

SENATE OF VIRGINIA

Senate Finance Committee

Crime and Corrections

November 18, 2011

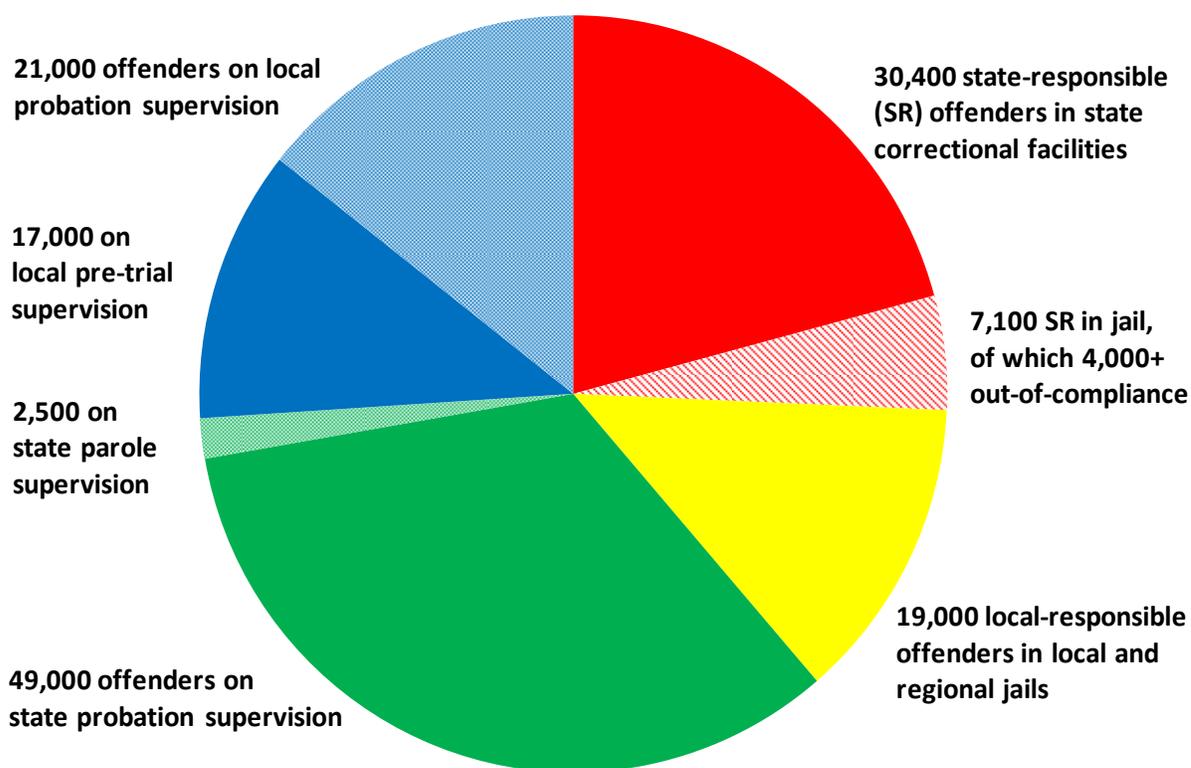


SENATE FINANCE COMMITTEE

Overview

- About 2.4 percent of Virginia's adult population is under state or local correctional supervision, either in secure facilities or in the community.

**146,000 Offenders Under Correctional Supervision
(As of June 30, 2011)**



Key Points

- Virginia has a well-managed, safe and secure correctional system, and is a national leader in implementing sentencing reforms.
- Virginia has a high incarceration rate, but low crime and recidivism rates.
- Offender populations have fallen, providing opportunities for cost savings, but these savings have affected operations.
 - State facilities have been closed and treatment programs reduced or eliminated, resulting in continued crowding and increased security concerns, especially in dormitory units.
 - State funding for jails has been cut, resulting in cost-shifting to localities. No jails have been closed due to budget cuts.
- Over 25 percent of jail inmates are reported to have a mental illness (and 12 percent reported to have a serious mental illness).



Sentencing Reform

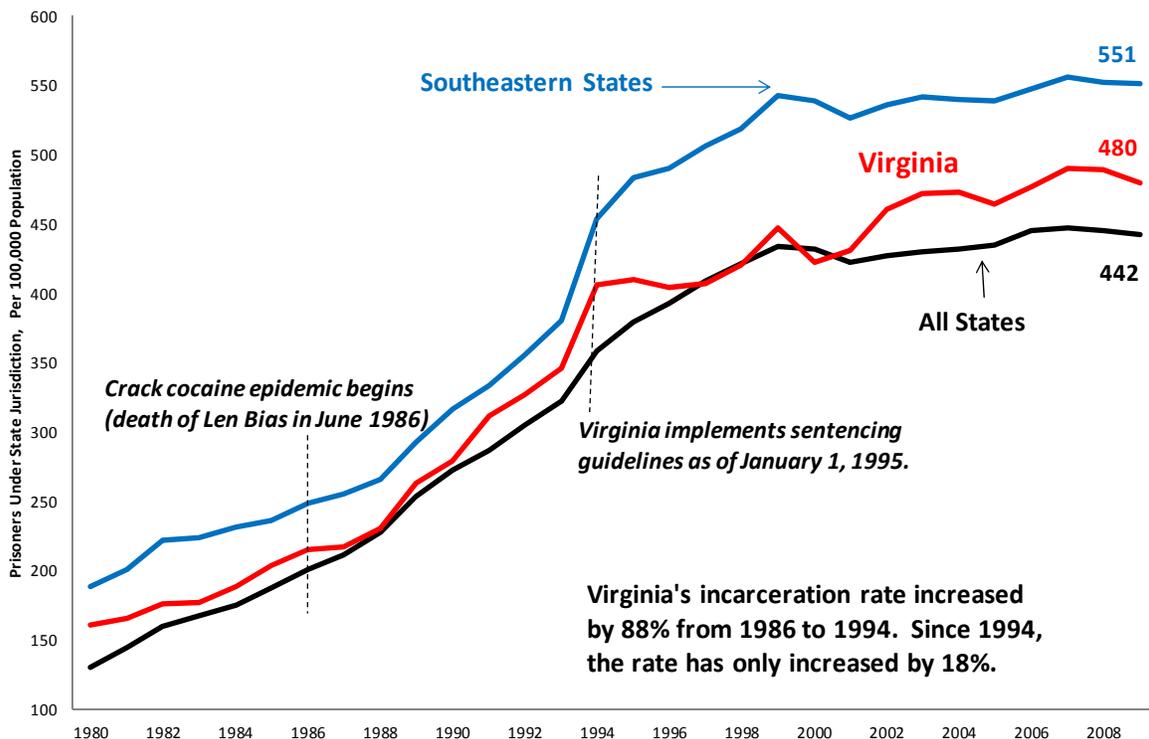
- As intended, the adoption of felony sentencing guidelines in 1994 has led to:
 - Reductions in sentencing disparities;
 - More predictable sentencing patterns; and,
 - More accurate forecasting of offender populations.
- The guidelines are voluntary and compliance by circuit judges is very high (80 percent).
- The intention was to reserve expensive prison bed space for violent and repeat offenders.
 - The proportion of the Department of Corrections (DOC) facility population defined as violent has increased from 59 to 79 percent since 1994.
- No other state has fully implemented (as Virginia did in 2002) risk assessment guidelines for circuit judges to use in deciding which felons should be in prison and which may safely be assigned to alternative sanctions.



