

**SENATE OF VIRGINIA**

# **Senate Finance Committee**

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## **Public Safety: Key Trends and Challenges**

**Senate Finance Committee Annual Meeting  
(November 22, 2013)**



SENATE FINANCE COMMITTEE

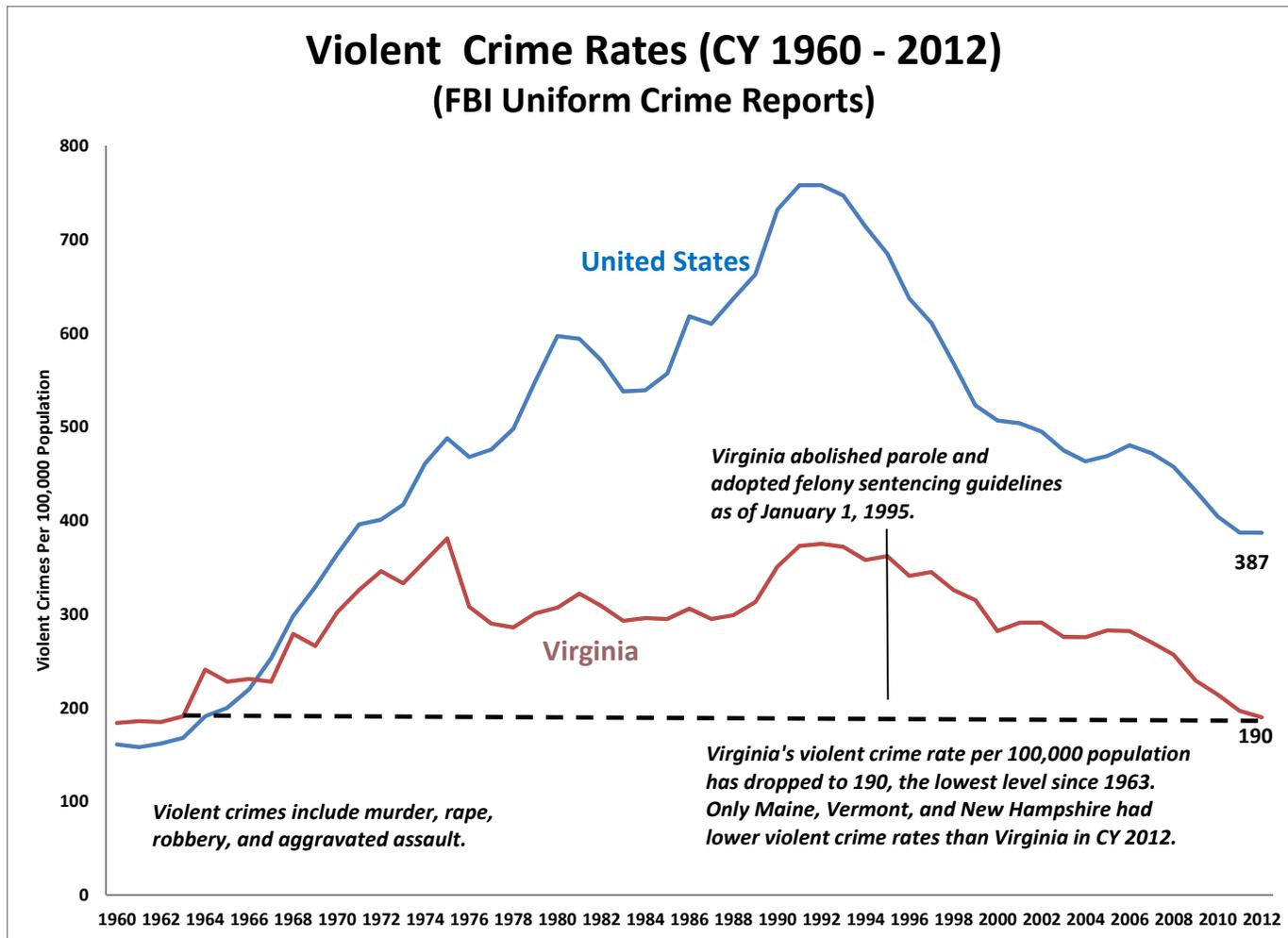
# The Big Picture

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- Virginia is a low-crime state. The national violent crime rate leveled off in CY 2012, but dropped in Virginia to the 1963 level.
  - Virginia has the fourth lowest violent crime rate in the nation.
- As in other areas, agencies in public safety have experienced budget cuts.
  - State funds for localities with police departments (HB 599) and sheriffs with law enforcement responsibilities (Compensation Board) have been reduced.
