



Local and Regional Jail Financing



Presentation Outline

- Funding for Local and Regional Jail Construction
- Funding for Local and Regional Jail Operations
- Coordination of Space in Local and Regional Jails and the State Prison System
- Other States' Support for Local and Regional Jails
- Other Considerations



Funding for Local and Regional Jail Construction Projects




History of Local and Regional Jail Construction Funding Policies

- In 1993, the General Assembly enacted significant reforms to how localities were reimbursed for local and regional jail construction, expansion, and renovation projects
 - Prior to these changes, all localities were reimbursed up to one-half of the costs of both local and regional jail construction projects
 - After these changes, localities are reimbursed up to 25 percent for local jail construction projects and up to 50 percent for regional jail construction projects
- In 1996, the General Assembly adopted a moratorium on jail construction projects requiring a legislative exemption before review by the Board of Corrections
 - Prior to this action, projects were approved by the Board of Corrections without legislative approval
 - However, the General Assembly does not approve project cost, therefore, there is no legislative cost review prior to a project moving forward to construction
 - Governor required to approve plans and need for personnel prior to including state funding for these jail projects in budget



Local and Regional Jail Construction Project Costs

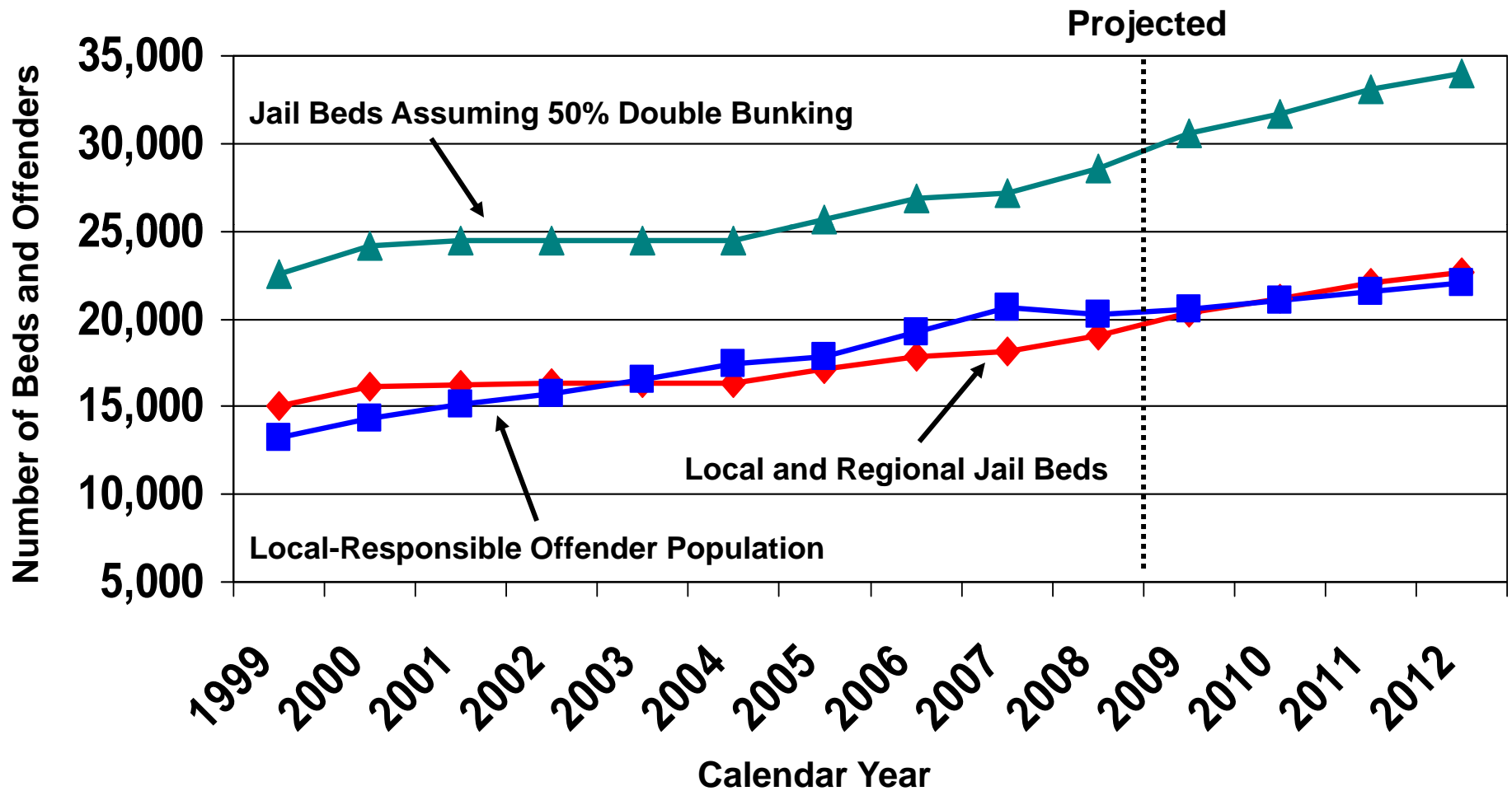
- The total cost of jail construction, expansion, and renovation projects built since 1993 equals \$1.2 billion (excluding federal funds)
 - Includes 50 projects
 - Increased jail bed capacity by 11,177 beds (121.4 percent)
- Virginia's share of the construction costs for these projects totals \$535.7 million
 - Equals 44.4 percent of total construction costs