Incarceration Rates

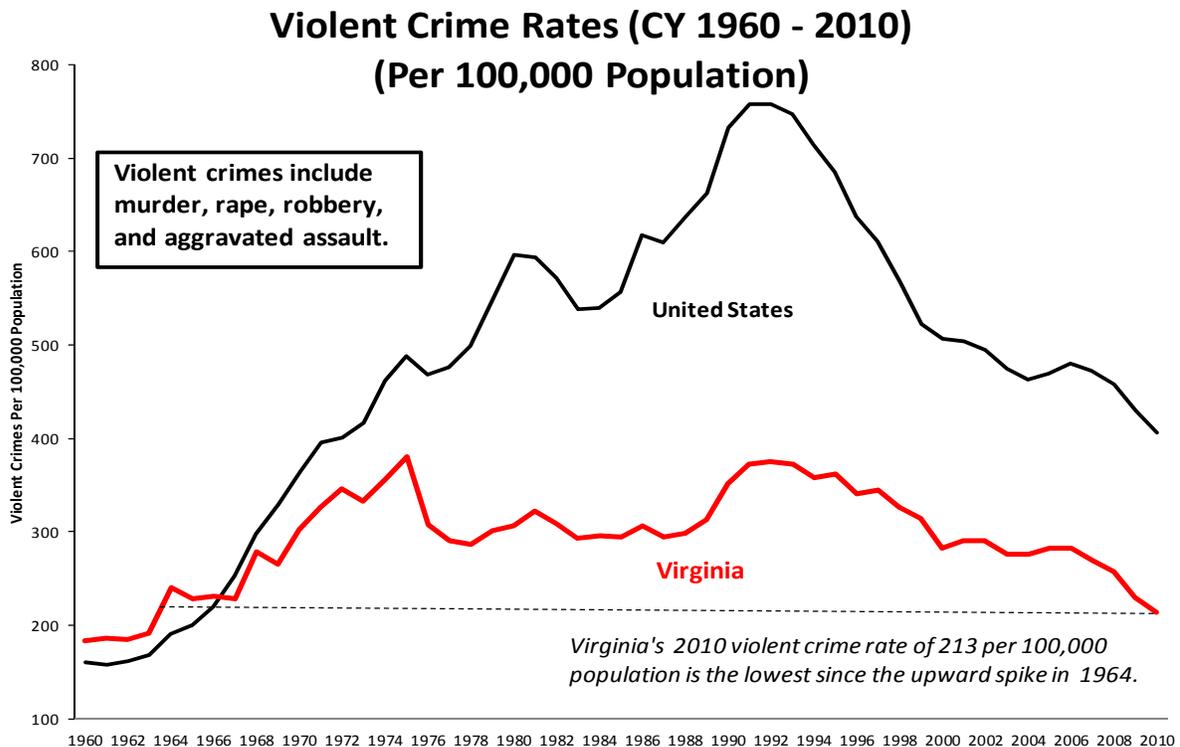
- Virginia's rate of incarceration in 2009 was the 12th highest in the nation.
- The rapid growth in incarceration from the early 1980's to the mid-1990's has slowed, both in the U.S. and in Virginia.

**Growth in Incarceration Rates Has Slowed
(As of December 31, 1980- 2009)**



Violent Crime Rates

- Over the past five years (CY 2005-2010), Virginia has improved from 17th lowest to **sixth lowest** in the rate of violent crime, among the 50 states.
- Nationally, the rate of victimization from violent crimes fell 70 percent from 1993 to 2010.



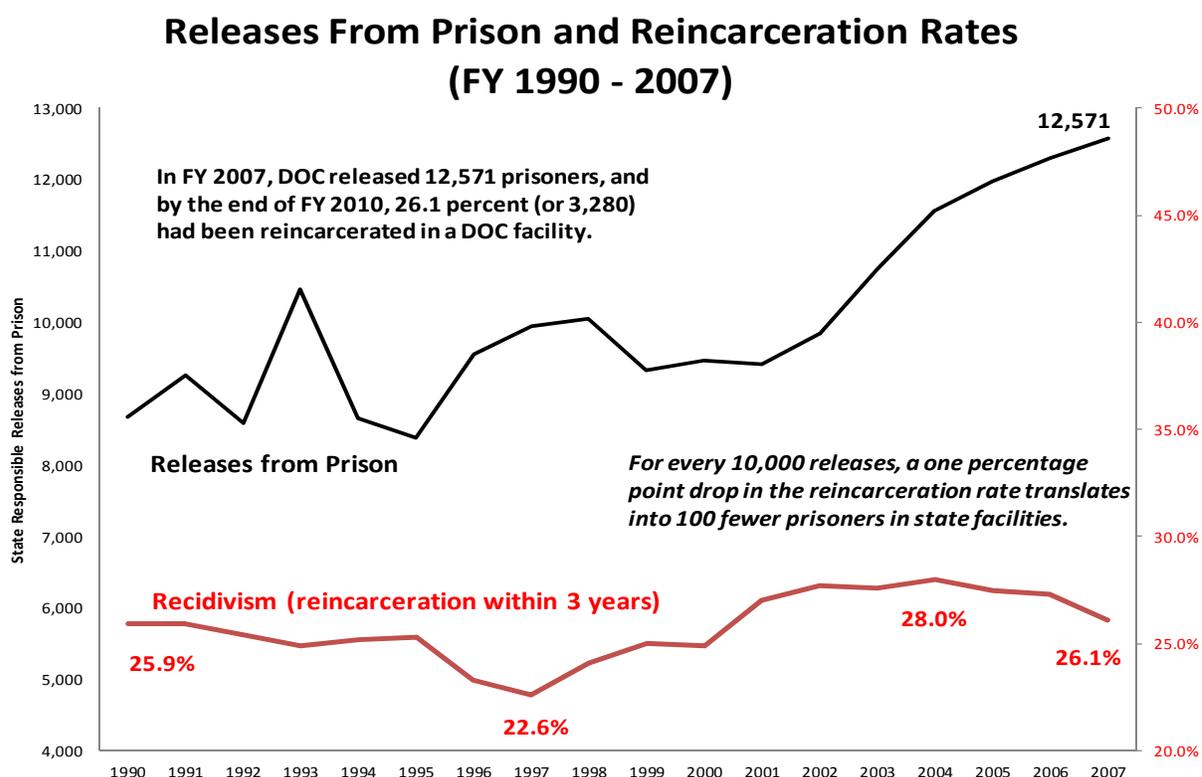
Why the Decline?

- Criminologists are rethinking the link between crime and unemployment.
- Longer prison terms for violent/repeat offenders.
- A significant drop in cocaine availability; Virginia cocaine arrests down 47 percent since 2006.
- Smart policing – community policing strategies, more effective use of information technology.
- A broad range of anti-crime strategies, not just in public safety, but also in health and human resources and education.
- Aging population – smaller percentage in high crime-prone age group (15-24 year-old males).
- Regardless of the underlying causes, the most significant factor is the drop in the crime rate in the high crime-prone age group.



Recidivism

- Virginia ranked **fourth lowest** in 2010 among 48 states using the same definition of recidivism (for offenders released in 2007). Virginia was **sixth lowest** in 2006 (for 2003 releases).
- Recidivism is the key measure for assessing the effectiveness of prisoner re-entry programs.



Prisoner Re-Entry

- From last year's retreat presentation:
 - A new business model is emerging in corrections, with an increased emphasis on reducing recidivism and encouraging alternative sanctions, where appropriate – based on sound principles of risk management.
- Virginia has been encouraging improved prisoner re-entry programs for several years, to assist inmates returning to their home communities.
- In 2010 the Administration appointed a Prisoner and Juvenile Offender Reentry Council which adopted 67 recommendations, and DOC now has a formalized re-entry plan.
 - Collaboration with non-profits and localities;
 - Counseling and programming beginning when an offender is sentenced to a DOC facility, and continuing through release to the community; and,
 - Utilization of assessment information when making prison and program assignments.



