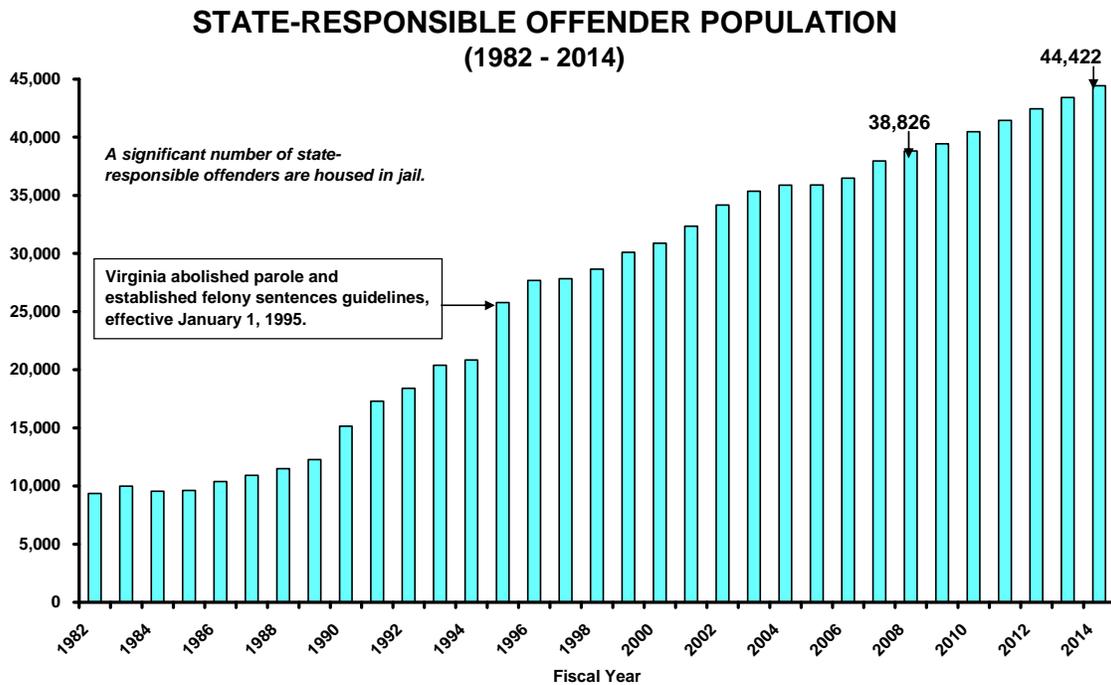
## Where Do We Stand in Corrections?

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- Felony sentencing guidelines, authorized by the General Assembly in 1994 and effective January 1, 1995, provide the framework for determining which offenders go to prison (and for how long) and which receive alternative sanctions.
- Since the implementation of sentencing guidelines, Virginia's rate of incarceration in state facilities has moderated.
- Virginia ranks just above the average (of 50 states) on state spending per capita (and per inmate).
- Virginia continues to have very favorable rankings in violent and property crime rates and recidivism.
- Virginia has expanded prison and jail capacity significantly.
- Virginia has also expanded state and local community corrections, to provide alternatives to incarceration for lower-risk offenders.
- In state spending per capita on local and regional jails, Virginia ranks second highest in the nation, according to a new Senate Finance Committee survey.
  - Historically, the Commonwealth has played a major role in providing state financial support for locally-elected Constitutional Officers, including Sheriffs.

# Growth in Virginia's Offender Population

- State-responsible offenders are those with sentences of one year or more. Local-responsible offenders are those with sentences of twelve months or less.



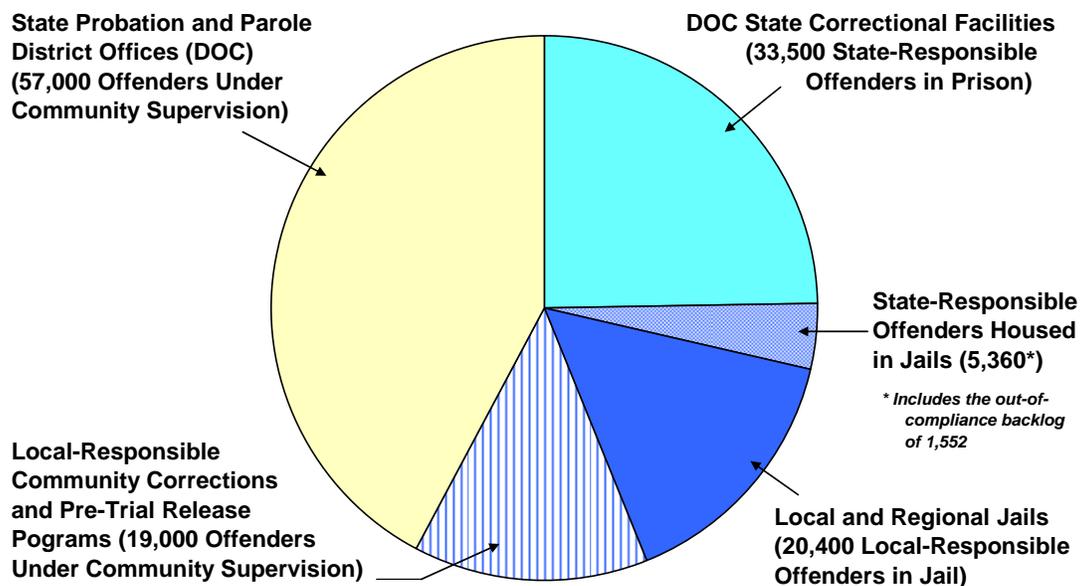
- Since 1990, Virginia has added over 22,000 secure beds in state facilities, at a capital cost of \$1.1 billion.
- Slower growth in state and local offender populations now provides the General Assembly with an opportunity to assess progress made and consider options for the future.