  - Drug arrests have increased, and the jail population is rising again.
- Offenders with mental illness pose a serious challenge for the criminal justice system. Virginia has taken some positive first steps.
- It may be time to reconsider the fiscal incentives by which the General Assembly has encouraged new jail construction over the past 20 years.



# Virginia is a Low-Crime State



# Why Have Crime Rates Fallen?

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- Beginning in the mid-1980s the nation experienced a sharp increase in violent and drug-related crime, which peaked in the early 1990s. Crime rates have fallen steadily since then. There is no single factor that explains the drop in crime rates, but the reasons may include:
  - Virginia’s judicial philosophy;
  - Sentencing reform, with empirically-based risk assessment coupled with longer prison terms for violent and repeat offenders;
  - Increased expenditures and manpower for law enforcement, new strategies for proactive and community policing, and interagency collaboration;
  - Significant drop in cocaine availability and use, especially “crack” cocaine;
  - Increased resources for drug treatment, education, and anti-crime programs;
  - Aging population (and drop in crime rate in crime-prone age group); and,
  - Demographic changes and population growth trends unique to Virginia.



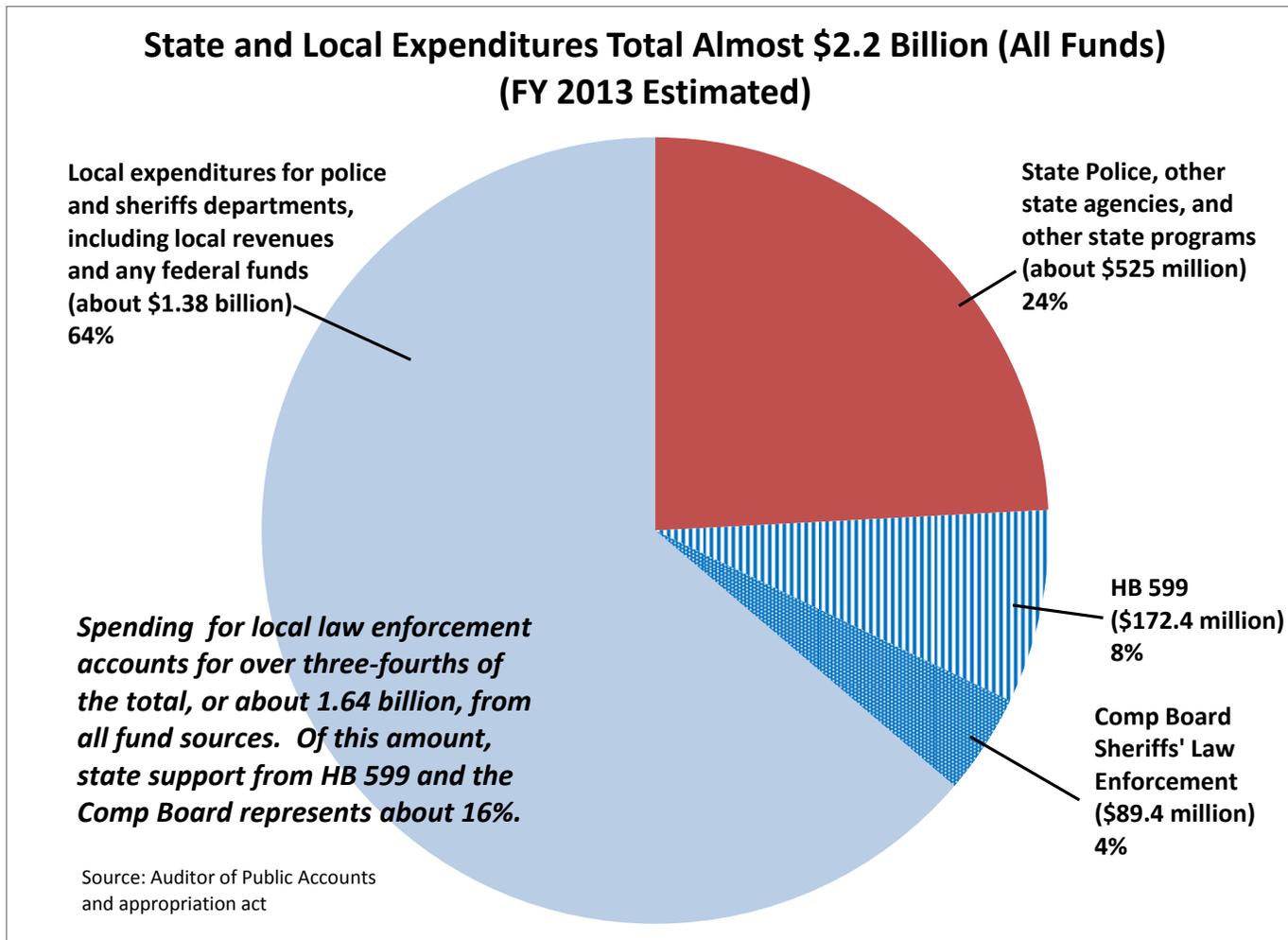
# Why is the Jail Population Rising?