Alternatives

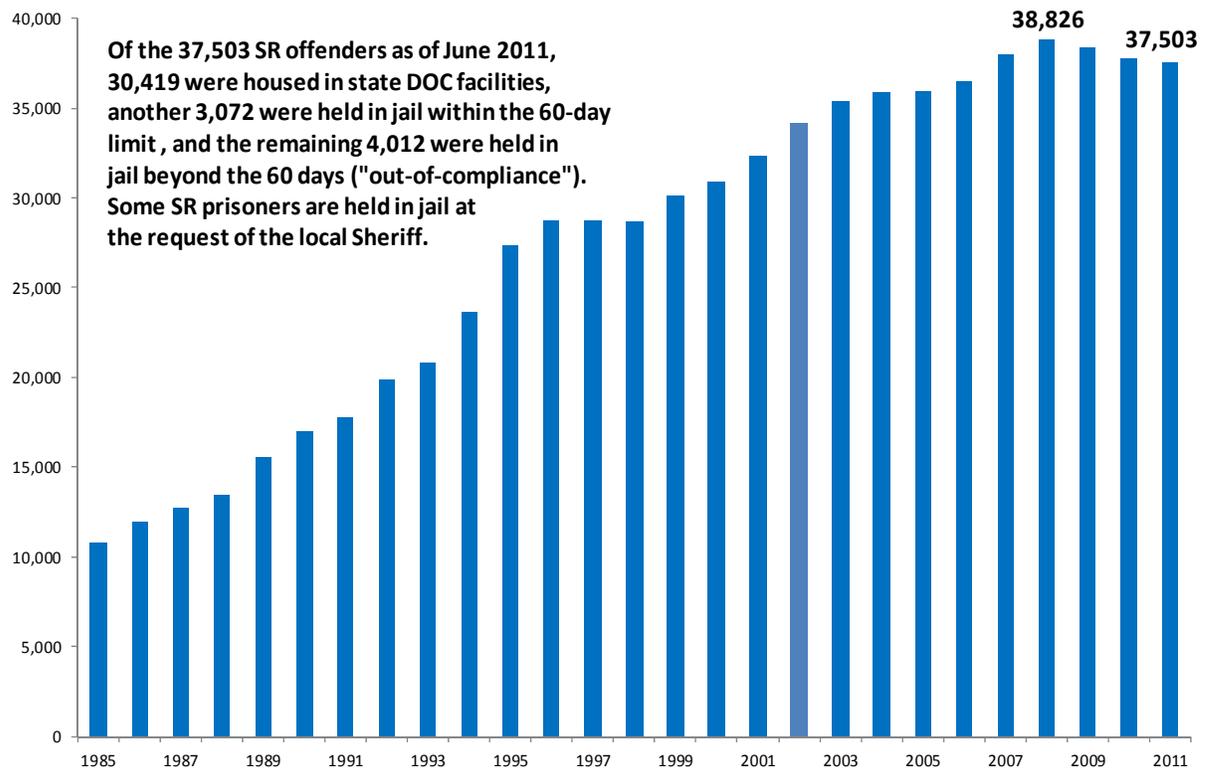
- The Administration has continued the Task Force on Alternatives for Non-Violent Offenders.
- The Task Force has recommended legislation to authorize 3-5 pilot programs based on swift and sure sanctions for technical probation violators.
 - Last year, over 1,000 offenders were returned to prison due to technical violations of the terms and conditions of probation, rather than a new crime.
 - Proposed SURE program (Sanctions with Uniform Rapid Enforcement) would be administered by the Virginia Criminal Sentencing Commission.
 - Judges would have a sanctioning continuum for non-violent felons on probation:
 - 1st violation 5-10 days (in jail)
 - 2nd violation 15-20 days
 - 3rd violation 25-30 days
 - 4th violation 90 days – 12 months
 - *Not intended for drug addicts, based on use of a validated assessment instrument to be identified by the Sentencing Commission; court would have the right to remove the offender from the program, upon motion of the Commonwealth or defense counsel.*



State Responsibility

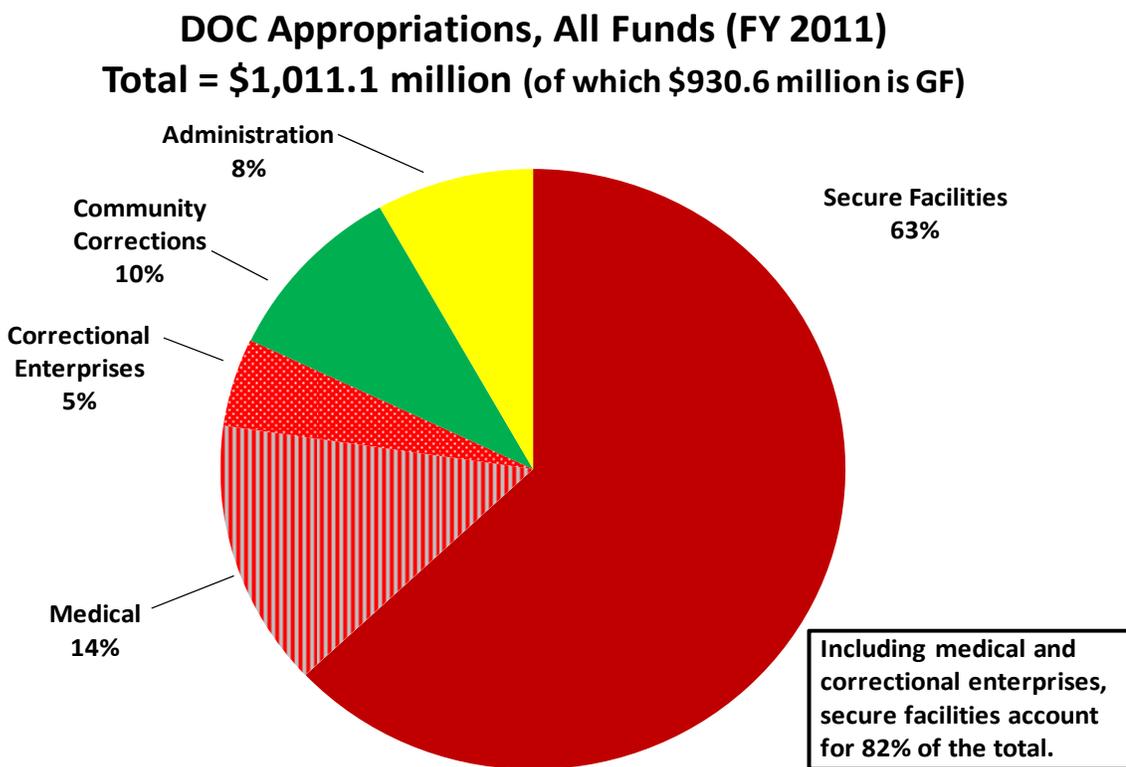
- State-responsible offenders are defined as felons sentenced to one year or more in a state facility.
 - DOC is required by law to pick up SR offenders from jail within 60 days of receipt of the final and complete sentencing order. Those still in jail after 60 days are “out-of-compliance.”