Additional Local and Regional Jail Capacity Coming On-Line

- The General Assembly has approved eight additional exemptions for jail construction projects that are still awaiting final approval by the Board of Corrections and the Governor
 - These projects include an expansion of the Newport News City Jail that will be financed solely with local funds
- These projects will provide an additional 2,246 beds and have an estimated total cost of \$348.5 million
 - The state share of this estimated cost could be \$166.4 million (47.7 percent)
- In addition, the General Assembly provided exemptions for five additional projects during the 2008 Session
 - Charlotte County Jail expansion, Chesapeake City Jail expansion, Richmond City Jail construction, Virginia Beach Jail expansion, Virginia Peninsula Regional Jail expansion
 - These projects have yet to move forward for consideration by the Board of Corrections

Local and Regional Jail Capacity Keeping Pace with Local-Responsible Population





Federal Government Has Also Built Local and Regional Jail Bed Capacity

- In addition to state and local funding for jail construction projects, the federal government has also constructed 580 beds within four facilities to house federal prisoners
 - Alexandria City Jail, Central Virginia Regional Jail, Northern Neck Regional Jail, and Western Tidewater Regional Jail
- These beds may potentially be used for housing other prisoners, but federal prisoners have priority
- If Virginia employed a similar policy for those local and regional jail beds built since 1993 with state funding, then Virginia would have priority use of 4,963 beds
 - These beds would equal the capacity of almost five additional medium security prisons (1,024 beds per facility)



Comparing Square Footage Costs for Local and Regional Jails and Prisons

- Virginia has spent \$629 million constructing state prison facilities since 1994
 - Increased prison capacity by an additional 11,440 prison beds
- Square footage cost per DOC facility is less than square footage cost for local and regional jails
 - Average square footage cost for local or regional jail construction = \$263.30
 - Average square footage for prisons = \$238.38



Funding for Local and Regional Jail Operations



Local and Regional Jail Operating Funding Policy

- In 1970, the General Assembly created regional jails to reduce the operating costs of the many small, inefficient local jails that then existed
 - Between 1988 and 2007, the number of local jails operating in Virginia declined from 90 to 45 and the number of regional jails increased from six to 19
- In 1983, the General Assembly revised how per diems would be paid to local and regional jails
 - These revisions removed the responsibility for these payments from DOC and assigned it to the Compensation Board
 - The Compensation Board was to provide local and regional jail per diems using a defined procedure for calculating those payments
- In 1988, the General Assembly adopted staffing standards for jail deputies and regional jail correctional officers
 - Prior to the creation of these staffing standards, positions were not always related to inmate population