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- After declining for five years, Virginia's local-responsible jail population increased 1.5 percent in FY 2012 and 3.3 percent in 2013.
  - The number of adult arrests has increased 11.1 percent over the past four years, largely driven by the increase in drug arrests (up 16.9% from 2009-12).
    - Arrests for property crimes rose 9.0 percent from 2009-11, but dropped in 2012.
    - Arrests for violent crimes have essentially been flat in recent years.
  - The number of offenders awaiting trial has increased (in all categories).
    - The backlog of drug cases at the Department of Forensic Science has been growing.
      - However, this does not explain the increase in awaiting trial for other non-drug offenses.
  - The average length of stay in jail has increased.
- The nature of the drug problem is changing.
  - Cocaine arrests are down 52 percent since 2006, but arrests for heroin and other narcotics have doubled; prescription and designer drug cases are up.



# Spending for Law Enforcement



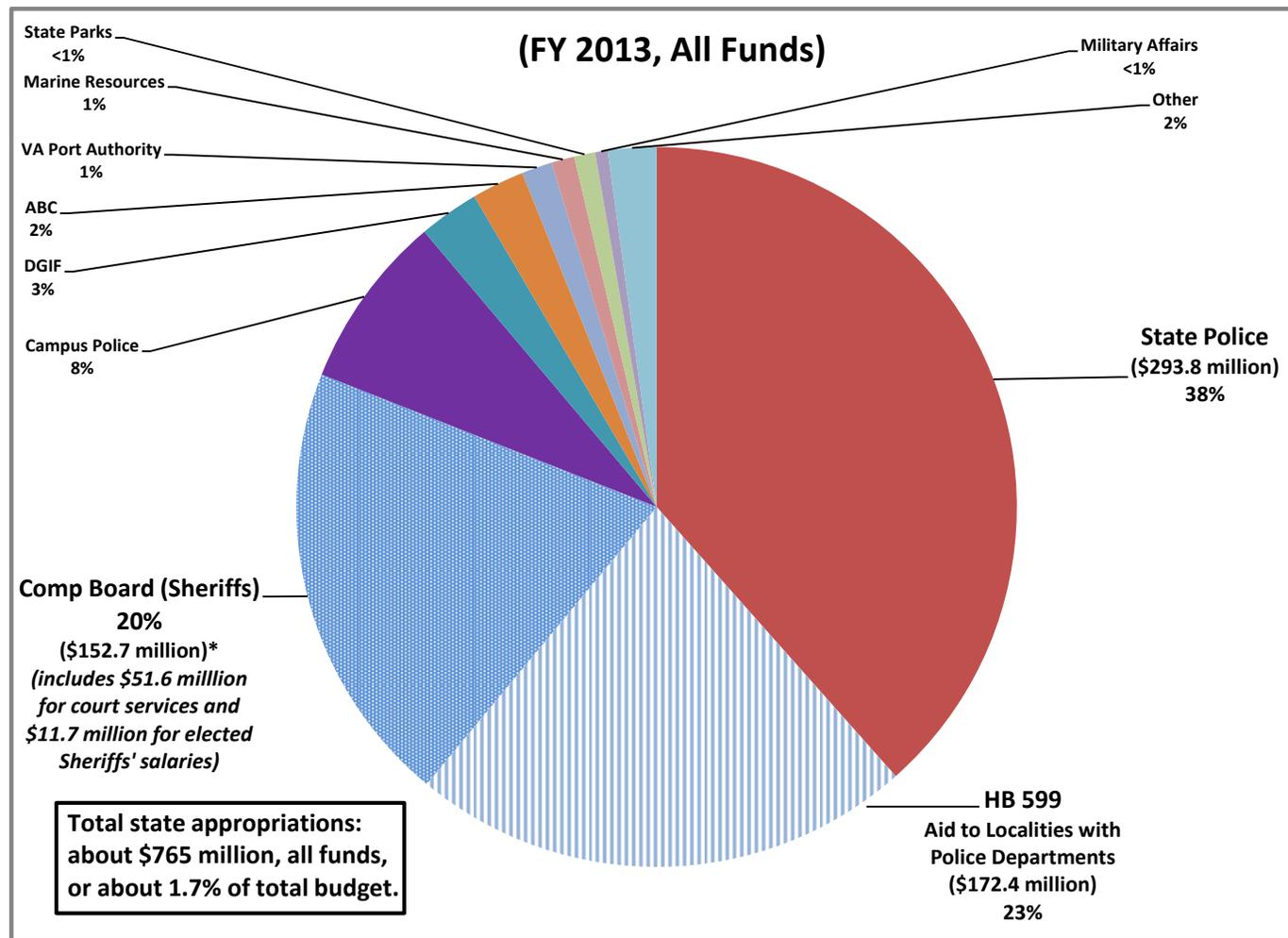
# Law Enforcement Manpower

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- Well-qualified, trained, professional law enforcement officers are essential to the rule of law and administration of justice.
- Virginia ranks just above the middle of the states in numbers of sworn law enforcement officers per 100,000 population.
  - In 2008, Virginia ranked 17<sup>th</sup> with 24 sworn state police officers per 100,000 population, and 19<sup>th</sup> with 140 sworn local officers per 100,000.
    - Most recent national comparative data from U.S. Bureau of Justice Statistics (BJS).
    - Deputy sheriffs not included because most deputy sheriffs are jail deputies.
  - The number of local sworn officers in Virginia grew by 33.4 percent from 1992-2008, faster than the 23.6 percent increase nationwide.
- In 2008, BJS reports Virginia had 22,848 sworn personnel, including 1,873 in state police, 8,412 in sheriffs departments, and 10,947 in local police departments (including 1,419 in Fairfax County alone).