**Virginia's State-Responsible Offender Population
(As of June, 1985 - 2011)**



DOC Budget: The Basics

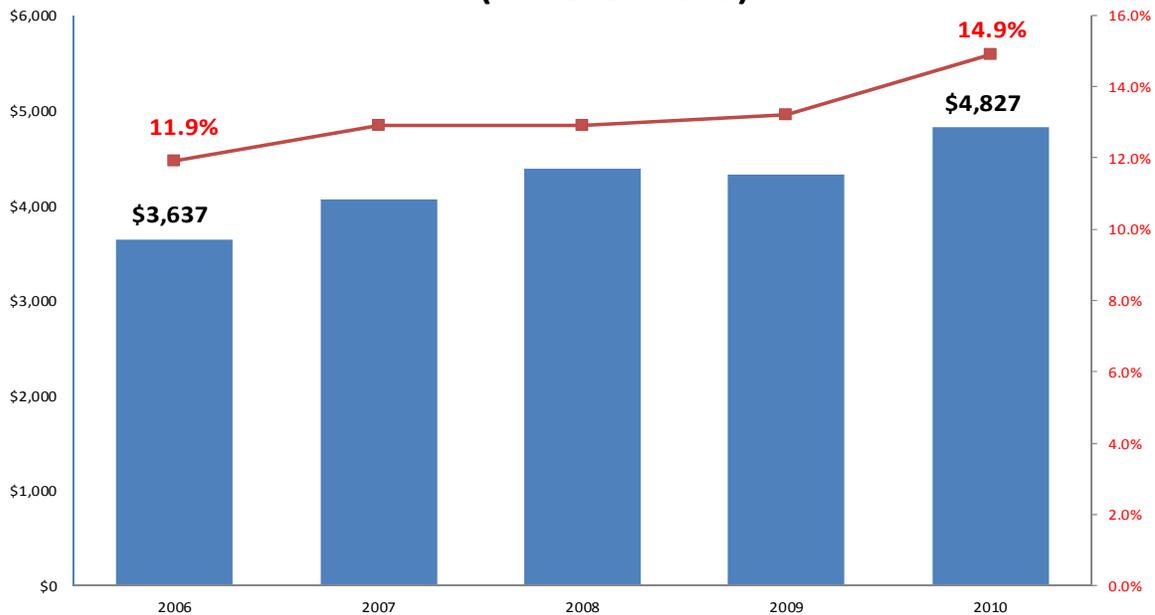
- Appropriations for DOC totaled over \$1.0 billion in FY 2011 (all funds). With 12,375 FTE, DOC has more positions than any other state agency.
- Secure facilities: 30 major institutions, eight field units, seven work centers; cost per inmate just over \$24,000 in FY 2010 (not including education).



Medical Costs

- Medical costs per inmate increased 32.7 percent from 2006 to 2010. Virginia's 2010 cost per inmate was 19th lowest among the 50 states.
- Medical costs will continue to rise as the inmate population ages.
 - Since 1995, offenders age 50+ have increased from five to 15 percent of the confined population.

**Per Capita Inmate Medical Costs
and Percentage of DOC Operating Expenditures
(FY 2006 - 2010)**



DOC Budget Cuts

- DOC has weathered the transition to leaner budgets over the past three years.
 - General fund operating expenditures in FY 2011, as adjusted, were \$59.4 million (7.3 percent) lower than three years earlier (in FY 2008).
 - Since 2008, nine facilities (3,000 beds) closed; many programs reduced or eliminated; ten percent of total FTE positions eliminated -- but only 43 layoffs.
 - Employees have taken on greater workloads.
 - Limited capacity at this point to close additional facilities without layoffs.
- The state-responsible population declined by 3.4 percent from June, 2008-2011, but the number of beds closed is more than twice the reduction in the state-responsible (SR) population.
 - As a result, state facilities are just as crowded as before, and more SR prisoners are backed up in local and regional jails.
- Capital maintenance costs are increasing.



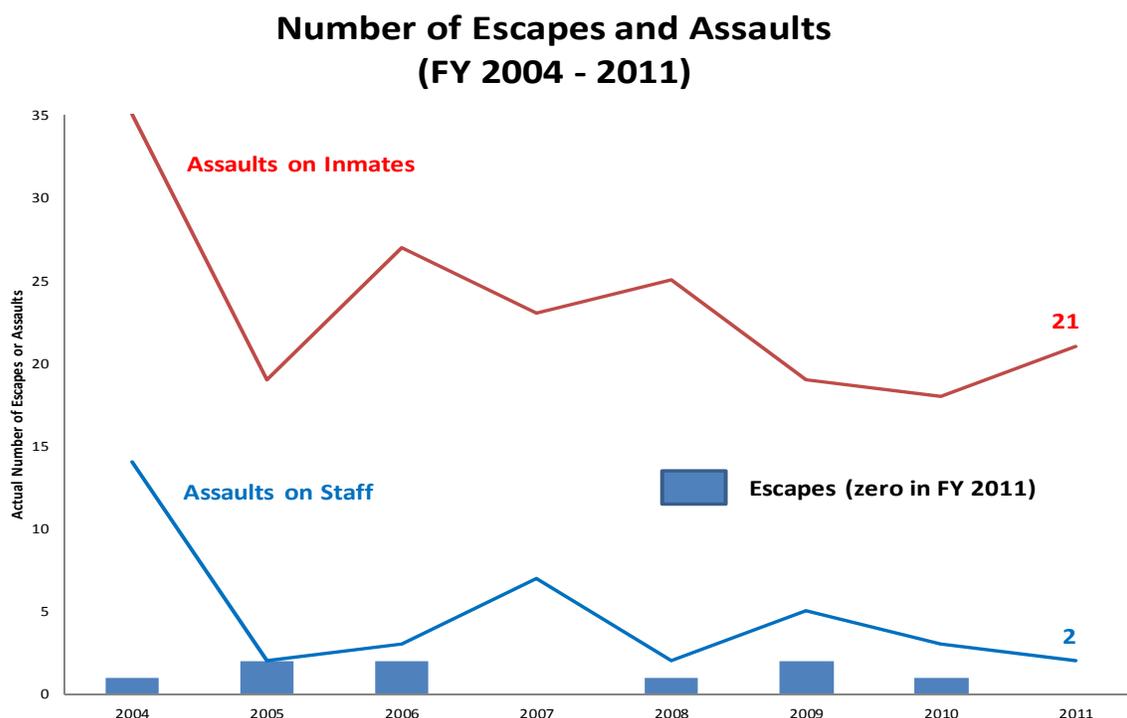
Facilities Still Crowded

- The new Grayson County facility (River North Correctional Center) has been mothballed.
 - \$106 million capital cost.
 - \$25 million/year operating cost (not funded).
 - \$715,000 annual mothballing cost (6 FTE).
- Remaining facilities are at maximum capacity, or 60-65 percent double-bunking. (DOC is updating its facility capacity.)
 - In effect, capacity has been defined by the physical limits of water and sewage treatment capacity.
 - DOC continues to operate over 800 “temporary emergency” beds, especially in crowded dormitory units – raising security concerns.
- Pennsylvania is ending its contract to house 1,000 inmates in Virginia as of March 2012.
 - The \$20.4 million per year in NGF revenue has supported operation of Green Rock Correctional Center near Chatham.
 - Unless these funds are replaced, additional facilities will be closed.



Facilities Are Secure

- Virginia's state correctional facilities are safe and secure.
 - Virginia DOC has consistently had one of the lowest escape rates in the nation, and ranks among the lowest states in the Southeast in assaults.
 - The rate of assaults in the general population of Virginia is 2.5 times the rate in prison (per 1,000 population or per 1,000 prisoners).



