

SENATE OF VIRGINIA

Senate Finance Committee

Crime and Corrections

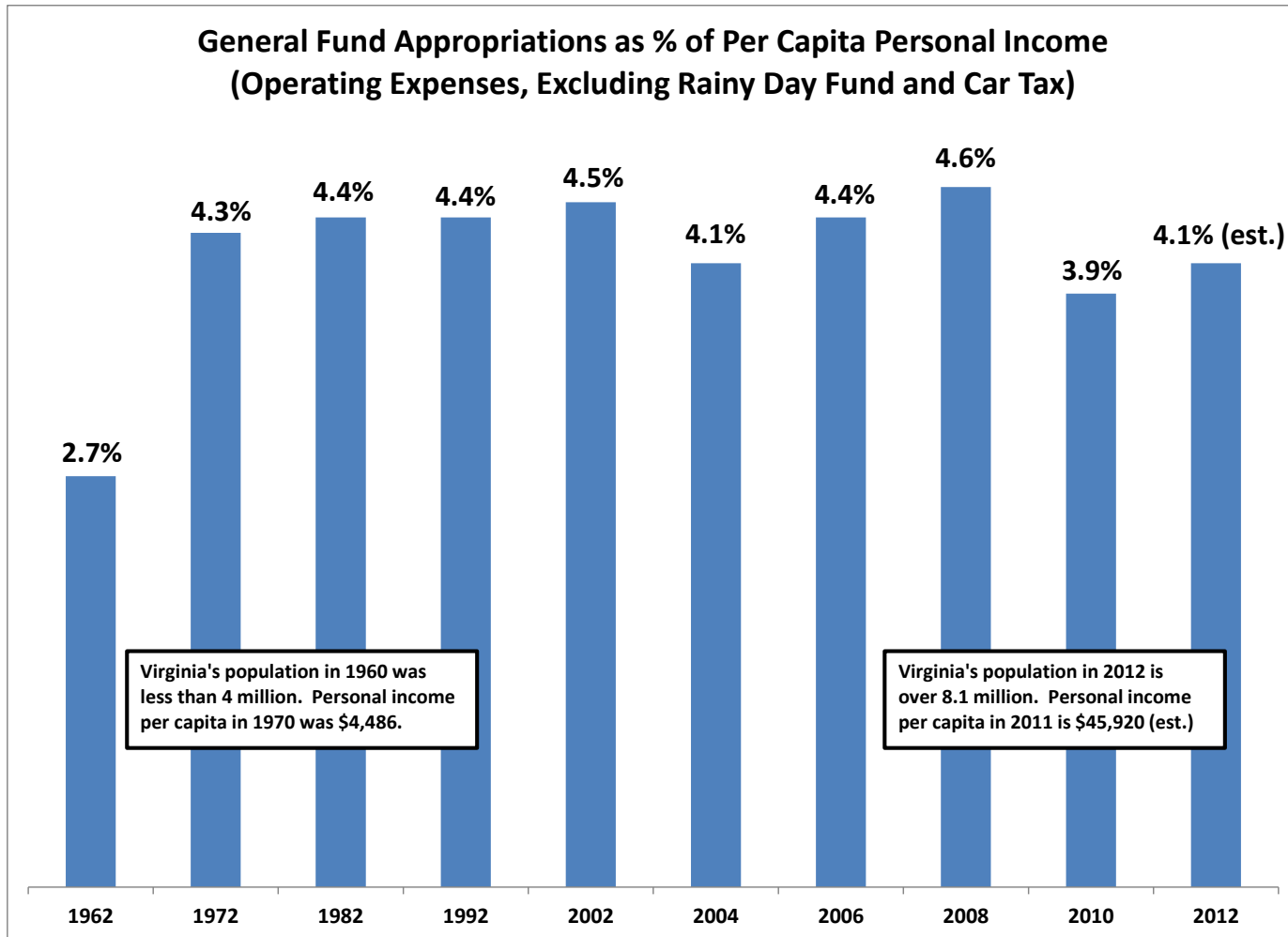
NCSL Fiscal Analysts Seminar

Salt Lake City, Utah (August 30, 2012)

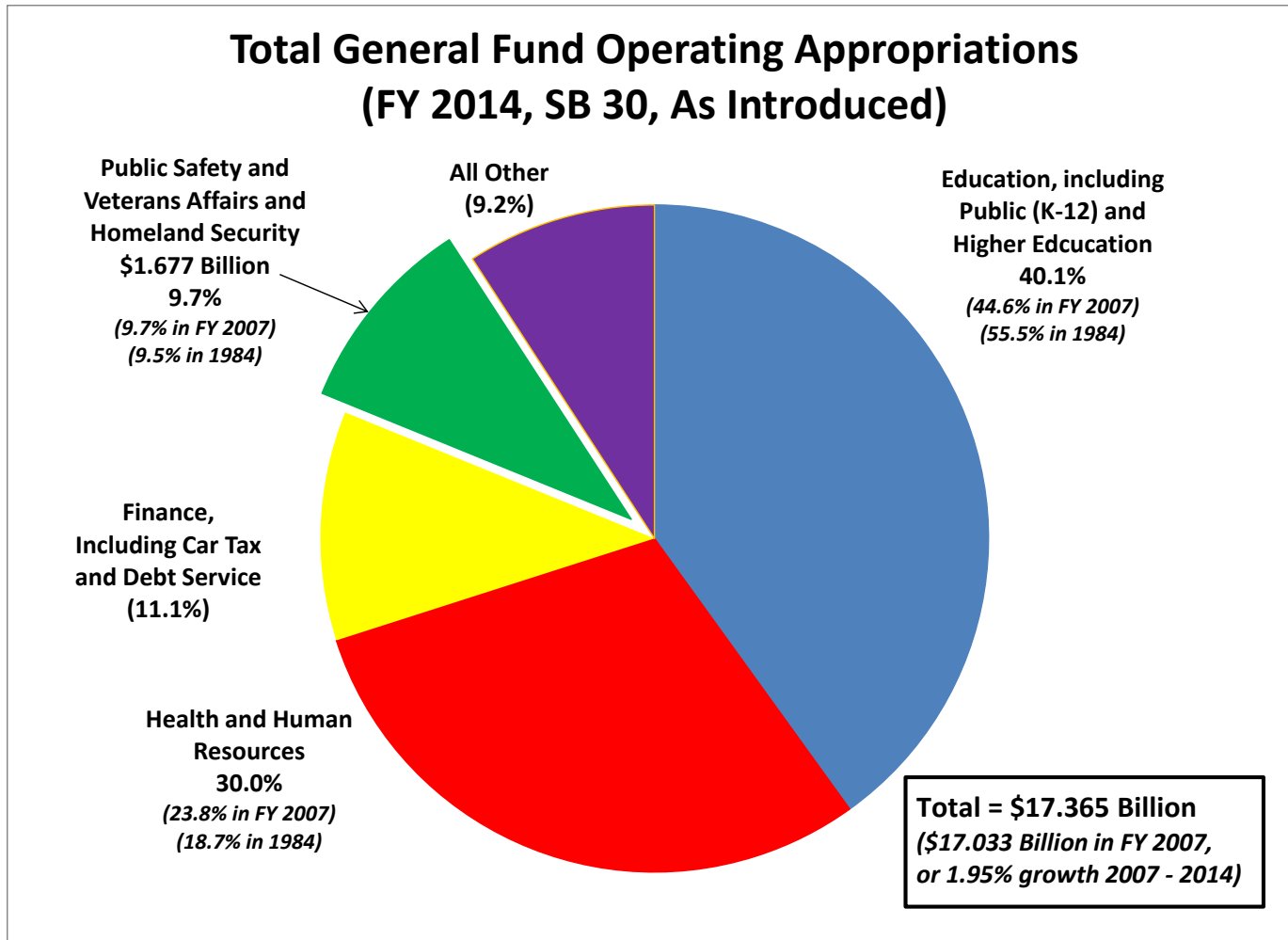
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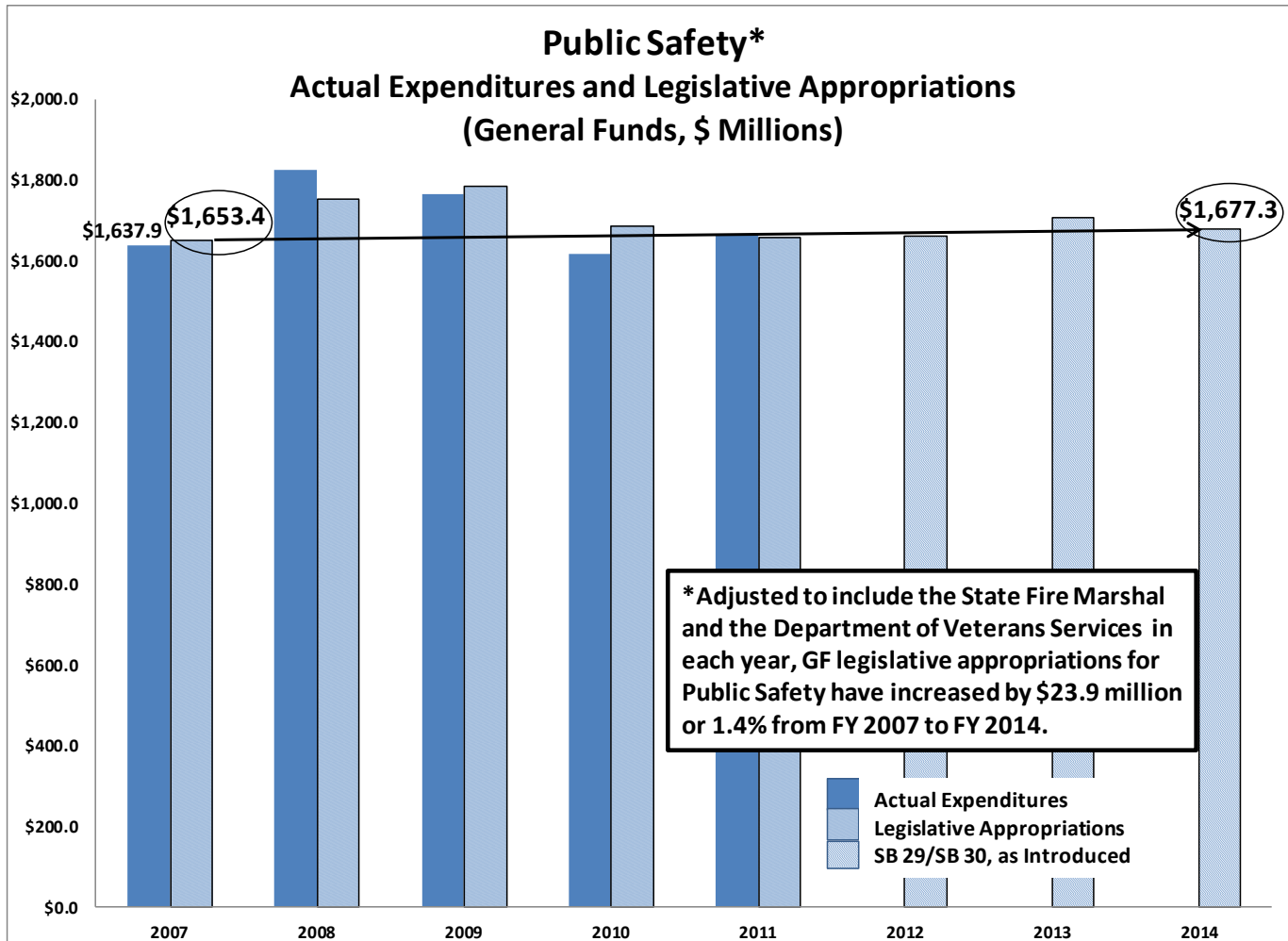
Virginia's Budget Has Been Stable