Current Local and Regional Jail Operating Funding Policies

- Reimbursements to localities for the operating expenses of local and regional jails are based upon several factors, including:
 - The number of positions employed by local and regional jails
 - Positions are allocated by the Compensation Board on the basis of the lesser of one correctional officer per three offenders or the staffing level recommended by DOC
 - New positions are normally allocated only when new facilities are constructed or existing facilities expanded
 - The Compensation Board pays 100 percent of the salaries for “recognized” local jail deputies and regional jail correctional officers
 - By Code, jail deputy and regional correctional officer salaries can be no less than DOC correctional officer salaries
 - Localities are responsible for 100 percent of any salary supplements for recognized positions or additional positions beyond those recognized by the Compensation Board

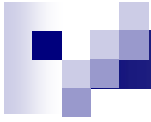


Payment of Per Diems


- In addition to jail deputy and regional jail correctional officer salaries, and office and vehicle allowances, Virginia also provides per diem payments for the care and feeding of prisoners
- Per diem payments are determined by the type of prisoner held by local and regional jails
 - Local-responsible prisoners are those sentenced to 12 months or less
 - State-responsible prisoners are those sentenced to one year or more
- Per diems for local-responsible offenders = \$8 per day
 - Payment made for all local-responsible prisoners and those state-responsible prisoners held for up to 90 days
- Per diems for state-responsible offenders = \$14 per day
 - Paid for those state-responsible prisoners considered “out-of-compliance,” usually meaning they have been held more than 90 days

Comparing Per Inmate Costs for Local and Regional Jails and Prisons

Facilities	Average Daily Population	Total Costs (in Millions)	Per Inmate Cost
Work Centers	1,304	\$20.3	\$15,538
Field Units	2,494	\$54.7	\$21,920
Major Prisons	25,511	\$598.0	\$23,441
Jail Farms	302	\$7.1	\$23,495
Regional Jails	11,392	\$295.4	\$25,928
Community Correctional Centers	795	\$20.7	\$26,038
Local Jails	15,092	\$393.9	\$26,098



Coordinating Bed Space between Local and Regional Jails and the State Prison System