# State Funding for Law Enforcement



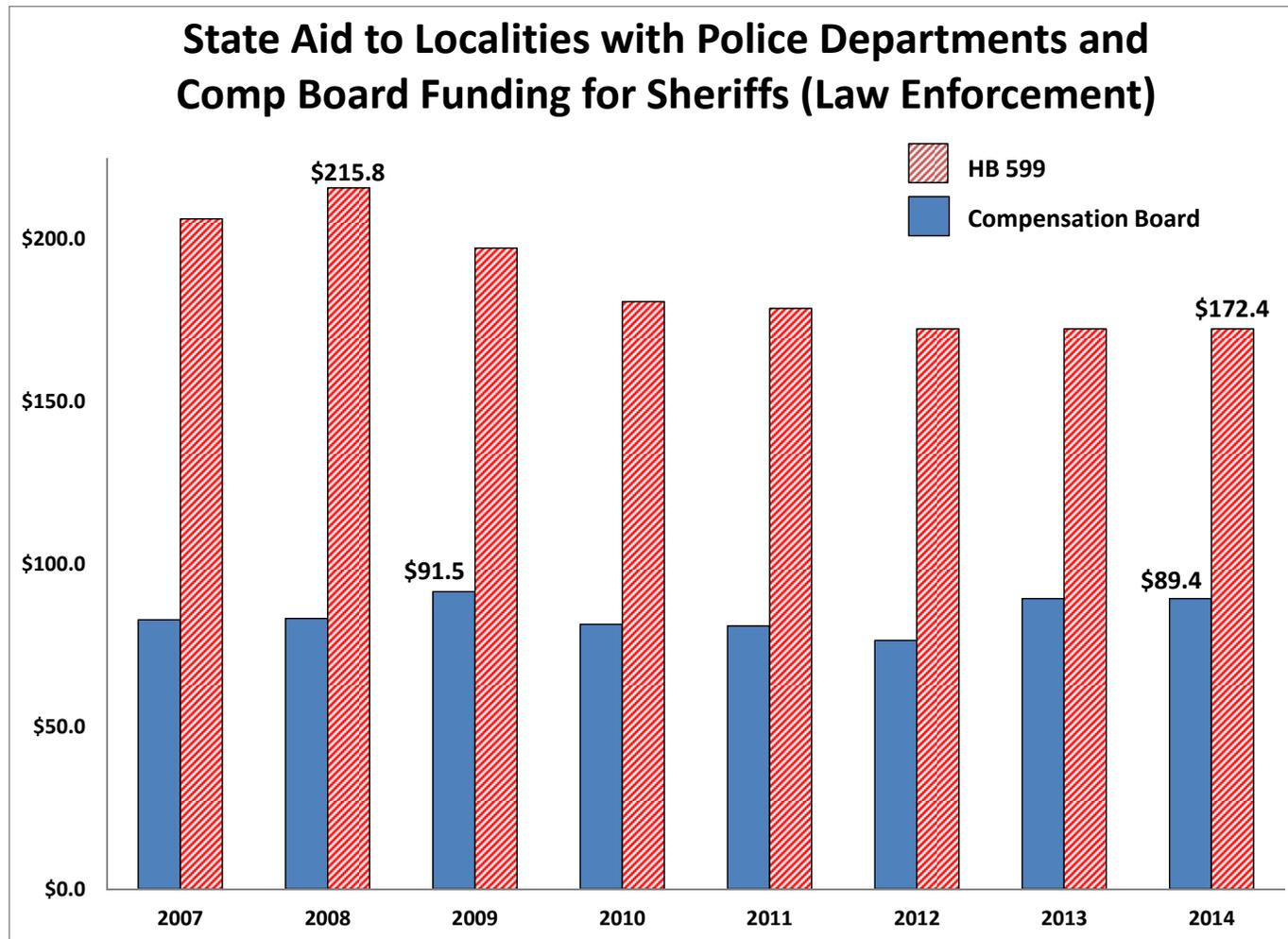
# State Aid for Local Law Enforcement

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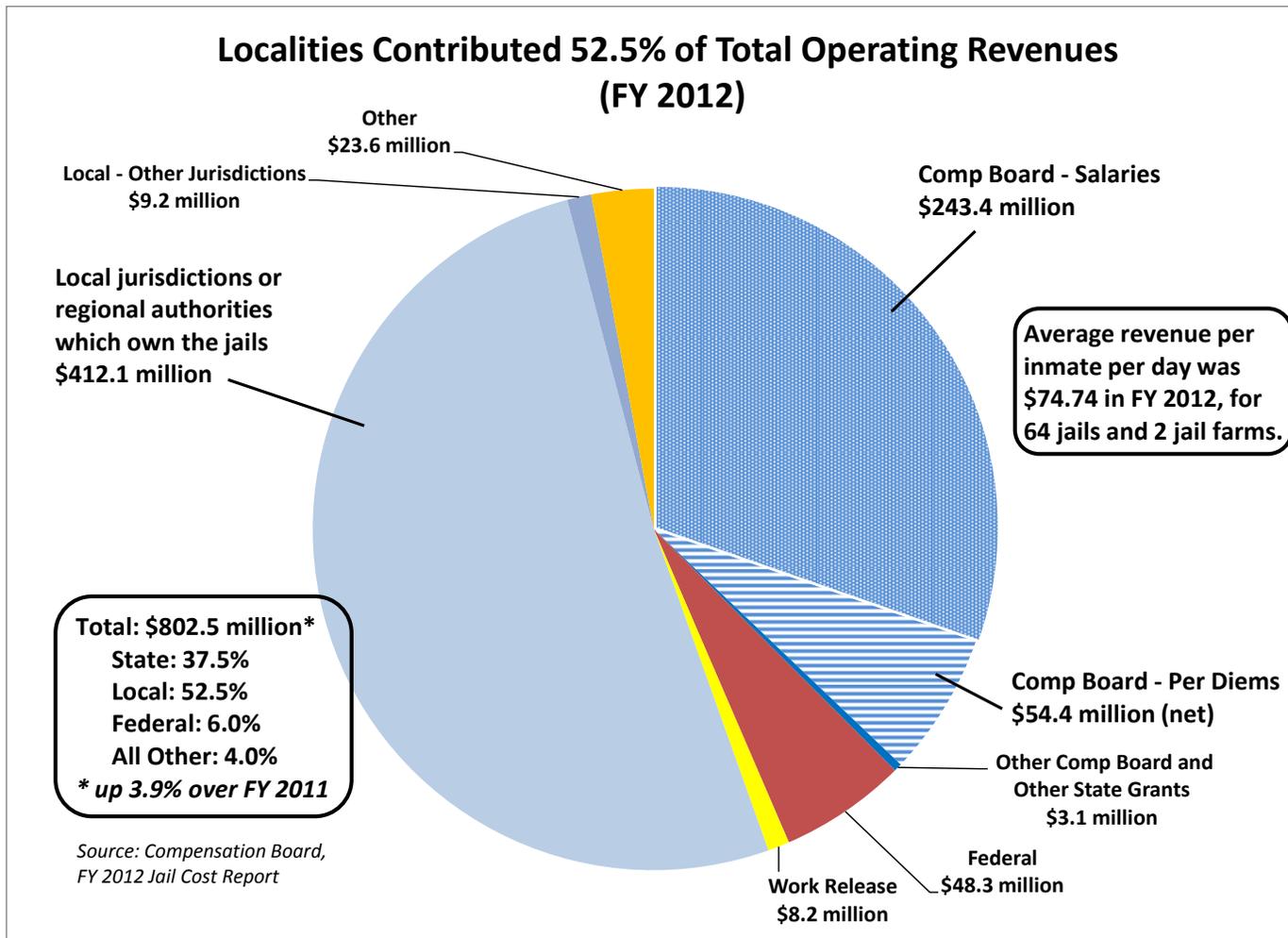
- HB 599 funds help support localities with police departments.
  - Part of annexation compromise legislation in 1979.
  - Code of Virginia § 9.1-169 requires that the total allocation be increased each year by the projected increase in total general fund revenue collections.
  - Distribution formula (based primarily on population) has been frozen.
- Compensation Board provides state funds for sheriffs' law enforcement.
  - Code of Virginia § 15.2-1609.1 requires a staffing ratio of one law enforcement deputy for every 1,500 population.
  - A request has been submitted for 183 additional deputies to meet the standard.
    - Of these, more than one-third, or 67 would go to Loudoun County.
- Cities or counties with police departments receive HB 599 funds but do not receive state funding for sheriffs' law enforcement functions.