Public Safety: 9.7% of the Budget



Appropriations (FY 2007 – 2014)

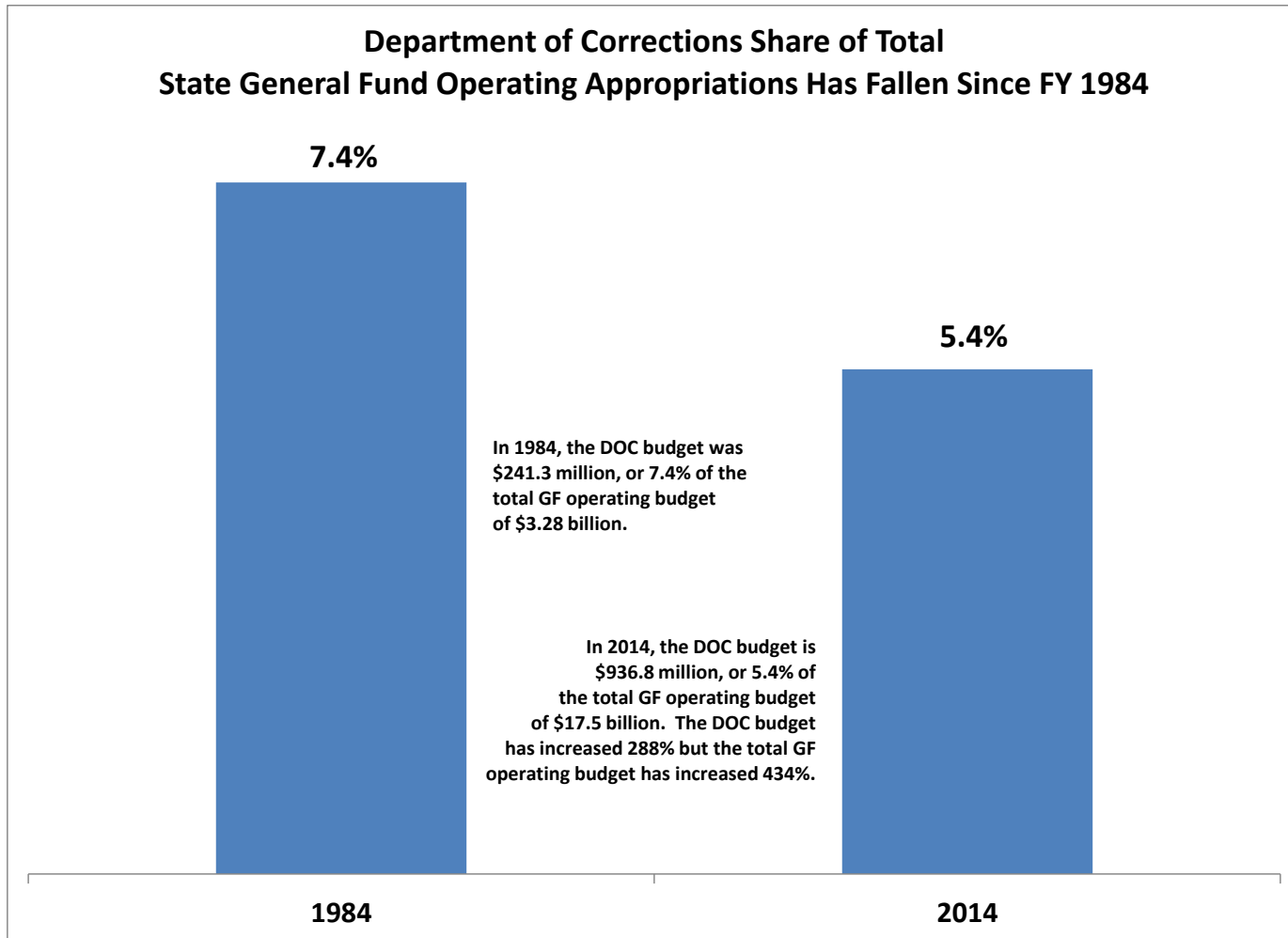


A Closer Look by Agency

ANALYSIS OF CHANGES IN PUBLIC SAFETY AGENCY BUDGETS, FY 2007 - 2014				
(Legislative Appropriations, General Funds, \$ Millions)				
Agency/Program	FY 2007	FY 2014*	\$ Change	% Change
Veterans Services	\$4.5	\$9.2	\$4.7	104.4%
State Police	\$202.1	\$227.9	\$25.8	12.8%
Forensic Science	\$32.4	\$36.3	\$3.9	12.0%
Parole Board (Adjusted)	\$0.7	\$0.8	\$0.1	11.3%
DCJS - Other Than HB 599	\$33.6	\$36.4	\$2.8	8.3%
Corrections	\$894.0	\$937.5	\$43.5	4.9%
Public Safety Total	\$1,653.4	\$1,677.3	\$23.9	1.4%
Juvenile Justice	\$206.4	\$192.1	(\$14.3)	-6.9%
Correctional Education	\$52.8	\$48.2	(\$4.6)	-8.7%
State Fire Marshal (Fire Programs)	\$2.6	\$2.2	(\$0.4)	-14.8%
HB 599	\$206.3	\$172.4	(\$33.9)	-16.4%
Military Affairs	\$10.2	\$8.0	(\$2.2)	-21.6%
Comm Attorneys Services Council	\$0.8	\$0.6	(\$0.2)	-22.2%
Emergency Management	\$6.3	\$4.8	(\$1.5)	-24.0%
Secretary of Public Safety	\$0.7	\$0.6	(\$0.2)	-24.5%
Total Office of Public Safety	\$1,653.4	\$1,677.3	\$23.9	1.4%
<i>Note: Adjusted to include State Fire Marshal, Veterans Services in each year, and to exclude recommended transfer of parole examiners from DOC to Parole Board, for comparison purposes.</i>				
<i>* SB 30, as introduced</i>				