Forecasts Lowered, Again

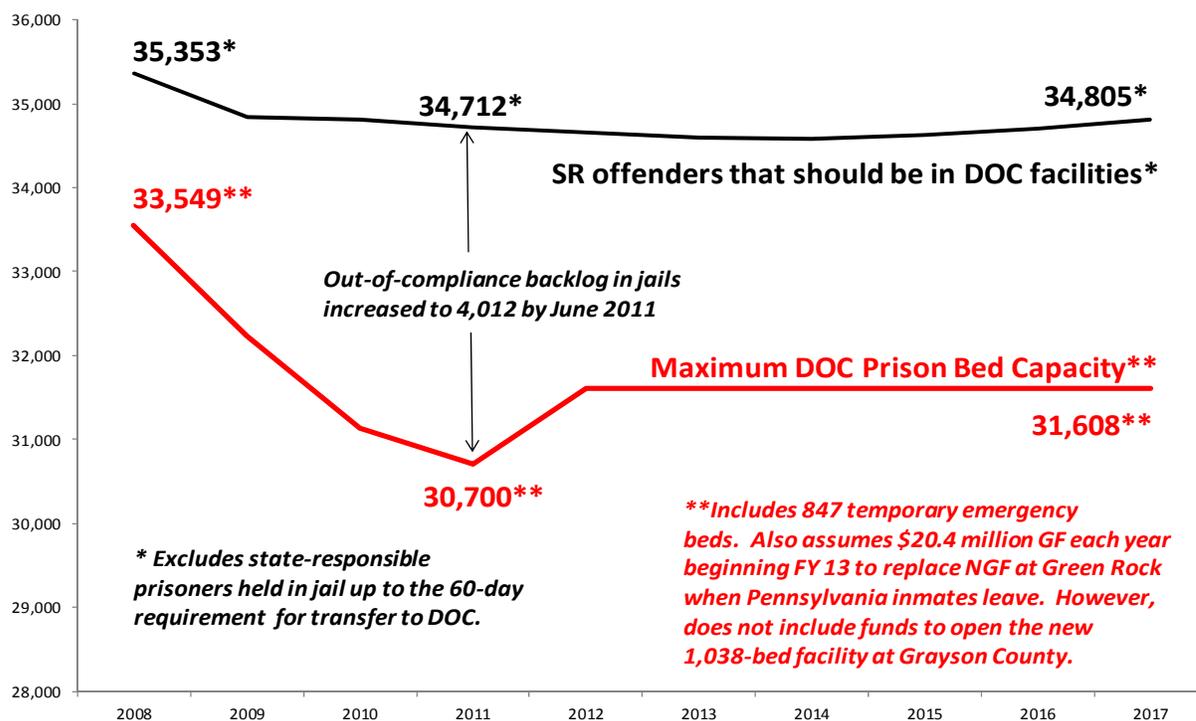
- The Secretary of Public Safety convenes a policy committee and a technical committee each year to update the four offender forecasts:
 - **State-responsible (SR) adults**, most of whom are held in state facilities, but about 7,100 are housed in local or regional jails;
 - **Local-responsible (LR) adults**, confined in local and regional jails;
 - **State-responsible juveniles**, confined in state juvenile correctional centers operated by the Department of Juvenile Justice (DJJ); and,
 - **Local-responsible juveniles**, confined in local and regional juvenile detention facilities.
- The actual number of SR adults peaked in 2008; the number of LR adults peaked in 2007.
 - The actual numbers of state- and local-responsible juvenile offenders peaked a decade ago.
- The forecasts have been lowered in each of the past several years.



SR Forecast

- The number of SR offenders that should, by law, be housed in state facilities is projected to be lower in 2017 than at the peak in 2008.
 - A key decision affecting the out-of-compliance backlog is whether or not NGF revenues from housing Pennsylvania inmates will be replaced.

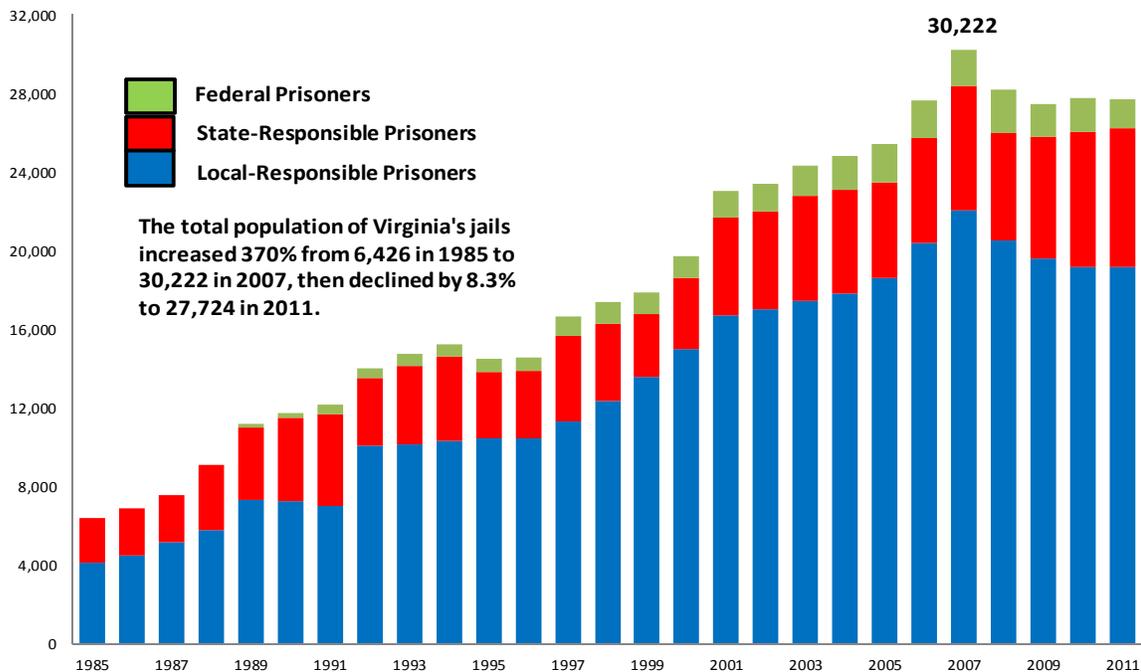
**DOC Out-of-Compliance Backlog
(As of June, 2008 - 2017)**



Virginia's Jails

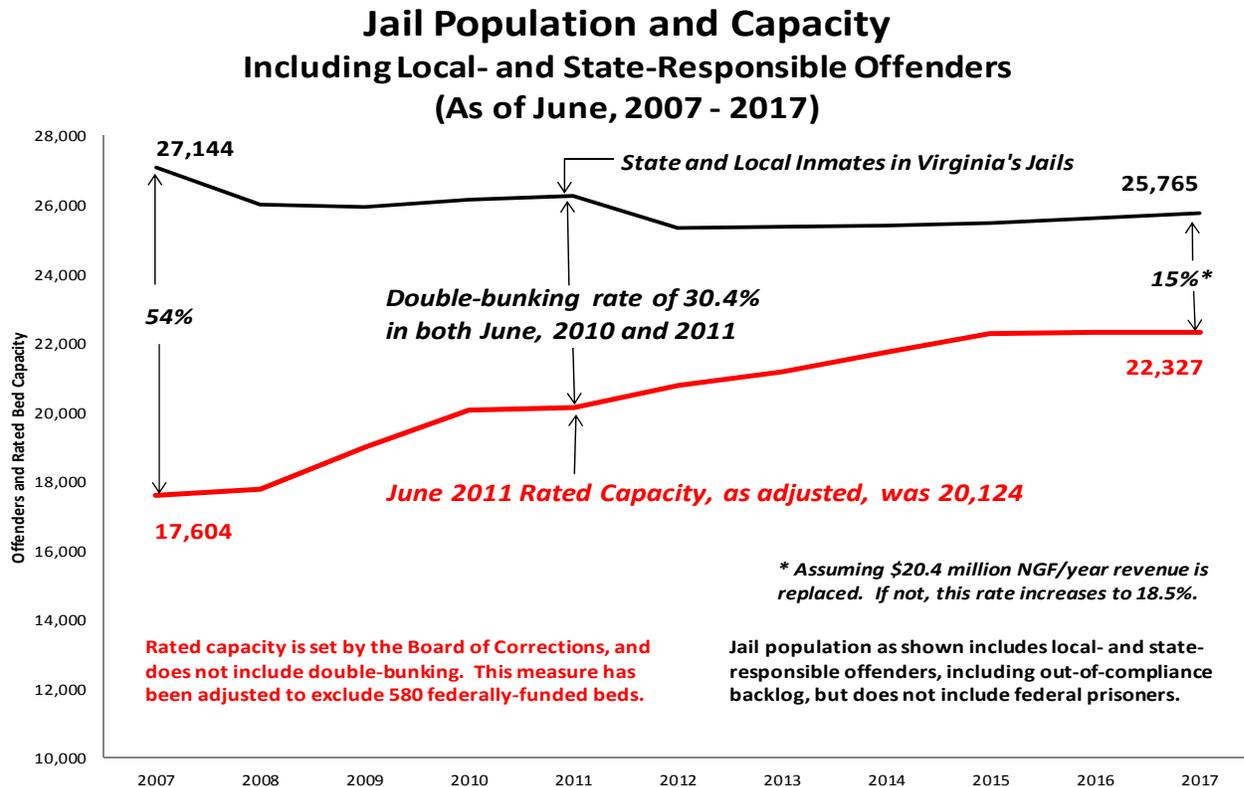
- There are 68 local and regional jails, each of which is an independent operation. Jails in Virginia do not operate as a system.
- A new SFC survey suggests jails hold a higher proportion of medium and maximum security inmates than ten years ago, as local community corrections programs have expanded.