# Scope of State and Local Corrections

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- Over 135,000 adults (or about one in every 44 Virginians age 18 and over) are in prison or jail, or are under state or local probation supervision:

**OFFENDERS UNDER CORRECTIONAL SUPERVISION  
(As of June 2008)**

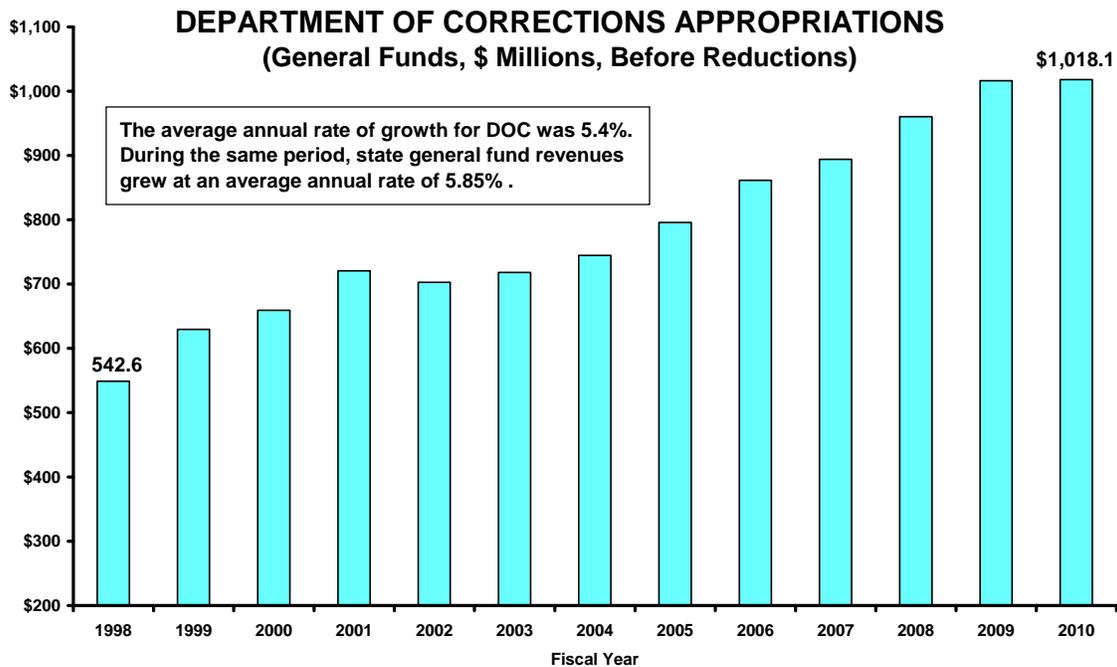


- More than half of these offenders (56 percent) are under community supervision, either with DOC district probation and parole offices or locally-operated community corrections and pre-trial release programs.
- Effective supervision of offenders in the community is essential to reducing crime over the long term.

# Growth in Spending on Corrections

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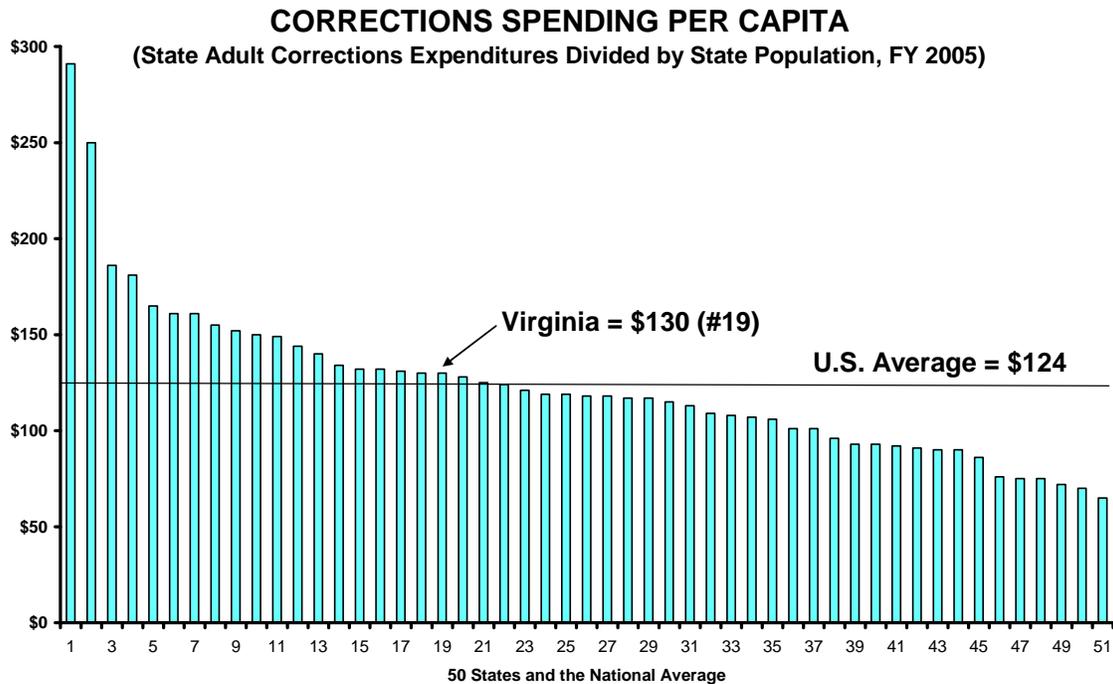
- From FY 1998 to 2010, state general fund appropriations for adult corrections will have increased almost 88 percent (for an average annual rate of growth of 5.4 percent per year):



- Key spending drivers in DOC have included:
  - Growth in the inmate population, including opening eight new major prisons and over 10,000 new beds;
  - Increased inmate medical costs;
  - Increased salary and benefit costs, including a special salary increase and enhanced retirement benefits for correctional officers.