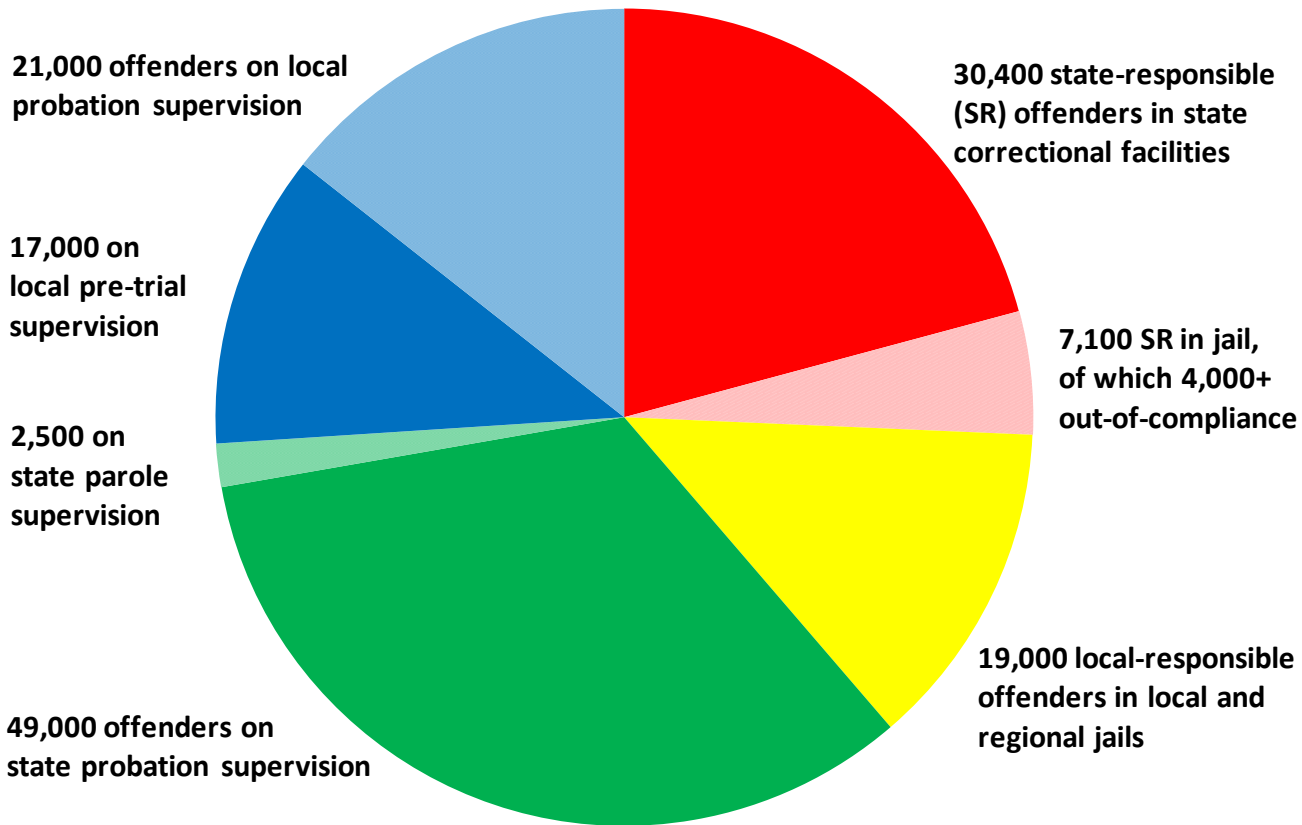


Corrections: A Smaller Percentage



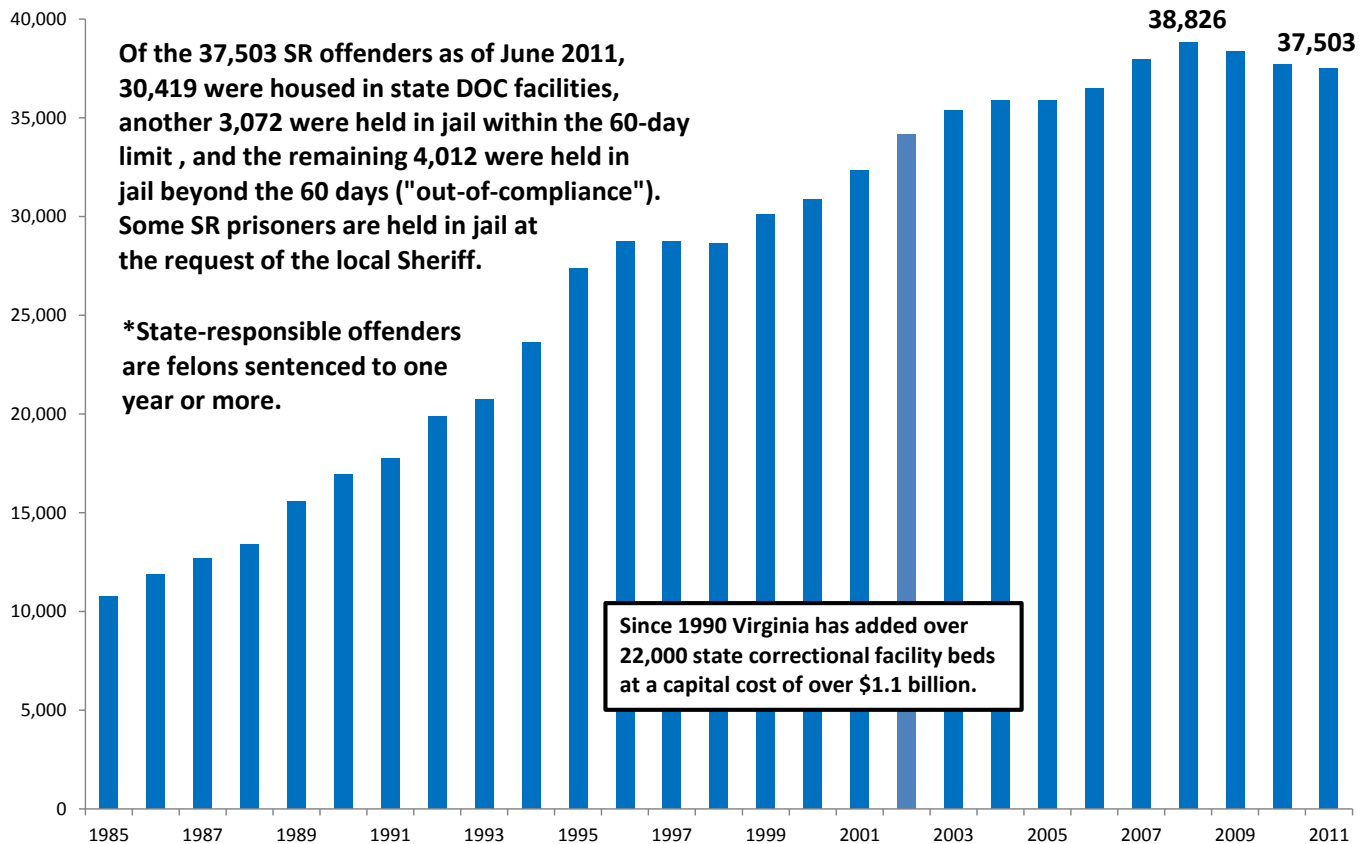
2.4% of Virginia's Adult Population

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



State Responsibility

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



Key Points

- Virginia has a well-managed, safe and secure correctional system, and is a national leader in sentencing reform.
- Virginia ranks among those states with the lowest rates of violent crime and recidivism.
 - Virginia has a high incarceration rate, but the rate of growth has slowed, and offender populations have fallen in recent years.
- Ten years of budget cuts (FY 2002-12) in DOC now add up to a total annual reduction of \$189 million (general funds).
 - 2,768 FTE positions eliminated, but with minimal layoffs.
 - Programs reduced or eliminated, incl. substance abuse treatment; facilities closed -- continued crowding, especially in dormitories.
- Over 25 percent of jail inmates are reported to have a mental illness (and 12% are reported to have a serious mental illness).



Sentencing Reform

- Virginia abolished parole and adopted felony sentencing guidelines in 1994 (effective January 1, 1995).
 - Under the old parole system, offenders were serving only a fraction of their nominal sentence.
 - Actual time served was increased for violent and repeat offenders; otherwise, length of stay has generally remained the same.
 - Convicted felons now serve at least 85% of their sentences.
 - Sentencing disparities have been significantly reduced, and racial disparities have been essentially eliminated.
- Sentencing guidelines are voluntary and judicial compliance by Circuit Court judges is very high (80%).
- The felony sentencing guidelines are administered by the Virginia Criminal Sentencing Commission (in the Judicial Department).