Little Coordination Exists between Local and Regional Jails and Prisons

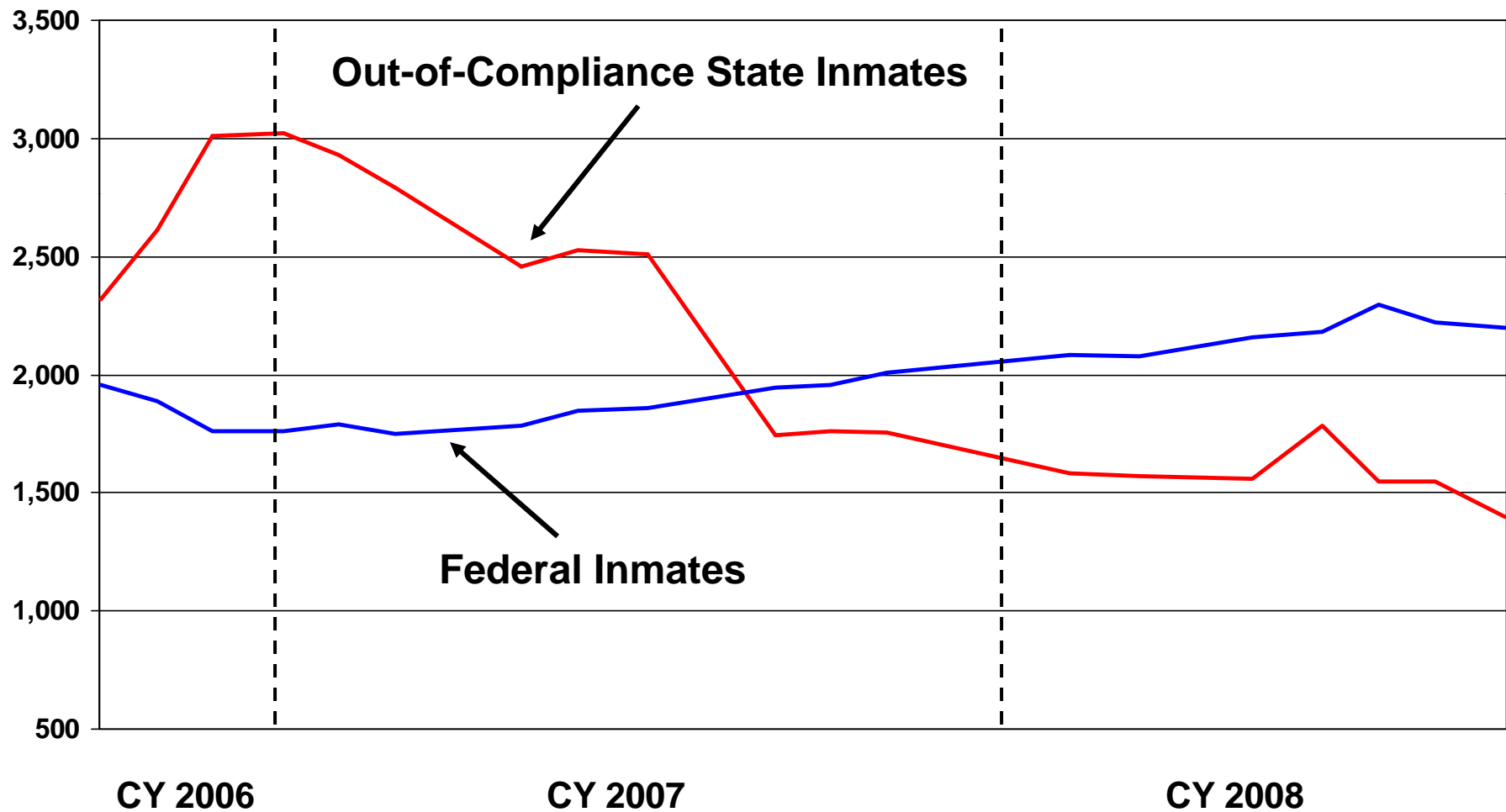
- Very little coordination now exists
- No mechanism exists to move state inmates into vacant jail beds
 - Based on Compensation Board analysis, six facilities had 285 vacancies
 - No option to move state inmates into new local or regional jail beds
- The coordination that exists requires either additional payments for use of local and regional jail beds or requires moving state-responsible prisoners out of local and regional jails
 - Jail Contract Bed Program
 - Allows for use of up to 500 local and regional jail beds for state inmates
 - Participating facilities receive \$14 per day “out-of-compliance” state inmate payment plus an additional \$14 per day for program participation
 - As of July 1, 2008, use of 440 local beds cost an additional \$2.2 million
 - Monthly out-of-compliance state inmate review
 - The number of out-of-compliance state inmates is reviewed monthly by Secretary of Public Safety, DOC, and Compensation Board staff
 - Review moves state inmates into prison based on local and regional jail populations and complaints made by sheriffs and regional jail superintendents



Complaints About Out-of-Compliance Inmates Related to Federal Prisoners

- Complaints by sheriffs and regional jail superintendents about “out-of-compliance” state inmates may not be motivated solely by overcrowding
- Instead, complaints may be motivated by a desire to house more federal prisoners
 - Although federal per diem rates can vary, the federal government generally pays a significantly higher per diem than Virginia does
- Based on Compensation Board analysis, local and regional jails were housing 2,196 federal prisoners in August
 - This number exceeded the total beds built by the federal government by 1,616 beds

Changes in Out-of-Compliance State Inmate and Federal Prisoner Populations





Achieving Greater Coordination Between Local and Regional Jails and the State Prison System