# Per Capita Spending on Corrections

- Virginia spent \$130 per capita on state adult corrections in 2005, ranking 19<sup>th</sup> among the 50 states and the District of Columbia, and just above the national average:

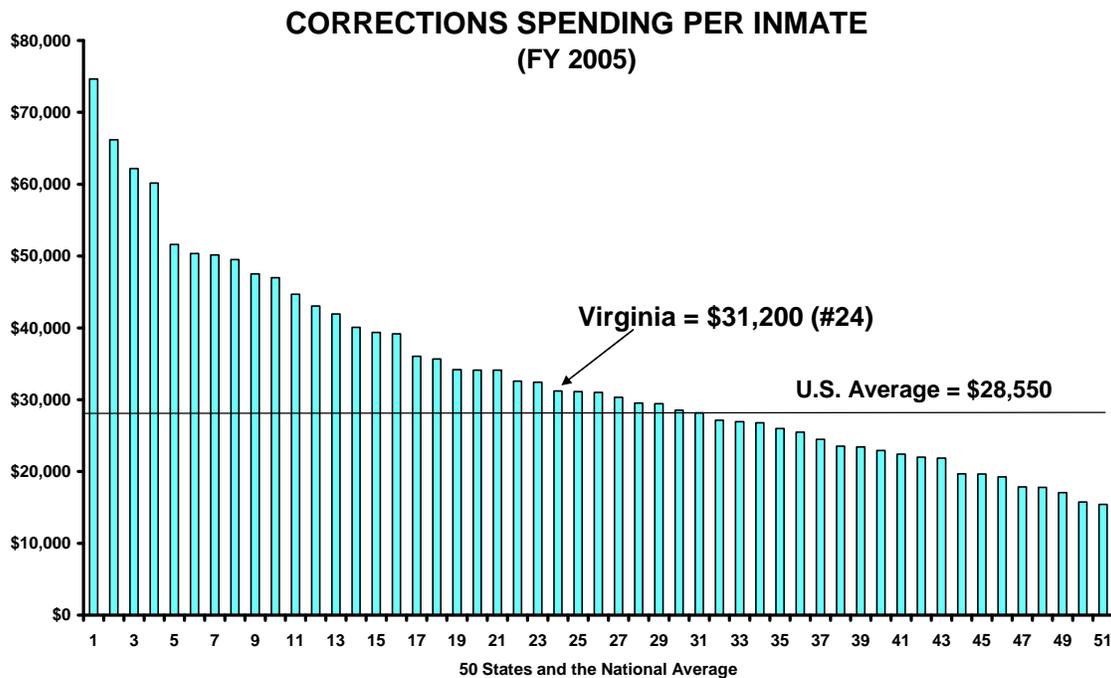


- Virginia's per capita spending on adult corrections was less than Maryland (\$181) and Georgia (\$134), but higher than North Carolina (\$119).

# Per Inmate Spending on Corrections

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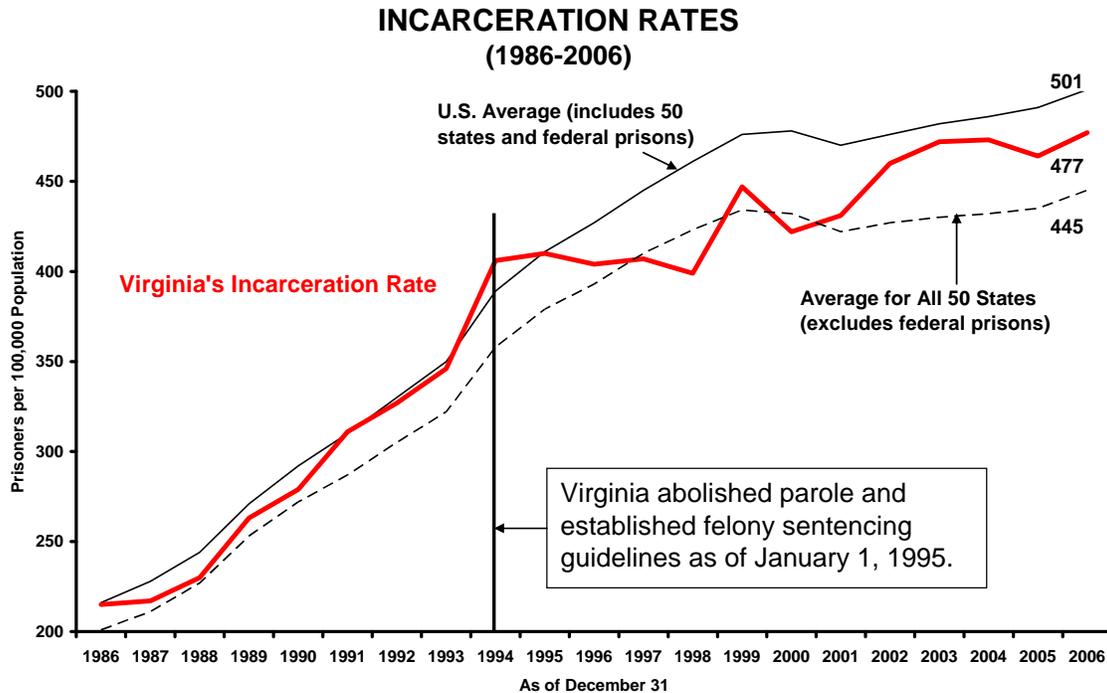
- Virginia spent \$31,200 per inmate on state adult corrections in 2005, ranking 24<sup>th</sup> among the 50 states, and above the national average of \$28,550:



- Virginia's per inmate spending on adult corrections was less than Maryland (\$44,684) but higher than North Carolina (\$26,994) and Georgia (\$23,518).