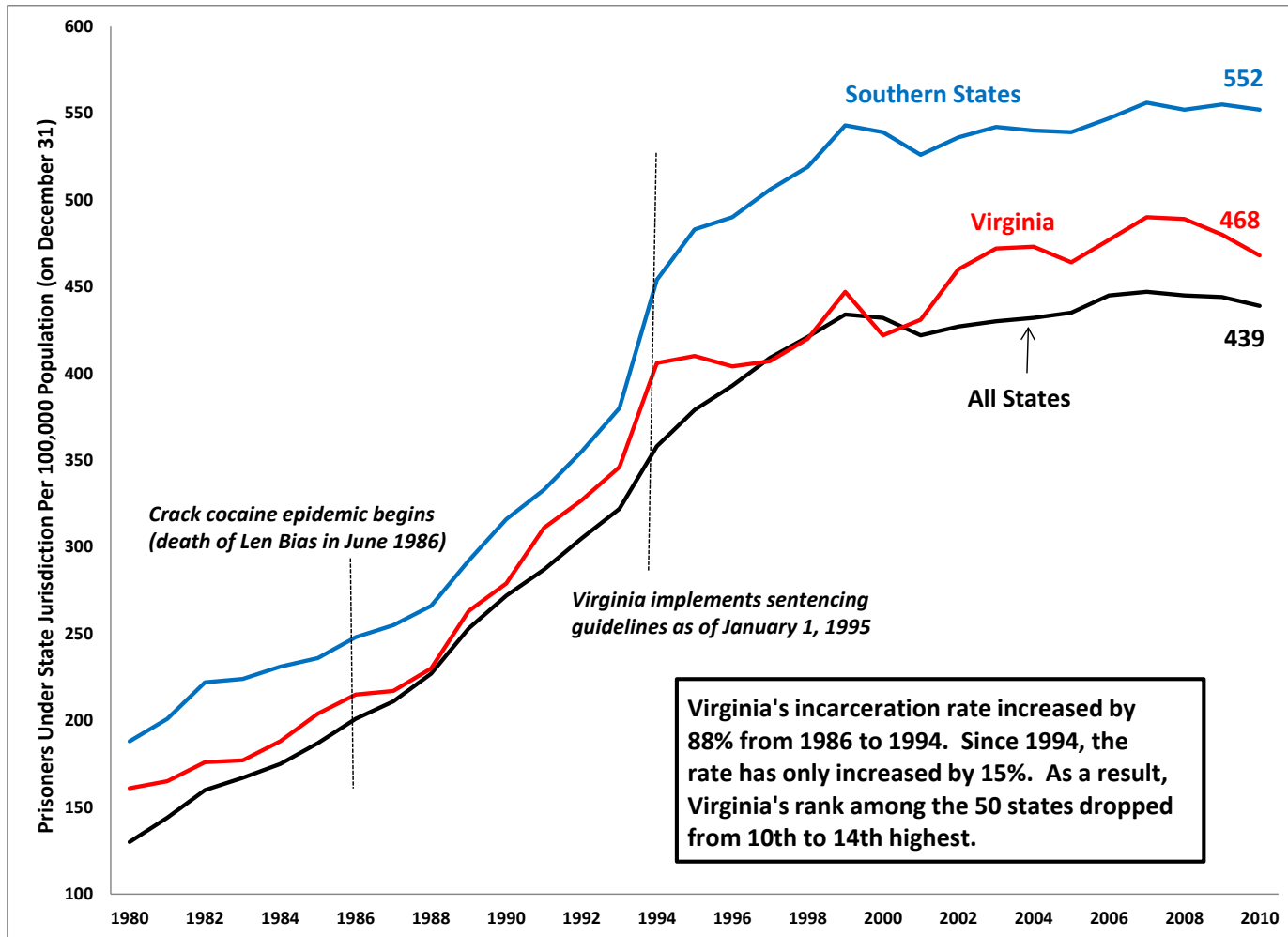


Violent and Nonviolent Offenders

- Under Virginia’s sentencing guidelines, the definition of “violent” offender includes the offender’s entire criminal history, including juvenile adjudications.
 - Burglary of an occupied dwelling is defined as a violent offense.
- An important goal of sentencing reform was to reserve expensive prison bed space for violent and repeat offenders.
 - Virginia has achieved this goal. The proportion of the state prison population defined as violent has increased from 59 to 79% since 1994.
- Another important goal was to divert 25% of lower-risk, non-violent offenders. Virginia has achieved this goal.
- Virginia became the first state to adopt risk assessment guidelines for all circuit courts in 2002.



Incarceration Rates Have Slowed



State Incarceration Rates

CHANGES IN STATE INCARCERATION RATES (1994 - 2010) (The total state incarceration rate increased by 23.5% during this period)

23 States Increased More Than 50%

West Virginia	242.5%
North Dakota	189.7%
Wisconsin	95.7%
Idaho	93.5%
Oregon	89.0%
Montana	85.3%
Minnesota	85.0%
South Dakota	76.3%
Mississippi	73.7%
Pennsylvania	71.5%
Indiana	68.2%
Iowa	60.9%
Arkansas	60.0%
Kentucky	59.0%
Vermont	57.7%
Tennessee	56.5%
Louisiana	55.9%
Colorado	54.0%
New Mexico	53.1%
Utah	51.6%
Wyoming	51.6%
Nebraska	50.6%
Missouri	50.3%

3 States Decreased

New York	-22.1%
New Jersey	-8.0%
Maryland	-2.0%

14 States Increased Less Than 20%

South Carolina	0.2%
Nevada	0.9%
Texas	1.7%
Michigan	4.2%
Rhode Island	5.9%
Alaska	7.3%
Delaware	10.8%
California	14.3%
Massachusetts	14.9%
Virginia	15.3%
North Carolina	15.5%
Ohio	15.8%
Connecticut	17.1%
New Hampshire	18.1%

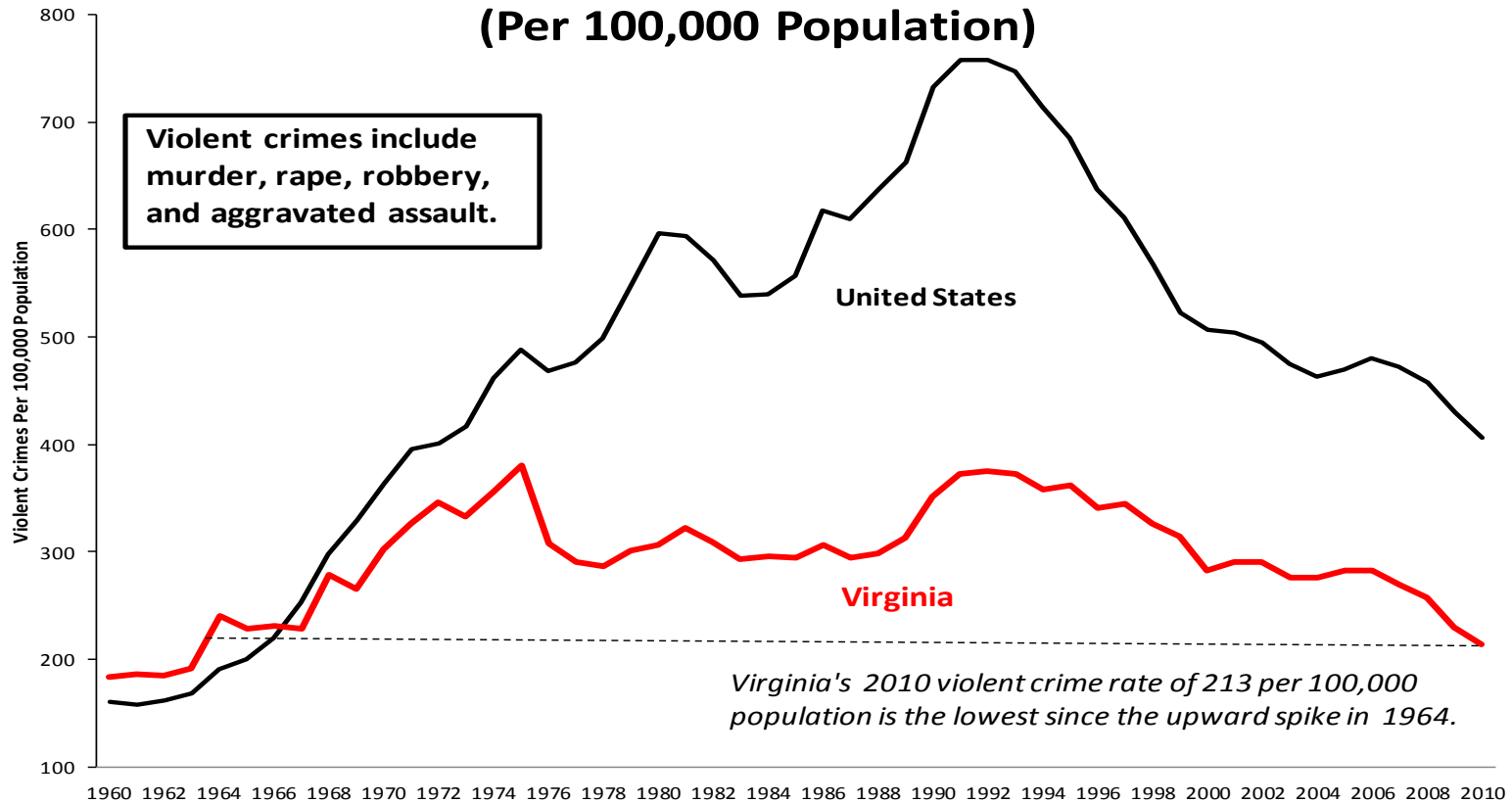
Note: Virginia had the 13th smallest increase in incarceration rate from December 31, 1994-2010. In 1994, Virginia ranked 10th highest in the rate of incarceration; in 2010, Virginia ranked 14th.

Source: U.S. Bureau of Justice Statistics, *Imprisonment Rates for Prisoners Under State or Federal Jurisdiction, per 100,000 Residents, published in Prisoners in 2010 (NCJ 236096, December 31, 2011, rev. February 9, 2012)*



Violent Crime Rates Have Dropped

Violent Crime Rates (CY 1960 - 2010) (Per 100,000 Population)



Why Has The Crime Rate Fallen?

- Longer prison terms for violent and repeat offenders.
- Proactive policing – community policing + information technology.
 - Daily analysis of crime data, target resources where crime patterns are emerging, and hold police commanders accountable.
- Significant drop in cocaine availability; arrests down 47%.
 - War on drug cartels in Mexico, Central and South America.
- Significant drop in the crime rate in the high crime-prone age group.
- Aging population – smaller percentage in the high crime-prone age group (15-24 year-old males).
- Broad range of anti-crime strategies – but no single explanation.