- The Appropriation Act appears to envision greater coordination between local and regional jails and the state prison system than now exists
- Item 70 I.1 states, “Local and regional jails receiving funds from the Compensation Board shall give priority to the housing of inmates in order of local-responsible, state-responsible, and state contract inmates”
 - Item 70 I.1 indicates that state-responsible prisoners may be housed in local and regional jails and should be viewed as a priority population for local and regional jail beds
- Item 391 D. states, “...the director of the Department of Corrections shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure, and appropriate housing is available....”
 - Item 391 D. indicates that state-responsible inmates may be housed in local and regional jails if insufficient or inappropriate space is available in the prison system
 - This provision also provides further support for the development of a mechanism for placing state-responsible inmates in vacant local and regional jail beds



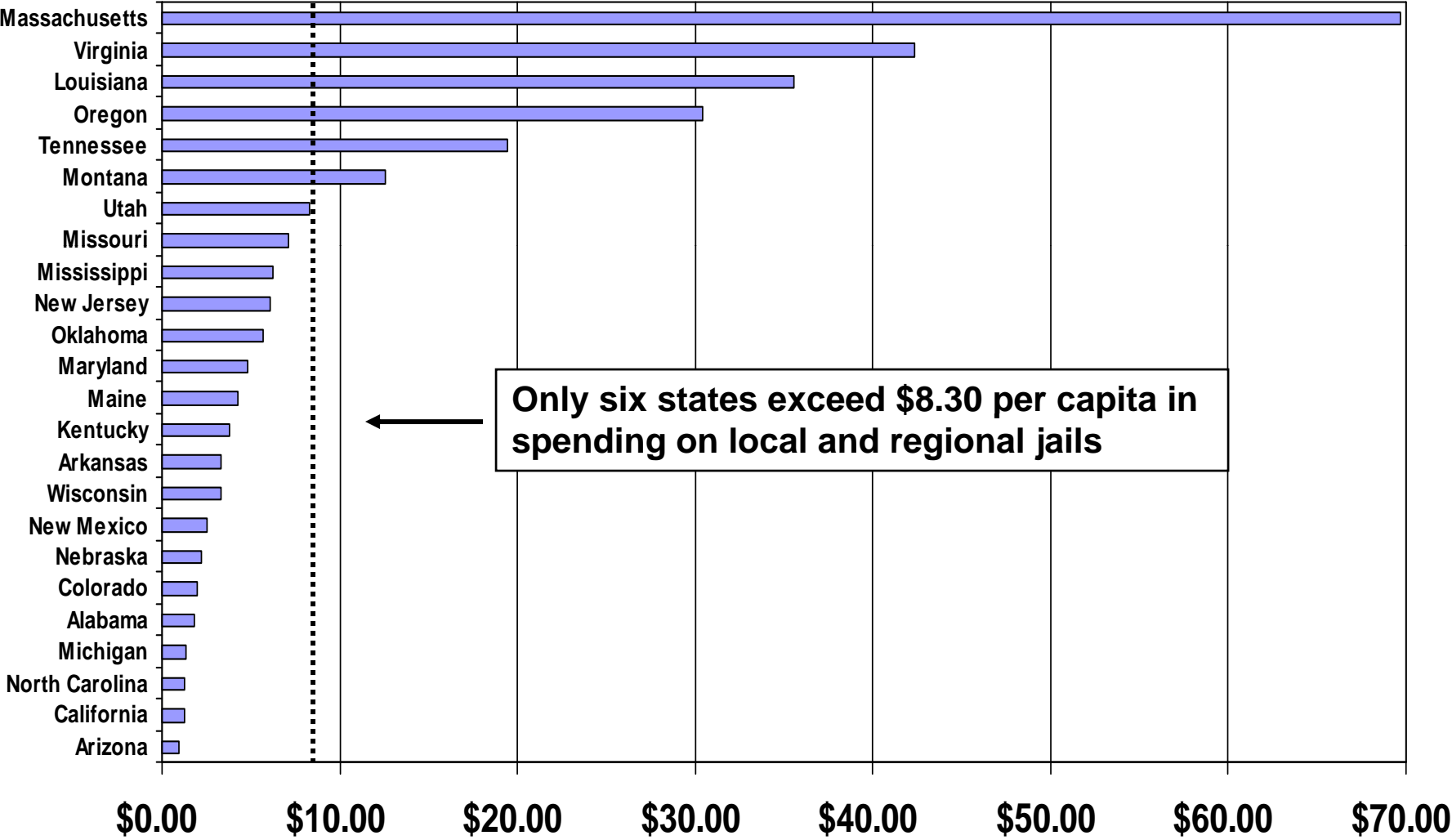
Funding Provided by Other States for Local and Regional Jails