# Virginia's Incarceration Rate Has Slowed

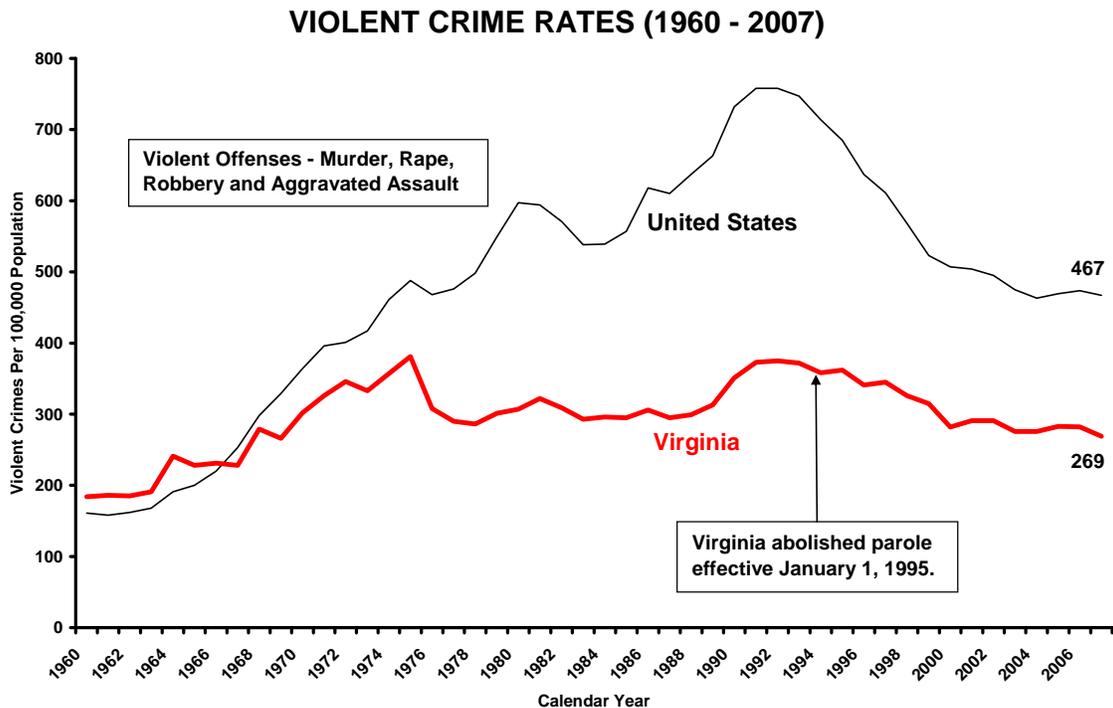
- The rate of growth in Virginia's incarceration rate (the number of state prisoners per 100,000 population) slowed after sentencing guidelines went into effect:



- On the eve of parole abolition (as of December 31, 1994) Virginia ranked 10<sup>th</sup> highest in the rate of incarceration. By 2006, Virginia's rank had dropped to 17<sup>th</sup>.
- Virginia's rate is lower (or higher) than the national average, depending upon whether the federal prison system is included in the average.

# Virginia's Crime Rate Remains Low

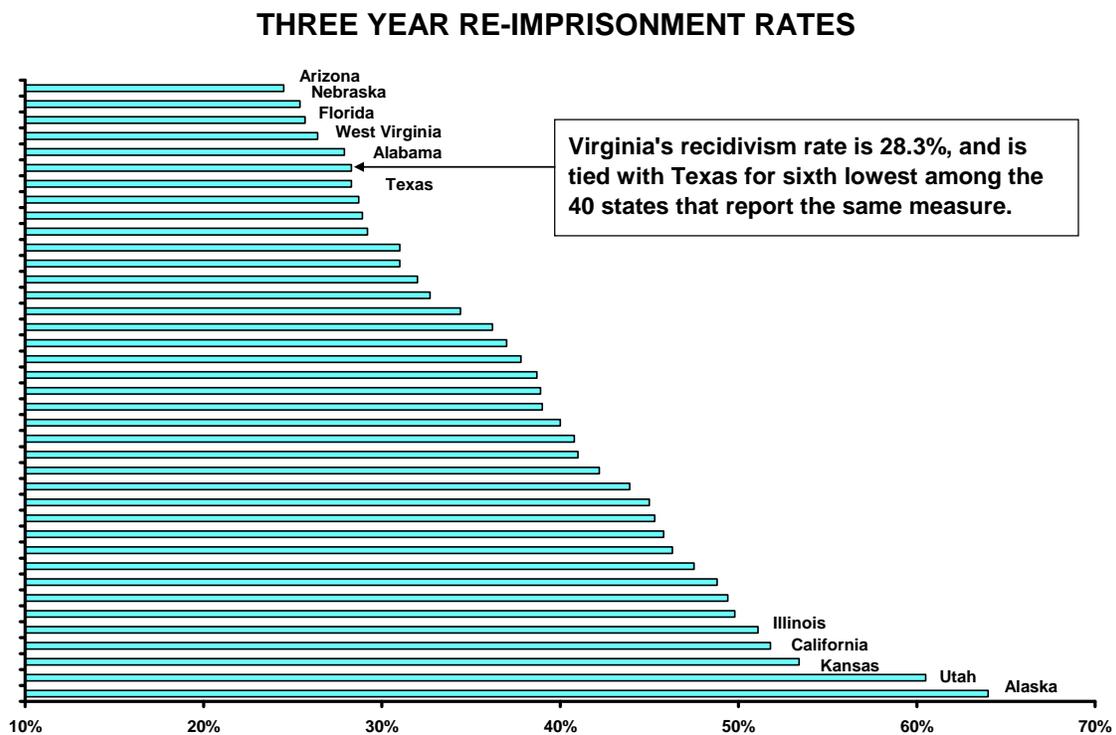
- Virginia consistently ranks among the low-crime states in offenses per 100,000 population (40<sup>th</sup> out of 50 states for violent and 39<sup>th</sup> for property offenses in CY 2007).



- The rate of violent crime in Virginia fell 13 percent from 1998-2007 (and fell by 18 percent nationally).
- The rate of property crime in Virginia fell 23 percent from 1998-2007 (and fell by 19 percent nationally).
- How will Virginia's changing economic conditions and demographics affect crime rates?

# Virginia's Recidivism Rate is 28 Percent

- Virginia defines recidivism as re-incarceration in a DOC facility within three years of release from prison.
- Virginia is tied for sixth lowest among the 40 states that use this definition of recidivism:



- With comparatively low rates of crime and recidivism, Virginia is in a favorable position on these measures.
- How can Virginia maintain these metrics during a period of declining resources?