State Violent Crime Rates

CHANGES IN STATE VIOLENT CRIME RATES (CY 1994 - 2010) (The U.S. violent crime rate decreased by 43.5 % during this period)

16 States Decreased More Than 40%

Kentucky	-59.9%
New York	-59.4%
California	-56.5%
Illinois	-54.7%
Florida	-52.7%
Oregon	-51.6%
New Jersey	-49.9%
Mississippi	-45.4%
Alabama	-44.7%
North Carolina	-44.5%
Louisiana	-44.1%
Maryland	-42.2%
Arizona	-42.0%
South Carolina	-42.0%
Virginia	-40.3%
Indiana	-40.1%

7 States Increased

North Dakota	175.1%
Montana	53.7%
West Virginia	45.8%
New Hampshire	43.0%
Vermont	34.4%
Delaware	10.7%
Hawaii	0.2%

7 States Decreased Less Than 20%

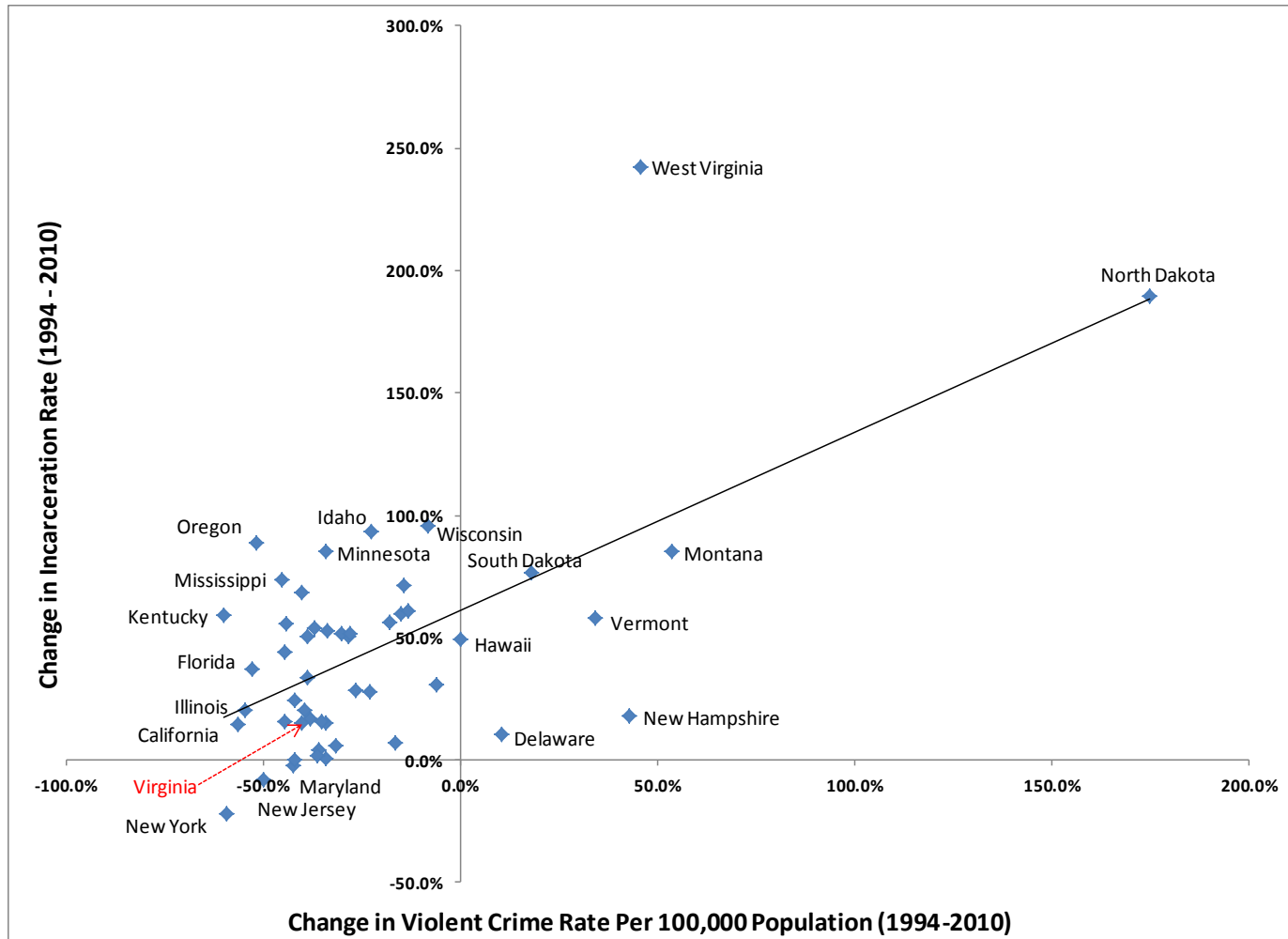
Maine	-6.1%
Wisconsin	-8.1%
Iowa	-13.2%
Pennsylvania	-14.2%
Arkansas	-15.1%
Alaska	-16.6%
Tennessee	-18.0%

Note: Virginia experienced the 15th greatest decrease in the violent crime rate from CY 1994 to 2010. During this period, Virginia dropped from #36 in 1994 to #45 in 2010. Only Maine, Vermont, New Hampshire, Wyoming and Utah reported lower rates in 2010.

Source: FBI, Crime in the United States, 1994 and 2010. Rates are per 100,000 population. The percentages shown represent the percentage increase or decrease in the rates from Calendar Year 1994 to 2010.