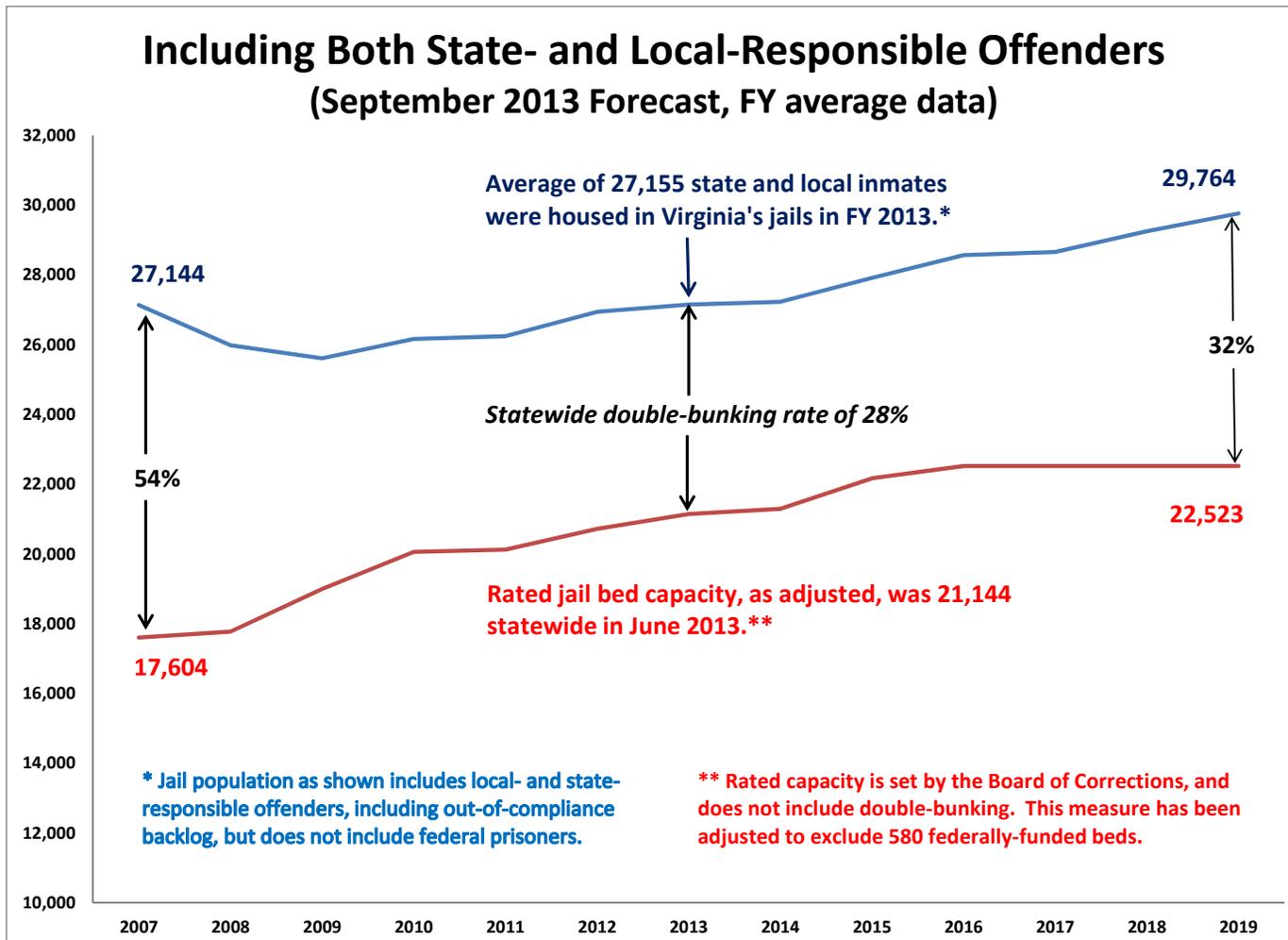
# HB 599 and Comp Board Funding



# Jail Operating Revenues



# Jail Population Growth Has Resumed



# Jail Capacity Statewide is Adequate

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- SFC staff calculation of the statewide double-bunking rate, which was 54 percent in 2007, has fallen to 28 percent. Double-bunking is only projected to increase to 32 percent by 2019.
  - Statewide, Virginia has sufficient jail capacity through the end of this decade.
    - Assumes double-bunking one-third of the jail beds statewide is both constitutional and acceptable. Most of Virginia’s jail capacity has been built since 1988, so a reasonable level of double-bunking should be assumed.
- The Commonwealth has made a major commitment to jail construction.
  - Since 1993, up to 50% of capital cost for regional jails and up to 25% of capital cost for local jails, plus staffing costs (up to certain maximum salary levels).
  - Since then, capital projects totaling over \$1.6 billion (all funds) have increased jail capacity statewide by 145% (from 9,200 to over 22,500 beds).
    - Some additional jail capacity may still be needed, in certain areas.
  - However, the current incentives may need to be revised.



# Mental Health Beds Needed

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- The Compensation Board publishes an annual jail mental health survey.
  - Virginia is the only state to conduct such a survey each year of all its jails.
- Based on the 2013 survey, 23.5 percent of the jail population (6,346) is reported to be mentally ill and 56 percent of these are reported to be seriously mentally ill (3,555).
  - Many could be diverted (if treatment alternatives existed), but others will require treatment in a secure setting. However, funding is limited.
  - Provision of licensed mental health treatment units in-jail, in collaboration with CSBs, perhaps on a regional basis, could help to reduce recidivism.
    - Jails report that 2,580 additional beds are needed in mental health units.
    - 18 jails already have separate (unlicensed) mental health units.