## Impact of Budget Reductions

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- DOC is the largest state agency in FTE employment, with over 13,600 authorized positions, and a total budget of \$1.1 billion (from all funds) in FY 2009.
- In the October round of budget reductions, prison security and medical services (which account for 62 percent of the GF budget) were exempted from the reduction targets.
- Reductions to date for FY 2009 total \$45 million, or about 11.6 percent of the rest of the DOC budget that was not exempted from the reduction targets.
- Six facilities have been closed, eliminating 1,440 beds, and DOC has temporarily stopped taking in state prisoners from jails (with very few exceptions).
- The “out-of-compliance” backlog of state-responsible prisoners housed in jails is projected to increase to about 3,600 in June 2009 and to about 4,600 in June 2010. The backlog has not reached these levels before.
- The reductions have also affected district probation offices and residential substance abuse treatment.

# The Offender Forecasting Process

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- Each year the Secretary of Public Safety updates four offender forecasts:
  - Adult state-responsible (felony sentences of one year or more);
  - Adult local-responsible (misdemeanor sentences of twelve months or less);
  - Juvenile state-responsible (for the state juvenile correctional centers operated by the Department of Juvenile Justice); and,
  - Juvenile local-responsible (those held in local juvenile detention homes).
- The Secretary chairs a policy committee of stakeholders representing the criminal justice system, which reviews alternative forecasts prepared by a technical committee composed of agency specialists.
- The technical committee meets throughout the year to review the accuracy of the forecast. The policy committee meets July through September, and the new forecasts are published in October.

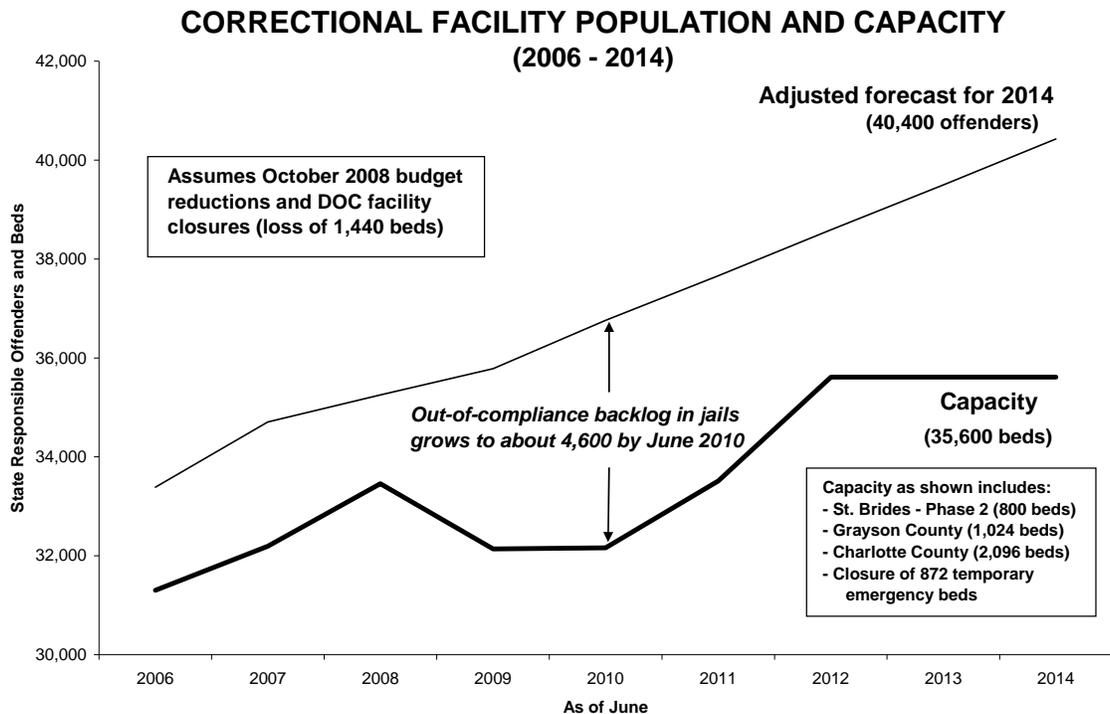
## Offender Forecasts Are Lower

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- The new forecasts for adult state-responsible and local-responsible offenders have been **reduced**, compared to last year's forecasts.
- Over the past year, the local-responsible population in jails **dropped** by 1.7 percent (from 20,622 to 20,278).
- The state-responsible population continued to grow, but at a slower rate compared to last year's forecast.
- There are no definitive explanations for the slower growth, but several factors may be involved.
- The most significant factor may be the reduction in waiting times for case processing at state forensic laboratories, which has reduced the population in jail awaiting trial.
- Other positive factors may include:
  - Virginia leads the nation in the use of risk assessment guidelines for both felons and misdemeanants; and,
  - Virginia has provided alternative sanctions for lower-risk, non-violent offenders.