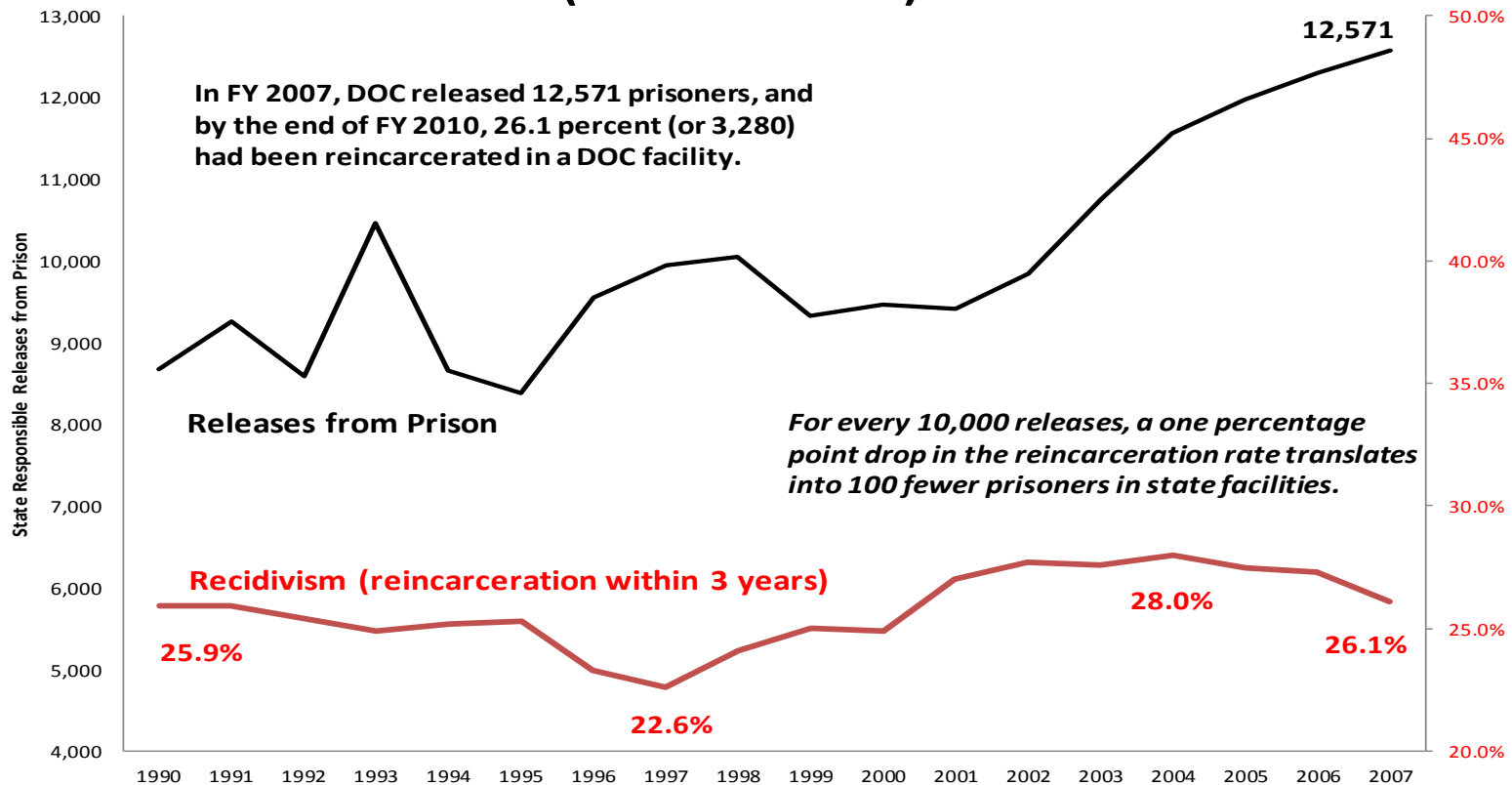


Incarceration and Violent Crime Rates

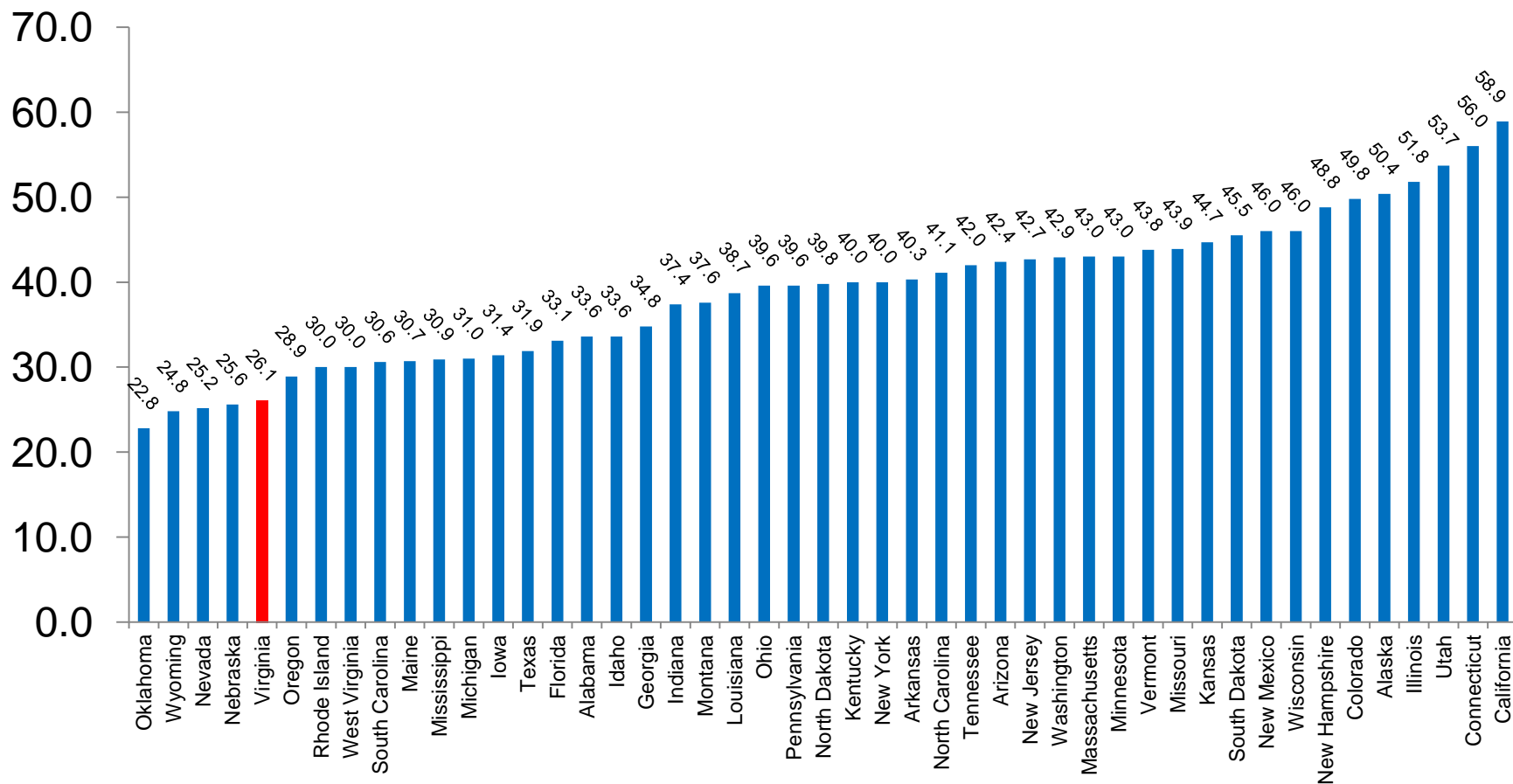


Recidivism in Virginia Remains Low

Releases From Prison and Reincarceration Rates (FY 1990 - 2007)

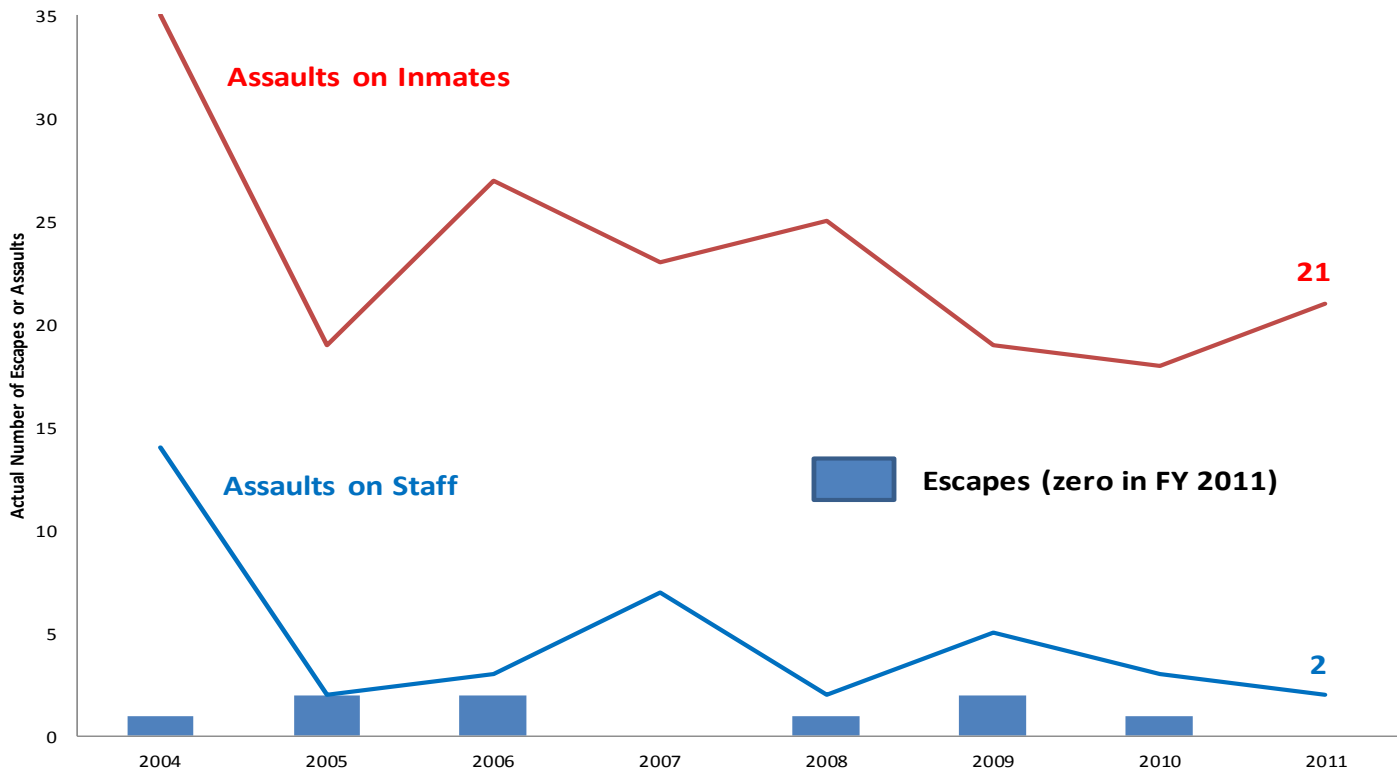


Recidivism Rates

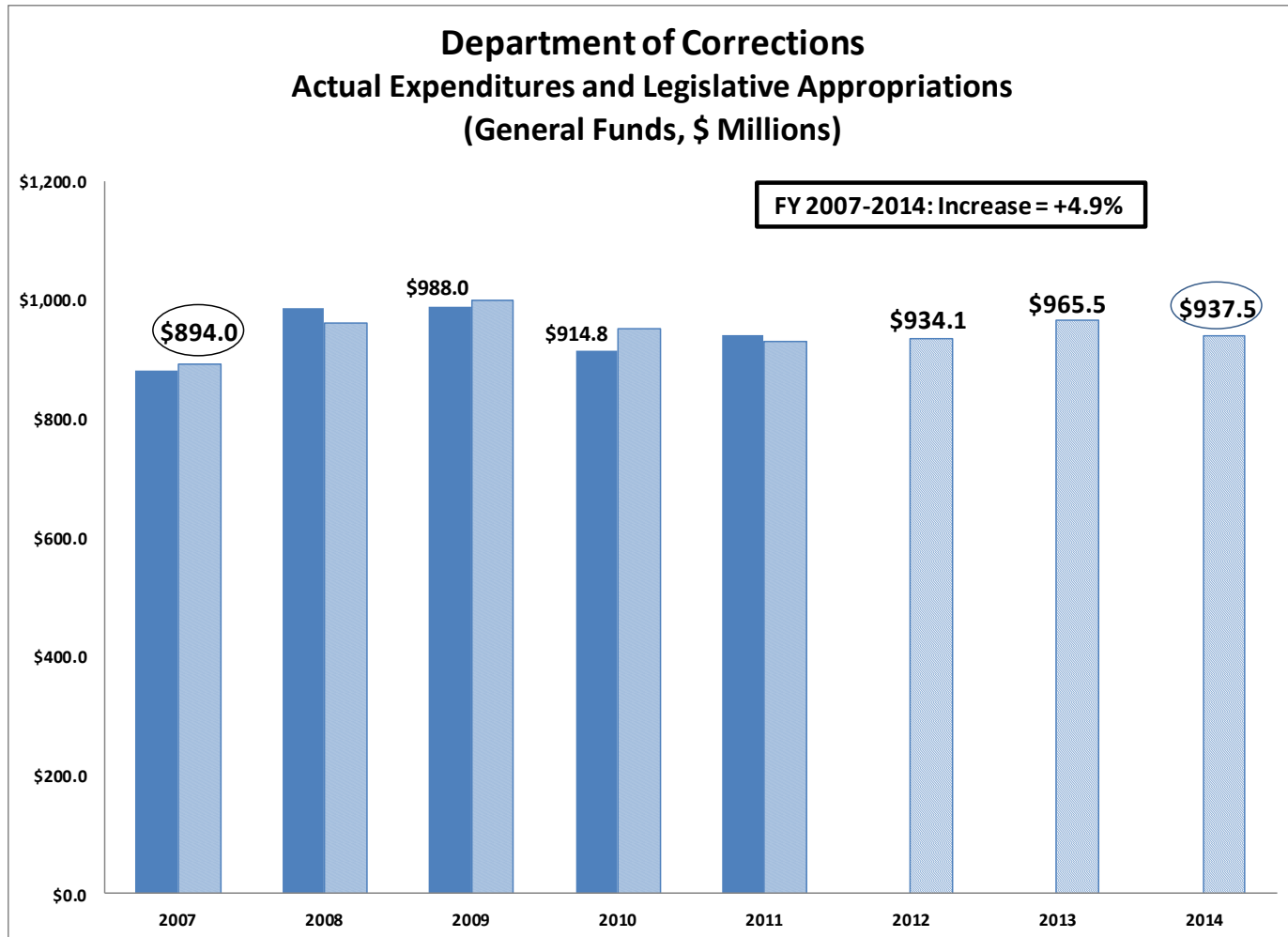


Virginia's Facilities Are Safe and Secure

Number of Escapes and Assaults
(FY 2004 - 2011)