    - 15 jails would consider hosting a state-funded MH residential treatment program.
    - Currently, 1,412 mentally ill offenders are housed in isolation or segregation cells in jails which do not have a mental health unit.



# State Jail Mental Health Funding

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- With limited resources, jails are managing this population as best they can.
  - Compensation Board funding for staffing is limited; costs shifted to localities.
    - Ratio of 1:25 for medical/treatment/classification/records (at 2/3 deputy's salary).
- DBHDS base budget includes \$4.2 million GF per year.
  - \$2.2 million for nine Crisis Receiving Centers (Code § 37.2-808), plus two with no state support; and \$2 million for other jail diversion programs, training, and DBHDS central office support (2 FTE).
- Crisis Intervention Teams (CIT) serving 101 of 134 localities, providing training for law enforcement officers in handling cases involving persons with symptoms of mental illness (Code §§ 9.1-187 – 9.1-190).
  - 41 (of 64) jails have jail officers or deputies who have completed CIT training.
- Office of the State Inspector General report due next week.



# Conclusions

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- As in other areas, agencies in public safety have experienced budget cuts.
  - State funding (HB 599, Compensation Board) has been reduced, and costs have been shifted to localities for both law enforcement and corrections.
- The transformation accomplished over the past 20 years in expanding and modernizing Virginia's local and regional jails and detention centers should not have to be duplicated over the next two decades.
  - The General Assembly may wish to consider adjusting state incentives to encourage localities to address jail mental health treatment, in collaboration with Community Services Boards.
  - A joint subcommittee, study commission, or task force may be one approach to study these issues in 2014 and make recommendations, as appropriate, to the 2015 General Assembly.