# State-Responsible Forecast

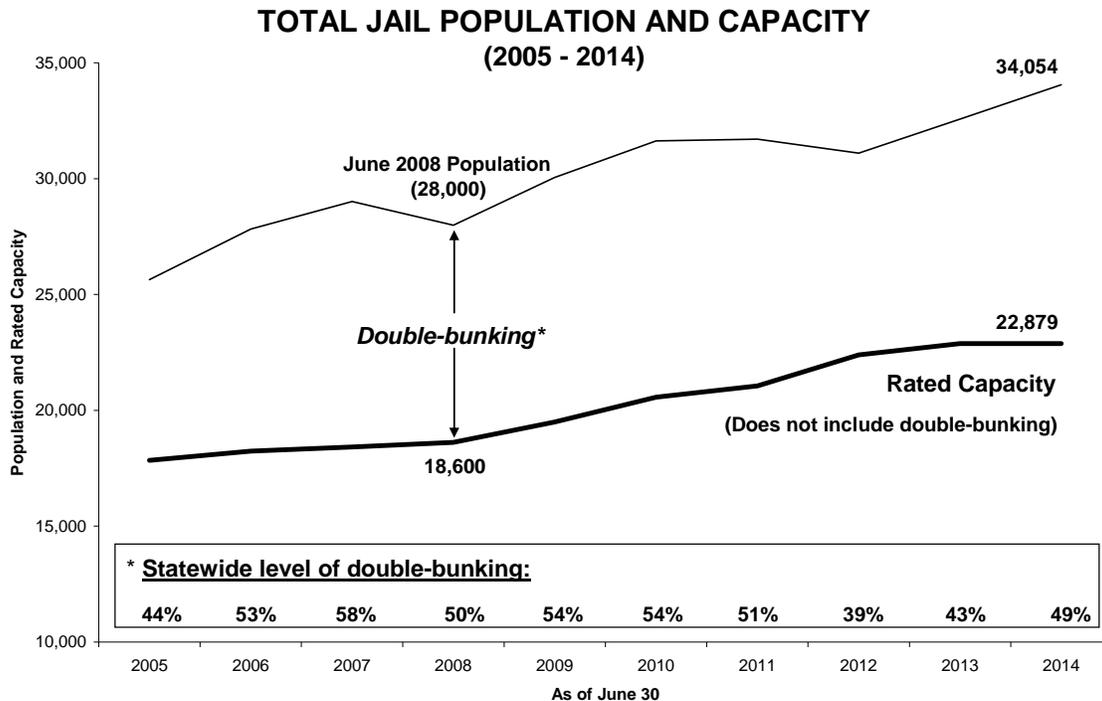
- The new forecast projects slower growth in the state-responsible offender population.
- The chart below illustrates the new forecast, along with reduction in capacity in the current fiscal year 2009 resulting from the closure of six facilities:



- Three capital projects are required to provide the capacity shown above for 2012: St. Brides Phase 2 in Chesapeake (already complete), and new correctional facilities in Grayson and Charlotte Counties.

# Local-Responsible Forecast

- The projected local-responsible population for 2014 has dropped by about 4,000 offenders, compared to last year's forecast.



- The closing of 1,440 state facility beds will increase the backlog of state prisoners in local and regional jails.
  - The “out-of-compliance” backlog is the number of state-responsible offenders still housed in jail who, by law, are required to be transferred into state facilities within 60 days of the receipt by DOC of the full and complete sentencing order.

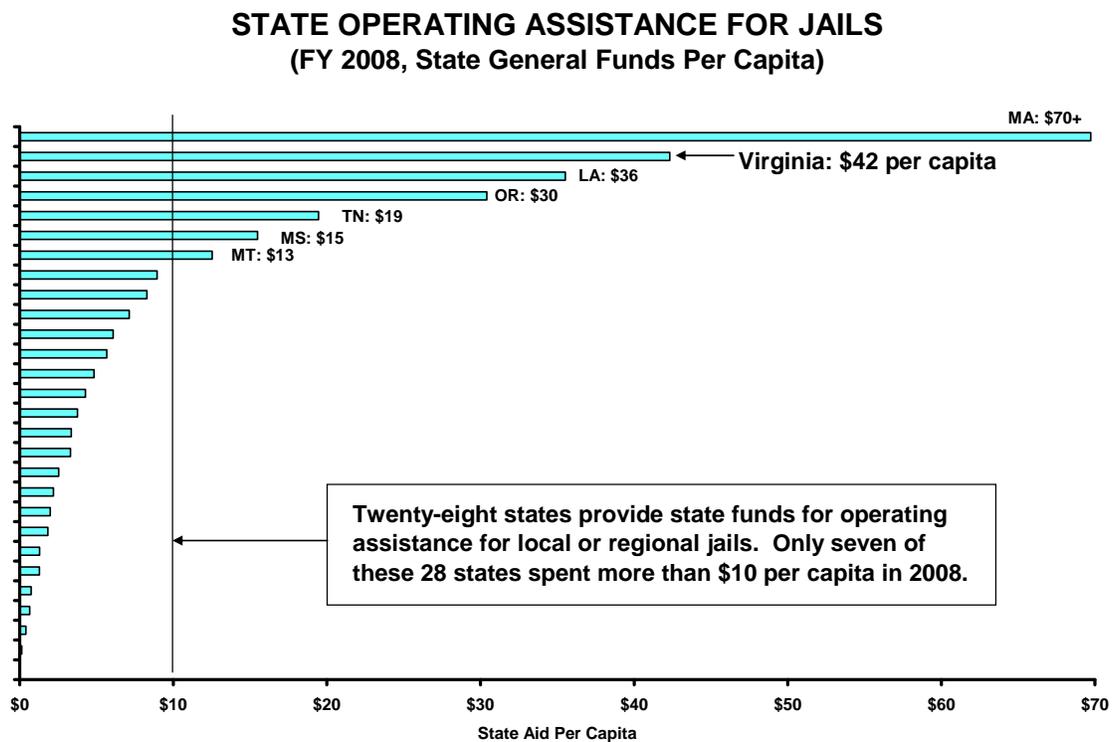
## Impact on Jail Crowding

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- The General Assembly has already approved 4,200 additional jail beds, opening between now and 2014, so jail capacity is increasing.
- The Board of Corrections does not recognize double-bunking in its published measure of rated capacity for jails.
  - From a practical perspective, 50 percent jail double-bunking (or 50 percent over the rated capacity) is generally considered acceptable, for newer jails.
- Including the new capacity already approved, the statewide double-bunking rate for all jails across Virginia will increase to about 54 percent in 2010 and decline thereafter.
- There will be concerns raised locally about the impact of the increasing backlog on specific jails which may be considered “overcrowded,” by local officials.
- This will necessitate a careful review of the facts and figures for each jail facility, including the actual capacity of the jail when legitimate double-bunking is counted.
- It will also be important to recognize the high level of state funds provided for jails in Virginia, compared to other states.
  - With this in mind, the next section of this report explains how Virginia provides state assistance for jails (for both operating and capital expenses).