**Virginia's Total Jail Population
(As of June, 1985 - 2011)**



LR Forecast

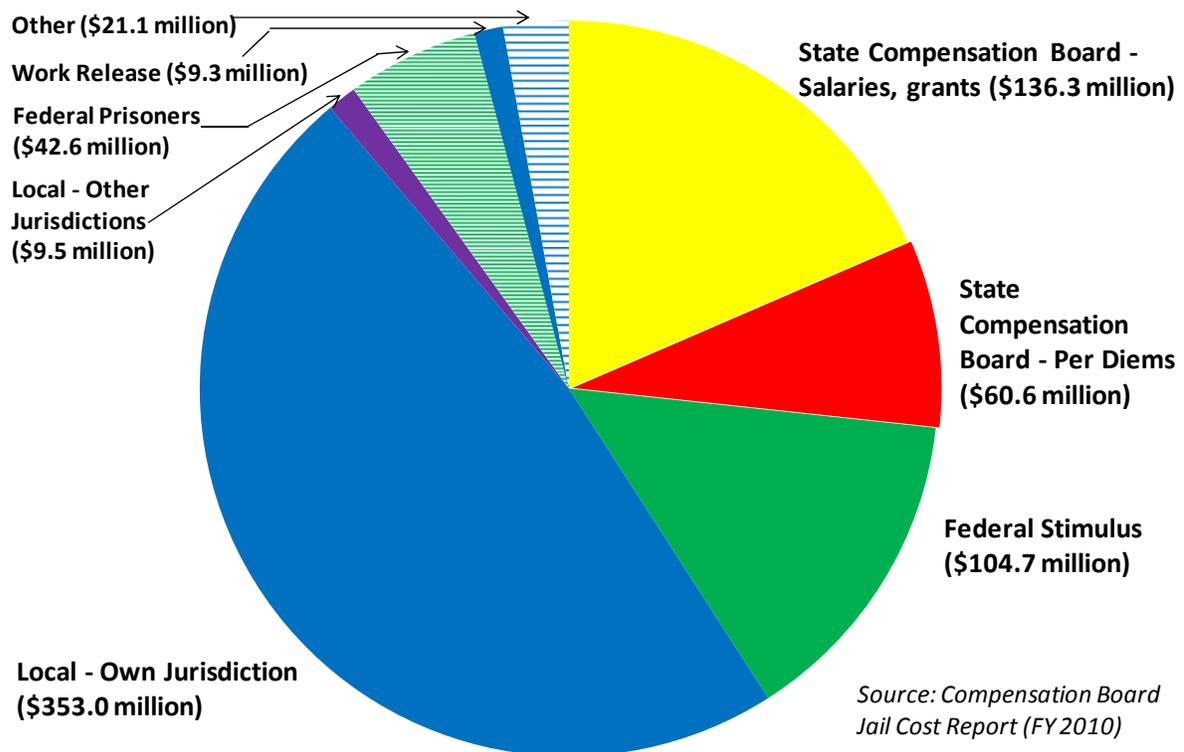
- The number of LR offenders is projected to increase only 3.3 percent from 2011 to 2017.
 - The rate of double-bunking in jails fell from 54 to 30 percent from the peak in 2007 to this year, and is projected to drop to about 15 percent by 2017 (assuming no further state facility closures.)



Jail Funding: The Basics

- Operating revenues in FY 2010 totaled \$737.1 million; local governments provided 49.2 percent.
- In FY 2009 and 2010 federal stimulus funds were used to offset State Compensation Board funds, but the stimulus funds were gone by FY 2011.

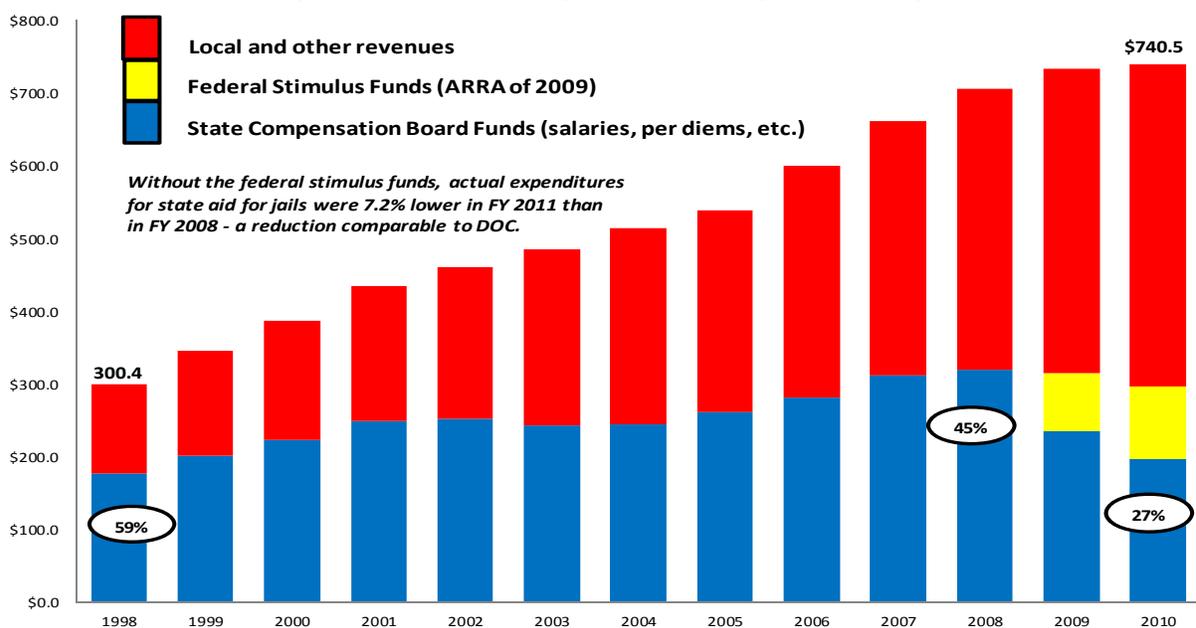
**Jail Operating Revenues Totaled \$737.1 Million
(FY 2010, All Sources, All 68 Jails)**



Jail Operating Costs

- As of our 2008 survey, Virginia provided a higher level of state aid per capita for jail operations than any other state except Massachusetts.
- From 1998 to 2008, state funding increased by 80 percent, but the state percentage dropped from 59 to 45 percent. In 2009 and 2010, state funds were offset by one-time federal stimulus funds.

