

Funding Jails and Balancing Prison and Jail Populations in Virginia



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Overview

- Jail Construction/ Operations
- Legislative Controls
- Populations
 - Who is held in jails and who is responsible
 - Inmates in June 2009
 - State Responsible/Local Responsible populations
- Issues
 - Managing Crowding
 - Budget constraints
- Where do we go from here

Jail Construction

- Jails are
 - operated by locally elected Sheriffs or by Regional Commissions consisting of 3 or more localities
 - constructed to meet standards established by the Board of Corrections
- The state provides
 - Up to 25% of the cost for construction of local jails
 - Or, up to 50% of the cost of construction for regional jails
- All jail expansion/new jail projects have to be approved by the Board to be considered for state funding

Jail Operations

- Jails have to meet state regulations in order to be certified by the Board
- State Compensation Board provides state operating funding for jails
- Positions are funded based primarily on formulas included in statute or in the appropriation act (state budget)
- State pays per diems for all but local ordinance and federal jail inmates:
 - \$8 per day for local inmates
 - \$14 per day for state inmates beginning 91st day following sentencing
- Localities can supplement jail operating costs (additional positions, increased salaries, treatment programs, etc.)
- In 2007, operating costs for jails totaled \$728 million
 - State provided 43.4% (\$311 million)
 - Local funds accounted for 45.9% of expenditures
 - State share ranged from 19% (in a jail where locality provided considerable supplemental funding), up to 86% (for a jail where locality provided minimal supplement)
 - Localities may also receive federal and other funding

Legislative Controls

- State budget language can override Code provisions
- Language gives DOC director authority to manage receipt of inmates into state system, "consistent with inmate and staff safety"
- State Code provides, *"If the Governor finds that the number of prisoners in state facilities poses a threat to public safety, it shall be within the discretion of the Director to determine the priority for receiving prisoners into the state corrections system from local correctional facilities."*

Who is Held in Jails and Who is Responsible?

- Jails hold local responsible inmates, plus:
 - State inmates
 - Some hold federal inmates
 - May house inmates from other jails, at a cost to those other jails
- State law provides that jails are responsible for those awaiting trial, plus those who receive a sentence of 12 months or less
 - Plus local ordinance violators
- State is responsible for felons who are sentenced to 1 year or more
- Dept. of Corrections is required by statute to take state inmates within 60 days after it receives the final court order
- State inmates held beyond that time are referred to as 'out-of-compliance' inmates

How Many Inmates?