Jail Construction Funding Provided by Other States

- 50 states responded to a recent survey about funding policies regarding jail construction
 - 42 states reported providing no form of support
 - 8 states, including Virginia, reported providing some form of support for local and regional jail construction projects
- Of the eight states providing support, only five appear to do so routinely

Comparing Virginia's Operating Support for Local and Regional Jails to Other States



Only six states exceed \$8.30 per capita in spending on local and regional jails

Figures are per capita. Figures reflect FY 2008 general fund expenditures




Other States' Coordination of Local and Regional Jail and Prison Beds

- Given their limited financial involvement, many states do not coordinate bed space between their local and regional jails and state prison systems
- Six smaller states operate combined local jail and prison systems and do coordinate bed space
 - Examples: Alaska, Connecticut, Delaware, Hawaii, Iowa, Rhode Island, and Vermont
 - Only Connecticut has a significant inmate population (about 18,000)
- Maine has begun consolidating functions within its local jail and state prison systems
 - Including bulk commodities purchasing; medicine, and supplies; transportation of offenders, and bed space management
 - However, Maine's offender population much smaller than Virginia's



Other Considerations



State Provides Significant Funding for Local and Regional Jails but Has Little Control

- Unlike most states, Virginia provides significant support for its local and regional jails, including:
 - Supporting the costs of jail construction projects
 - Virginia provides 44.4 percent of project costs
 - Providing 100 percent of state salaries for recognized positions and providing per diems for the care and feeding of local and state-responsible prisoners
 - Virginia provides 46.8 percent of operating costs – more than any other source
 - Localities provide 41.1 percent for local supplements and positions and the federal government provides 7.5 percent through per diems
- Despite Virginia's sizable financial commitment, the state does not have a substantial input into the management and use of these facilities



Local and Regional Jail Construction Projects

- The General Assembly may wish to include local and regional jail construction projects in the capital outlay process developed during the 2008 Session
 - Jail construction projects have cost as much as \$100 million per year in recent years
 - Because exemptions to the jail construction moratorium are approved to permit planning for projects and Board of Corrections review and approval of those plans – costs are unknown by General Assembly at time of exemption approval
- The General Assembly may also wish to consider whether it should approve any more exemptions to the moratorium in this biennium
- The General Assembly may also wish to consider whether to provide reimbursements for all jail construction projects at local jail rate
 - Only a few counties are not part of regional jail authorities now
 - Incentives for additional regional jails may no longer be needed



Local and Regional Jail Operations

- The General Assembly may also wish to consider reviewing the structure of the costs for operating local and regional jails, including:
 - Can efficiencies be achieved by encouraging the development of partnerships between local and regional jails and the state prison system?
 - Several jails buy food from DOC's agribusiness program now
 - Should additional payments be continued for "out-of-compliance" state-responsible inmates or for participation in the jail contract bed program?
 - Maryland has reduced payments for inmates housed in local jails by 25 percent
 - Should local and regional jail bed space be managed more cohesively with the state's prison system?



Achieving Greater Coordination Between Local and Regional Jails and the State Prison System

- The Code of Virginia currently permits the transfer of any person confined in a state or local correctional facility to any other state or local facility subject to the Governor finding that the number of prisoners in state facilities poses a threat to public safety
- The General Assembly could amend this provision to allow the DOC director to perform this coordination role subject to oversight by the Board of Corrections
 - Currently, the Board of Corrections is responsible for:
 - Developing and establishing program, fiscal standards, and goals for the operation of state, local and community correctional facilities
 - Developing the regulations governing local and regional jail construction projects and recommending approval of local and regional jail construction plans and costs to the Governor