# Per Capita Expenditures for Jails

- Virginia spent over \$42 per capita on state aid for operating local and regional jails in FY 2008, second highest in the nation, according to a new Senate Finance Committee survey. This is a reflection of Virginia's historical state-local cost-sharing system for Constitutional Officers:

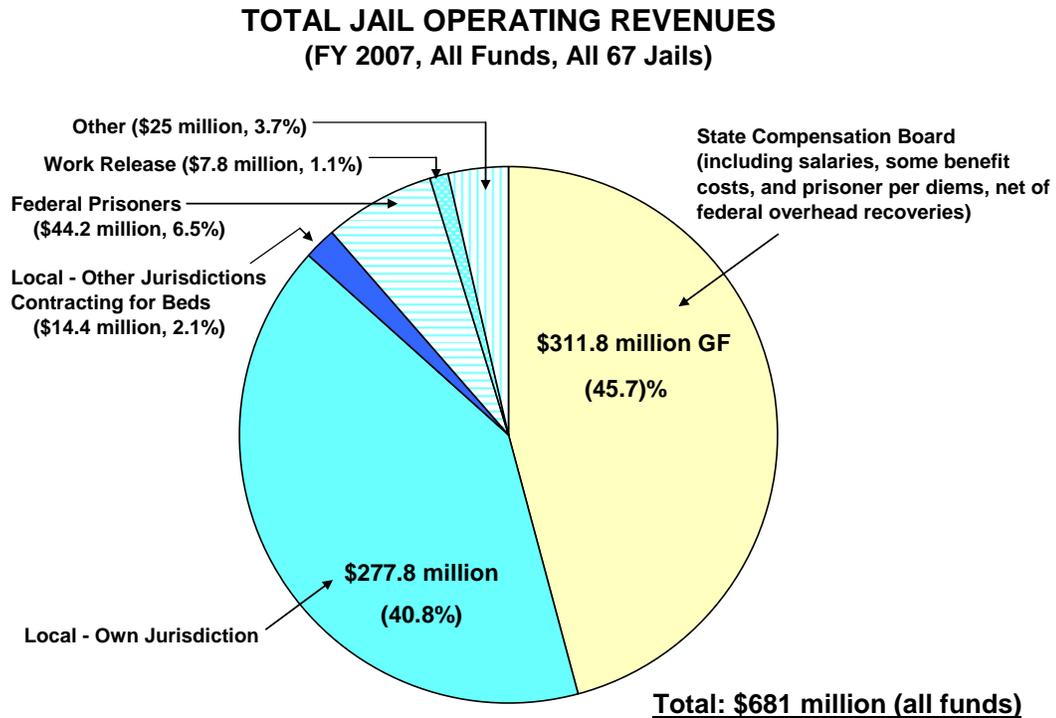


- The Compensation Board, which administers state aid for Virginia's jails, provides an annual cost report.
- Virginia is one of only six states to publish an annual report on actual jail expenditures.

# Statewide Jail Operating Revenues

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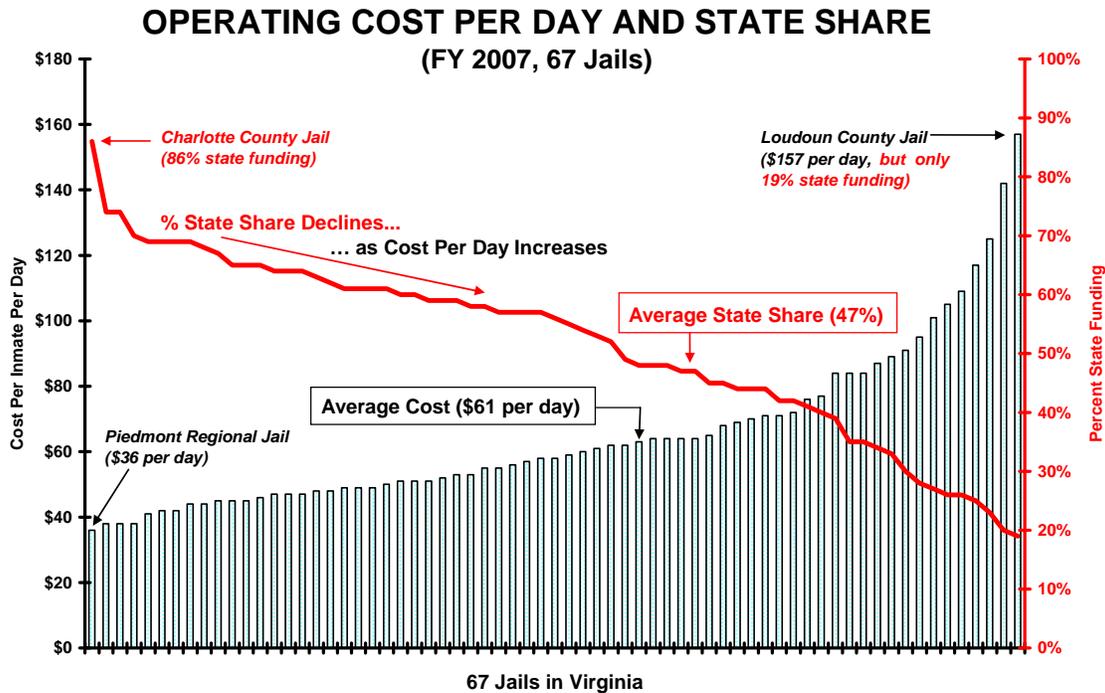
- Operating revenues for all 67 jails in Virginia totaled \$681 million (from all funds) in FY 2007:



- Total revenues of \$681 million exceeded total operating expenses of \$661.5 million by 2.5 percent in FY 2007.
- Of the total revenues, the Compensation Board paid \$311.8 million for salaries, some benefit costs, and jail prisoner per diems (net of federal overhead recoveries).
  - This represented 45.7 percent of total revenues (or 47 percent of total operating costs) for jails in FY 2007.