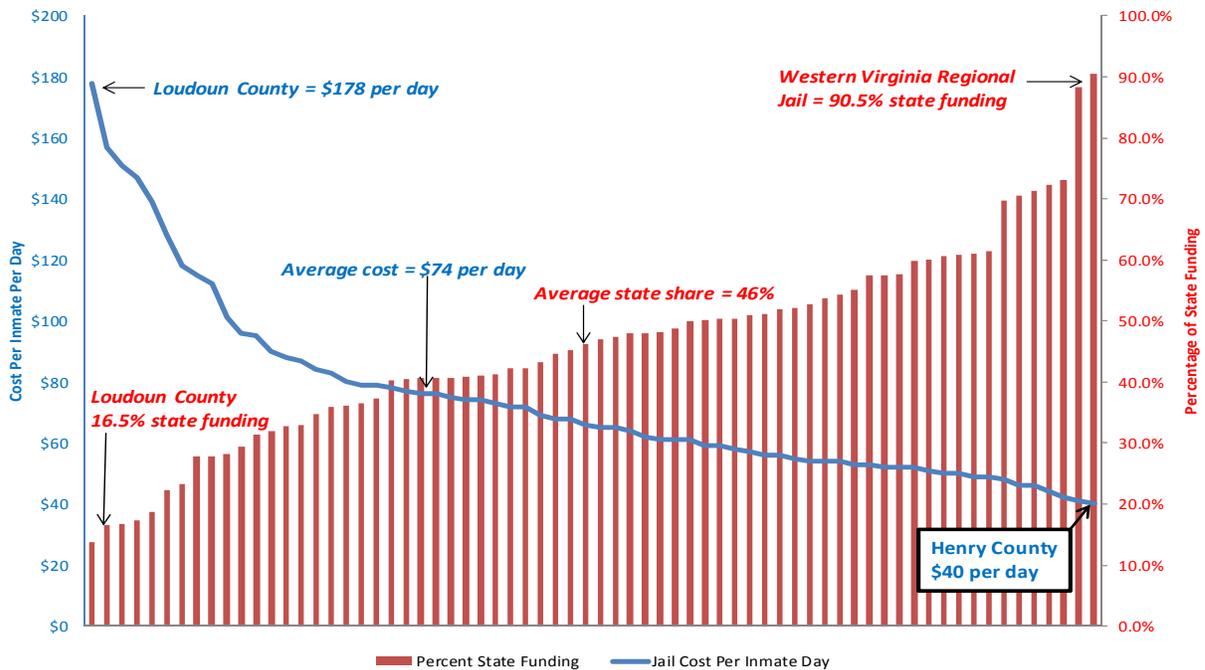
**Jail Operating Expenditures
(FY 1998 - 2010, \$ Millions, All Jails)**



Jail Costs Vary by Locality

- Average operating cost per day was \$74 (\$27,039 per year in FY 2010); the range was from \$40 in Henry County to \$178 in Loudoun County.
- The state share ranged from 16.5 percent in Loudoun County to 90.5 percent for the Western Virginia Regional Jail in Roanoke County.

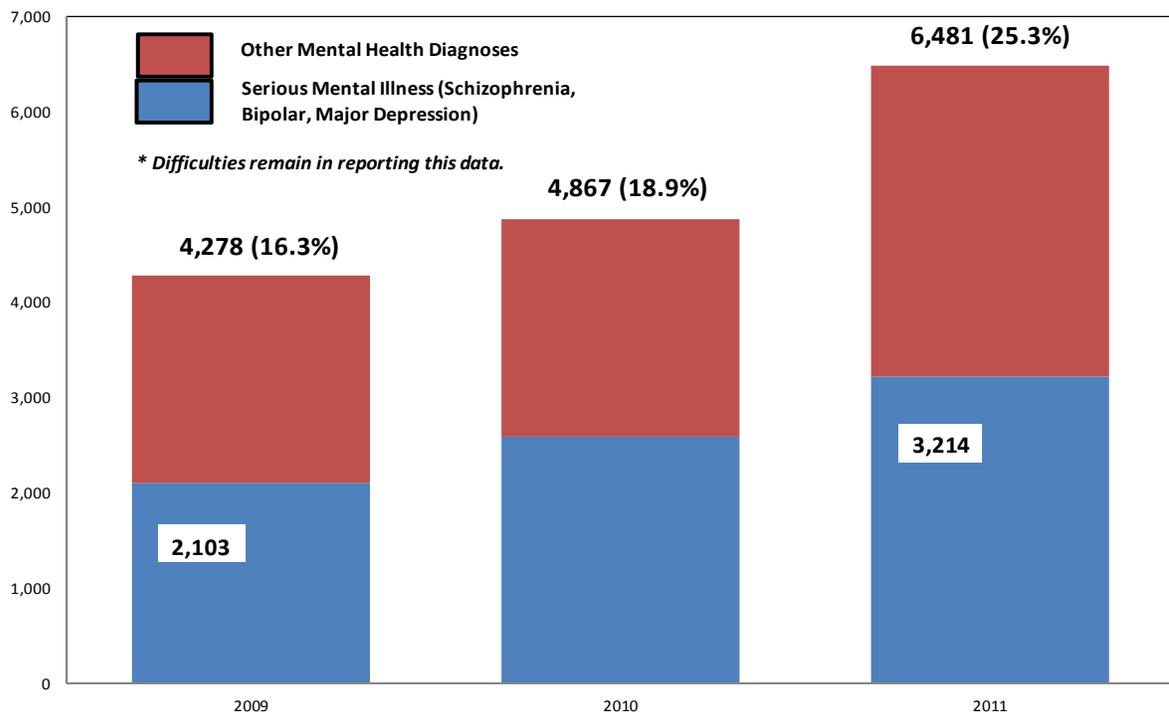
**Jail Operating Cost Per Day and State Share
(FY 2010, All 68 Jails in Virginia)**



Jail Mental Health Survey

- Virginia has conducted a survey of the mentally ill in local and regional jails since 2005; the survey has been conducted annually since 2009.
- The numbers of mentally ill inmates in Virginia's jails have increased since 2009, but probably due to better assessment and reporting.

Increased Reporting of Mental Illness in Jails*
(July 2009 - 2011)



Addressing the Issue

- Based on the 2011 jail mental health survey, 6,481 offenders (25.3 percent of the statewide jail population) had a mental health diagnosis, and 3,214 (12.0 percent) were seriously mentally ill.
 - Almost 60 percent of all females in jail and 20.6 percent of all males were reported as mentally ill.
- Some offenders, given the nature of their offenses, will have to be maintained in jail, but others, with less serious offenses, are in jail mainly because other options are not available.
 - Localities have begun to address this issue through collaborative efforts between Community Services Boards (CSBs) and criminal justice agencies.
- The 2008 General Assembly provided \$3 million per year (since cut to \$2.7 million/year) for jail mental health diversion and treatment.
 - Ten pilot projects have received state general funds through local CSBs since January 2009.



Pilot Jail/MH Sites

CSB	Jails	\$ GF/Year
Alexandria	Alexandria	\$229,000
Arlington	Arlington County	273,000
Chesterfield	Chesterfield County, and Riverside Regional Jails	180,500
Fairfax County	Fairfax County	246,050
Hampton- Newport News	Hampton City Jail and Newport News City Jail	288,800
Mid. Peninsula- Northern Neck	Middle Peninsula and N. Neck Regional Jails	152,000
New River Valley	Montgomery Co., New River Regional Jails	270,750
Portsmouth	Portsmouth City, and Hampton Roads Reg. Jail	87,400
Rappahannock	Rappahannock Reg. Jail	133,000
VA Beach	Virginia Beach	279,300

Other jails have similar programs but without state general fund support.



Assessment of Pilot Grants

- Initial results appear promising.
- Good working relationships established between CSBs and local criminal justice agencies.
 - In many cases, local criminal justice/mental health committees have been established.
- Jails are developing improved capacity to identify mental illness -- dedicated staff, better assessment instruments and improved collaboration.
- Crisis intervention teams (CITs) expanded (nine operational, more planned) and over 2,500 law enforcement officers trained.
- All ten pilot projects beginning to divert some offenders from jail, and six assessment centers (or drop-off facilities) operational.
- Constraints -- insufficient resources for treatment and lack of housing alternatives.



What Works?