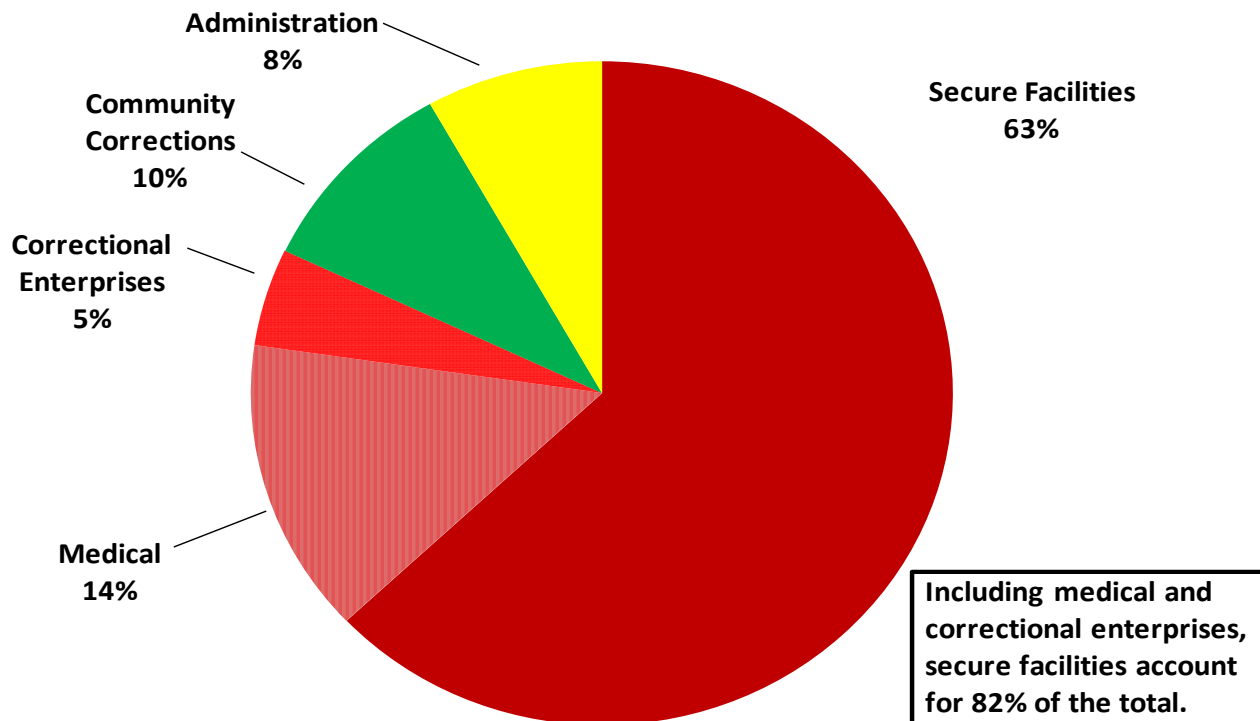


Corrections (FY 2007 – 2014)

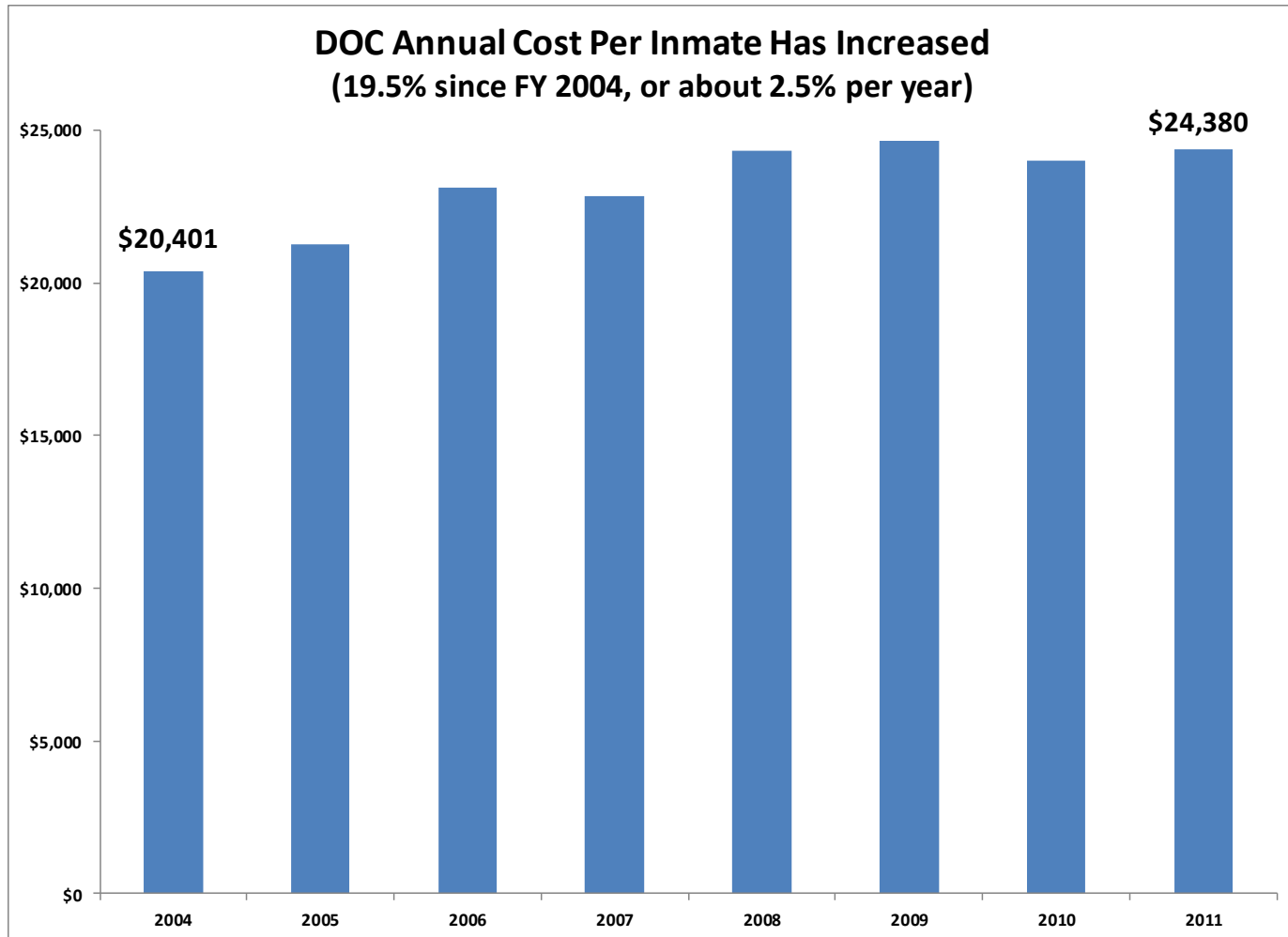


DOC Budget: The Basics

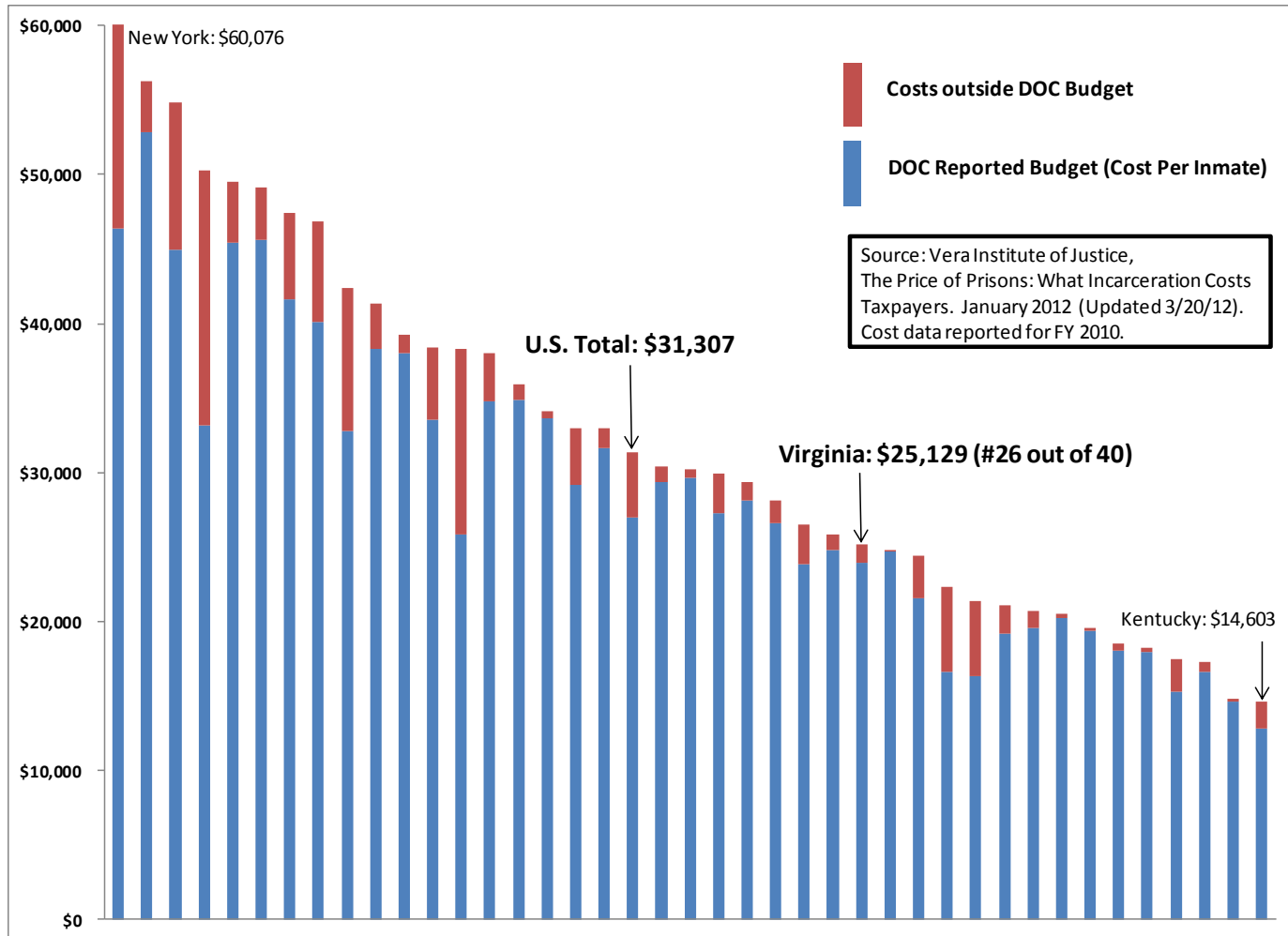
DOC Appropriations, All Funds (FY 2011)
Total = \$1,011.1 million (of which \$930.6 million is GF)