# Statewide Jail Operating Costs

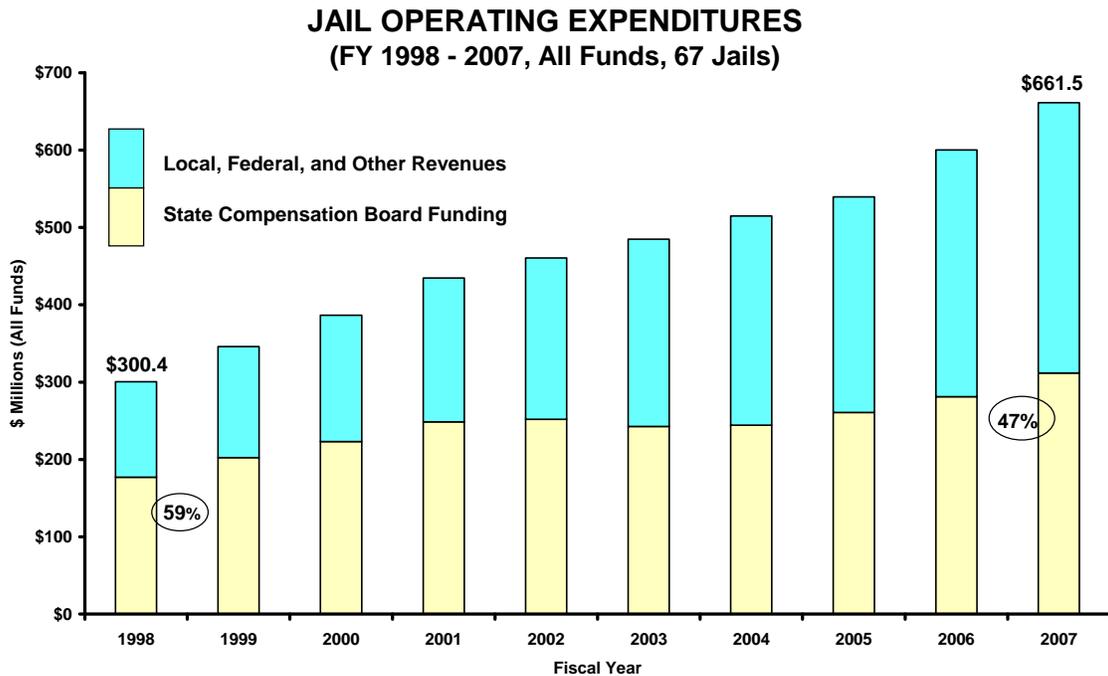
- The statewide average operating cost per prisoner was \$61 per day, or \$22,265 per year (from all funds) in FY 2007, of which the state paid 47 percent on average:



- Operating costs ranged from less than \$36 per day (Piedmont Regional Jail) to almost \$157 per day (Loudoun County Jail), or from \$12,950 to \$57,000 per year.
- Typically, as the cost per day increases, the state share of total operating costs decreases, because in Northern Virginia higher salary levels are required (above the amounts paid by the Compensation Board).

# The State Share Has Dropped

- State funding increased from \$177 to \$311.8 million from FY 1998 to 2007, but the percentage of jail operating costs paid by the Commonwealth declined from 59 to 47 percent over this ten-year period:



- At the direction of the General Assembly in 1998, the Compensation Board has produced an annual cost report for each fiscal year beginning with FY 1998. (The most recent report covers FY 2007.)

# Jail Capital Project Approval

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- Only seven states provide state funds for construction, enlargement or renovation of jails.
- The Appropriation Act requires legislative approval for a jail capital project to be considered by the Board of Corrections (an “exemption” from the “moratorium”).
- Following approval of a language amendment in the budget authorizing a project to proceed to planning, the project must be approved by the Board of Corrections and the Governor.
- The Board requires submission of a Community-Based Corrections Plan and Planning Study for its approval.
- Upon approval by the Board of Corrections, the state share of the capital cost of the project may be paid either in a lump sum or over time.
  - The state share for large projects has typically been funded with bonds issued by the Virginia Public Building Authority (VPBA).
  - The Treasury Board budget now includes \$30.3 million in annual debt service on VPBA bonds issued for the state share of jail projects.
- Unless the state pays cash up front, the state share counts against Virginia’s debt capacity.

# Jail Capital Cost Reimbursement

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- The Commonwealth pays up to 50 percent of the capital costs for regional jails (up to 25 percent for local jails).
  - Capital projects totaling \$863.9 million (all funds) since 1993 have doubled Virginia's (rated) jail capacity from 9,200 to over 18,400 beds.
  - The General Assembly has approved another \$692.2 million in capital projects (all funds), which should add 4,200 more beds by 2014.
- In the 20 years since the 50 percent incentive has been in effect, localities have dramatically upgraded the physical plant of jails across the Commonwealth.
- The General Assembly may wish to consider whether the 50 percent reimbursement policy is still necessary.
- Today, new challenges have emerged, such as the recognition that 18 percent of the jail population is mentally ill, and the question of how best to divert these persons from jail to treatment programs, to the maximum extent possible, consistent with public safety.
- In the future, the General Assembly may wish to condition state participation in jail capital projects with the approval of plans and funds to divert the mentally ill from jail into more appropriate treatment options.

## Outlook for the Future

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- The most recent forecast suggests slower growth in the offender population.
  - However, the unknown factor will be the effect of economic conditions on crime.
- With the closing of 1,440 DOC beds and the increasing backlog in jails, additional state beds will be required in the near future, including:
  - St. Brides Phase II, in Chesapeake (800 beds);
  - Grayson County (1,024 beds); and,
  - Charlotte County (2,096 beds).
- For the longer term, there is time to plan the next generation of facilities, such as housing units designed specifically for pre-release or for technical violators.
- New capacity can be added by replacing older facilities with newer, more efficient facilities.
- Additional medical facilities and options for geriatric offenders will also be needed over the next decade.
- Greater attention will be required to determine whether and to what extent future costs can be reduced through expanded use of alternatives to incarceration.

## Conclusion

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- Over the past 20 years Virginia has made significant progress in adult corrections:
  - Prison and jail capacity has been expanded;
  - Sentencing guidelines have moderated the rate of growth in the incarceration rate; and,
  - State and local community corrections programs have provided alternatives to incarceration.
- Virginia remains a low-crime state and has a relatively low rate of recidivism.
- With declining revenues, over the next year the General Assembly faces hard decisions as to how many more prison beds the Commonwealth can afford.
- Slower growth in state and local offender populations provides an opportunity to assess progress made and consider options for the future.