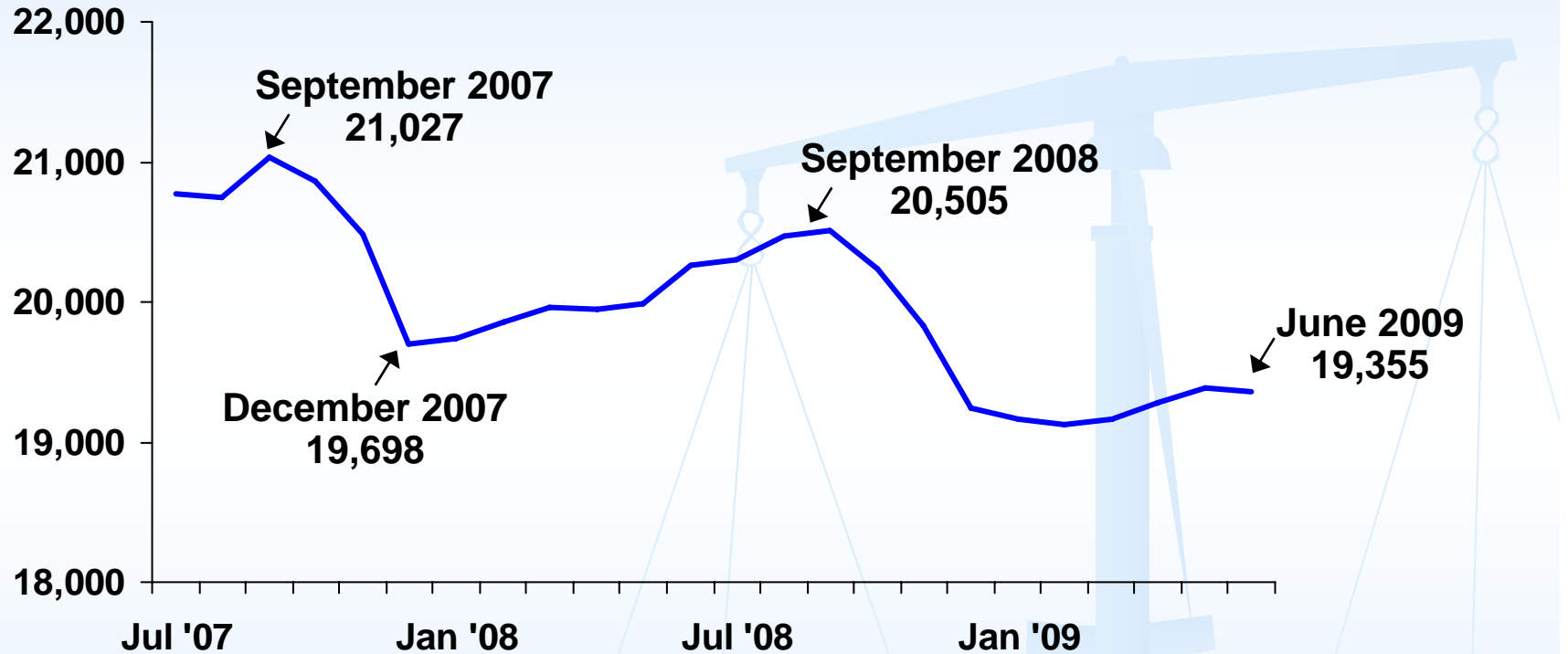
- As of June 2009:
 - There were 38,387 state responsible inmates
 - There were 19,355 local responsible inmates
 - 6,148 state responsible inmates were being housed in jails
 - Of which about 2,600 were out-of-compliance

State-Responsible Prison Population FY2008 – FY2009



Forecast for June 30, 2009: 39,431
June 30 population: 38,387

Local-Responsible Jail Population FY2008 – FY2009



Forecast average daily population for FY2009: 20,520
Actual YTD average 19,671

Managing Jail Backlogs/Crowding

- Monthly meeting of jail crowding committee – includes deputy secretary of public safety, DOC, Compensation Board, state budget office, staff of legislative money committees
- Establishing priorities for DOC taking state inmates out of local jails:
 - Inmates with health/mental health issues
 - Inmates showing unmanageable tendencies
 - Jail crowding levels
 - Age and condition of jails
- Board of Corrections' jail liaison committee meets with Sheriff and Jail Administrator representatives
- Secretary of Public Safety's communications with Sheriff's Association and Regional Jail Association
- Contacts with local governments and associations

Budget Constraints

- Awaiting 5th round of budget reductions in past 4 years
- DOC closed 1,400 beds last October as result of cuts
- Has 800 new beds vacant – no operating funding
- New prison scheduled to be completed Spring, 2010, without operating funding
- Jail reductions last year offset by federal stimulus funding – will end in fiscal 2011
- Decline in local government revenues

Issues

- Last forecast projected growth in prison and jail populations
 - But both populations declined last year – gives breathing space amid budget cuts
 - What if inmate populations begin to grow again?
- Possible additional budget reductions may require additional prison space closures
- Legislative budget language requires review as to jail funding, and means for reducing number of non-violent inmates who are incarcerated
- Decline in state and local resources; plus end of federal stimulus funding

Maintaining Stability During Unstable Times

- Communication with sheriffs and jail administrators and their localities
- Inclusion of legislative staff
- Remove most disruptive state inmates from jails
- Balance state backlog between jails
- Getting a handle on jail and prison population growth
- Options for reducing inmate populations (both jail and prison) without harming public safety