- Five of the pilot projects reported a decline in the numbers of mentally ill, and seriously mentally ill, in jail from 2009 to 2011:

Jail	Total MI	Seriously MI
Alexandria City Jail	-19.3%	-47.4%
Arlington County Jail	-37.4%	-65.5%
Chesterfield County Jail	-50.0%	-40.0%
Portsmouth City Jail	-54.5%	-25.0%
Riverside Regional Jail	-42.9%	-27.2%

- What works?
 - Interagency cooperation
 - Crisis Intervention Teams (CIT)
 - 24/7 assessment centers/crisis stabilization centers
 - Specialized, evidence-based treatment
 - Alternative housing – but resources are limited
- Should jail-based treatment be regionalized?



Data for the Larger Jails

SERIOUSLY MENTALLY ILL OFFENDERS IN SELECTED JAILS (As of July 2011)

	Number of Seriously Mentally Ill	Avg. Daily Population	% of ADP
Alexandria City Detention Center	30	246	12.2%
Arlington County Detention Center	57	438	13.0%
Blue Ridge Regional Jail	96	1,005	9.6%
Bristol City Jail	26	149	17.4%
Central Virginia Regional Jail	61	268	22.8%
Charlottesville-Albemarle Regional Jail	84	507	16.6%
Chesapeake City Jail	215	1,030	20.9%
Chesterfield County Jail	21	318	6.6%
Danville City Jail	48	256	18.8%
Fairfax County Adult Detention Center	200	1,222	16.4%
Hampton City Jail	17	378	4.5%
Hampton Roads Regional Jail	287	879	32.7%
Henrico County Jail	98	1,156	8.5%
Middle Peninsula Regional Jail	21	175	12.0%
Middle River Regional Jail	56	558	10.0%
Montgomery County Jail	22	87	25.3%
Newport News City Jail	55	499	11.0%
New River Regional Jail	61	773	7.9%
Norfolk City Jail	71	1,347	5.3%
Northern Neck Regional Jail	39	141	27.7%
Northwestern Regional Jail	91	544	16.7%
Portsmouth City Jail	18	421	4.3%
Prince William-Manassas Regional Jail	35	841	4.2%
Rappahannock Regional Jail	73	1,177	6.2%
Richmond City Jail	172	1,386	12.4%
Riverside Regional Jail	169	1,326	12.7%
Roanoke City Jail	55	543	10.1%
Rockingham-Harrisonburg Regional Jail	71	304	23.4%
Southwest Virginia Regional Jail	248	1,637	15.1%
Virginia Beach Adult Detention Center	148	1,430	10.3%
Virginia Peninsula Regional Jail	42	388	10.8%
Western Tidewater Regional Jail	45	470	9.6%
Western Virginia Regional Jail	254	668	38.0%
Sub-Total	2,986	22,567	13.2%
All Other Jails in Virginia	228	4,162	5.5%
Statewide Total	3,214	26,729	12.0%

Seriously mentally ill offenders are defined as those with schizophrenia, schizoaffective disorder, delusional disorder, bipolar disorder, or major depression. These 33 (out of 68) jails accounted for 84.4% of the jail population and 92.9 percent of the seriously mentally ill offenders in Virginia jails.

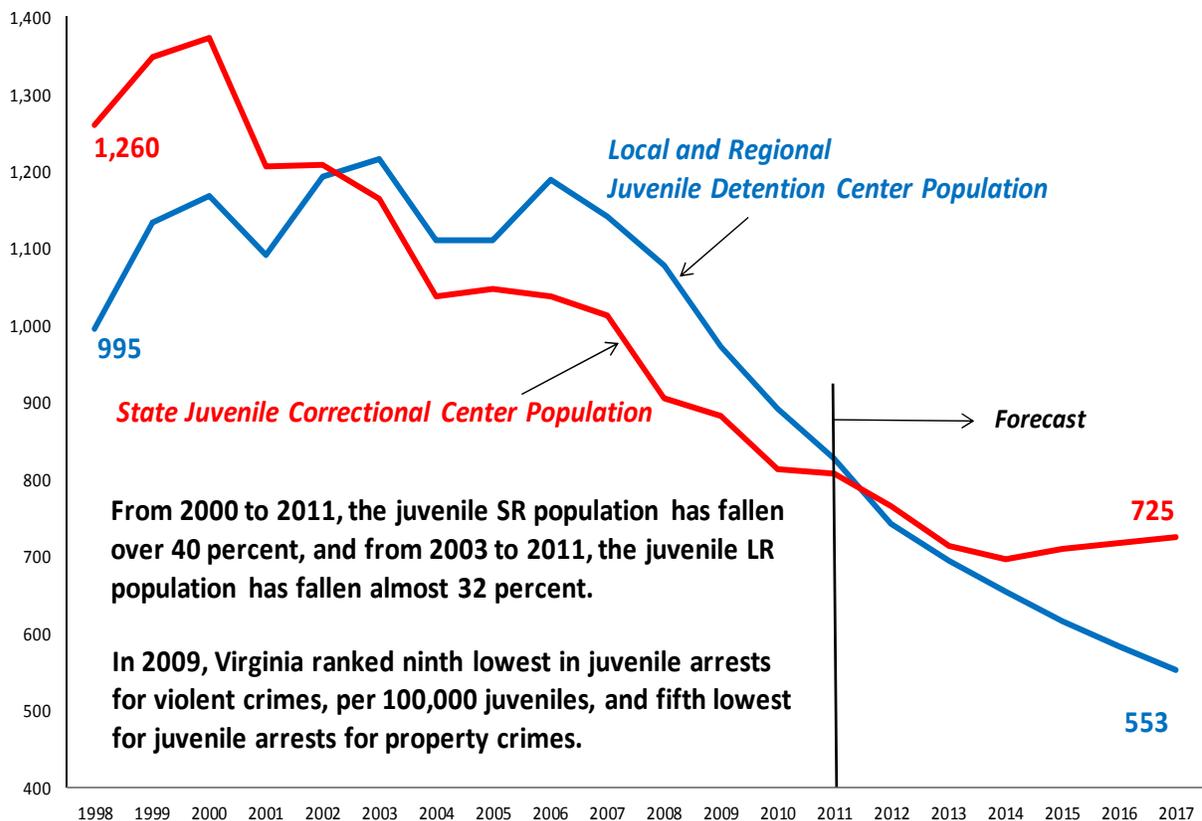
Source: Virginia Compensation Board, Jail Mental Health Survey (2011)



Juvenile Facilities

- Since the late 1990's, Virginia has experienced a sharp drop in both the state juvenile correctional center population and the local and regional juvenile detention center population:

**State- and Local-Responsible Juvenile Offenders
(FY 1998 - 2017)**



The Bottom Line

- Virginia's crime and recidivism rates are low, and our national rankings have improved.
- Virginia has a well-managed, safe and secure correctional system.
- Actual DOC expenditures, as adjusted, were cut 7.3 percent from 2008-2011. Overcrowding in state DOC facilities remains a serious concern.
- Virginia has a high level of state aid for jails, although costs have shifted to local governments since the 1990's. State aid for jails was cut 7.2 percent from 2008-2011.
- A decision will be required whether or not to replace \$20.4 million in annual revenues from housing Pennsylvania inmates.
- There are no painless ways to reduce the cost of Virginia's state and local corrections.



Concluding Thoughts

- Notwithstanding the drop in crime rates, crime (especially illicit drug trafficking and abuse) remains a very serious issue which will continue to engage the attention of public officials.
- However, the great prison and jail construction boom of the past generation is over.
 - Virginia has excess capacity (vacant facilities) to absorb future offender population growth.
 - Reducing overcrowding in state facilities should be a priority, but there is a short-term cost to make the excess capacity available.
 - At lower cost, re-entry programs and alternatives to incarceration can help mitigate future growth in facility populations.
- Additional funding, supported by interagency collaboration at the local level, can help to divert offenders with mental illness from jail, and to improve treatment.