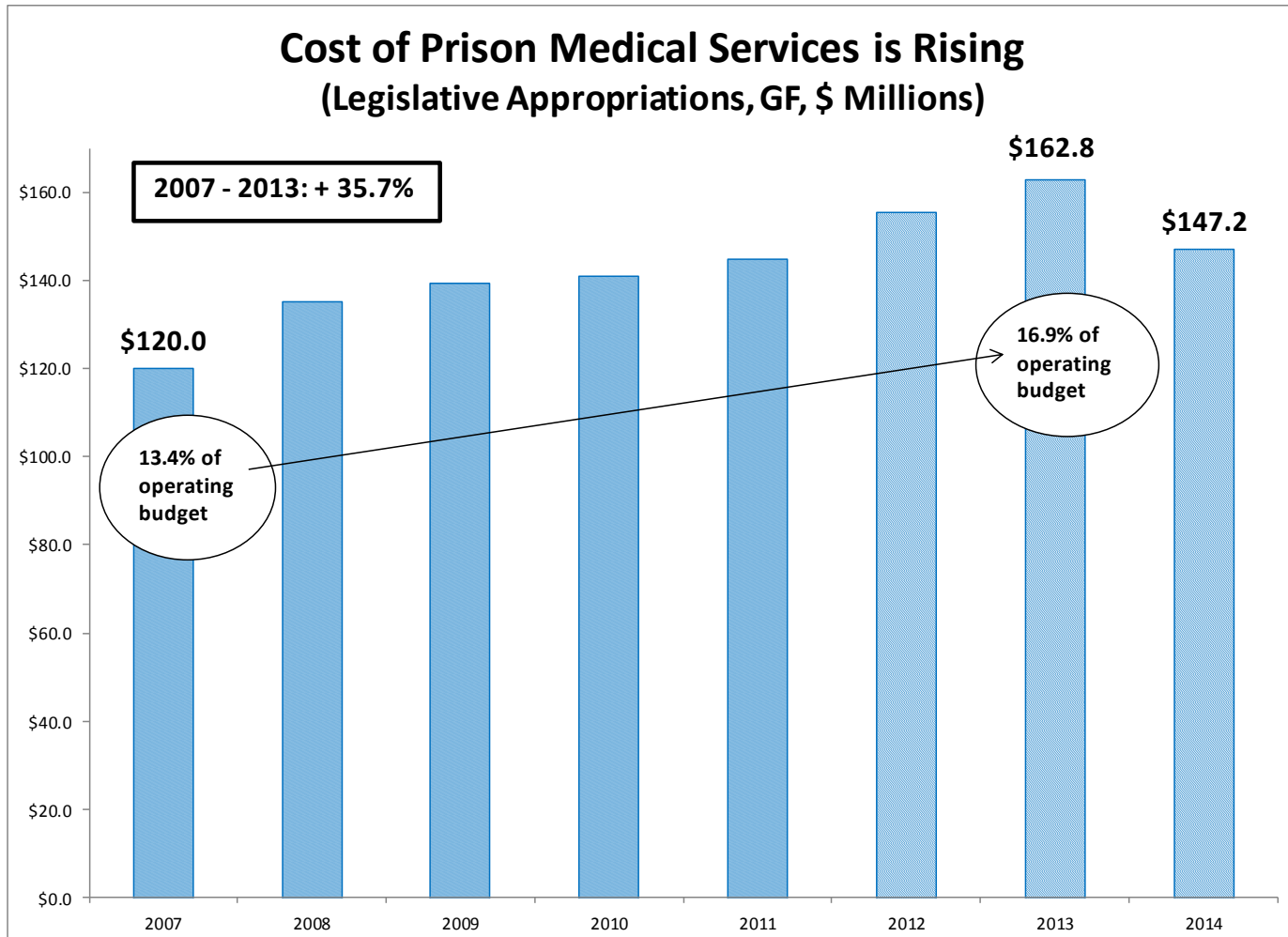
Operating Cost Per Inmate



Total Taxpayer Cost Per Inmate



Growth in Medical Costs



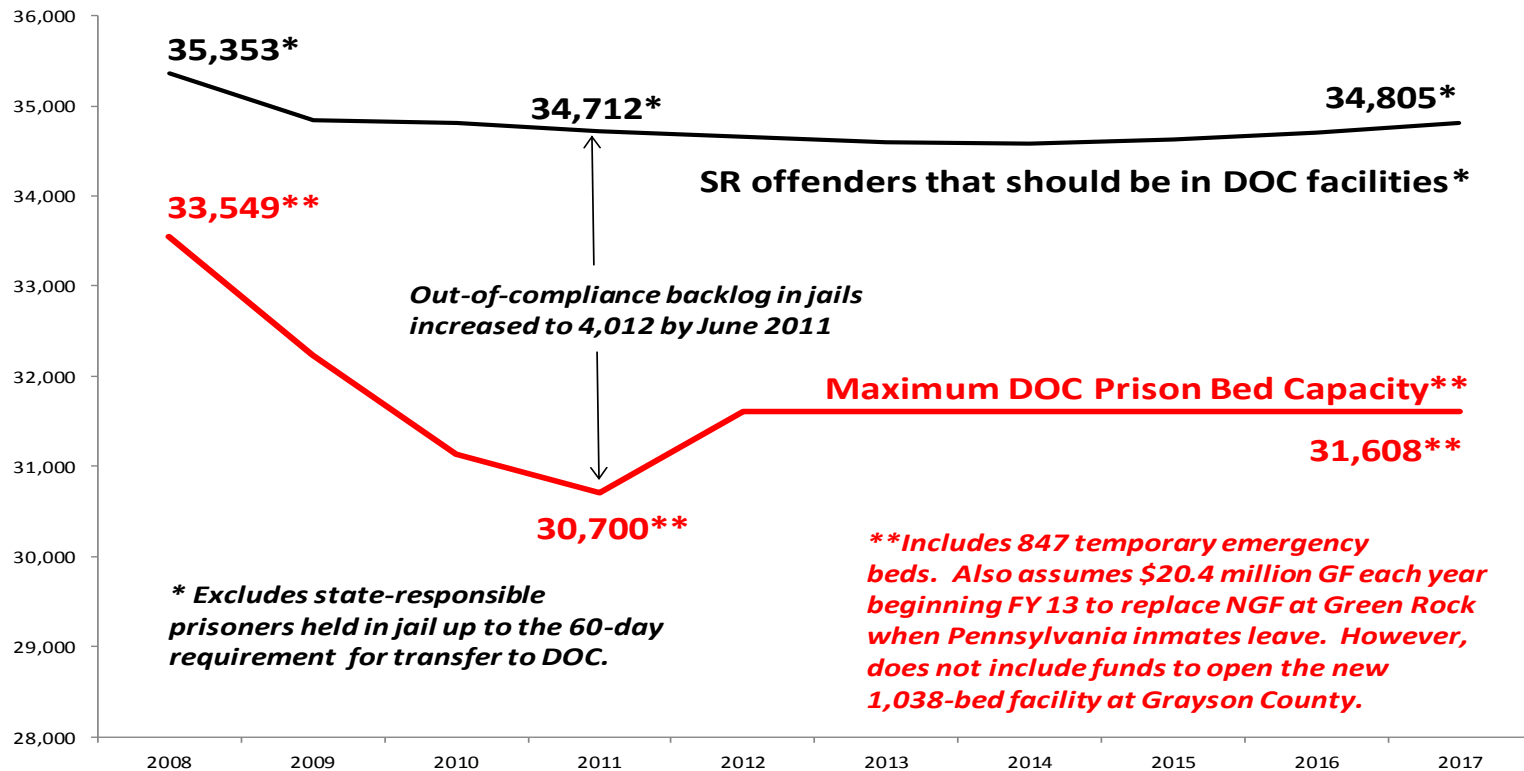
DOC Budget Cuts

- Ten years of budget cuts (FY 2002-12), now add up to a total annual impact of \$189 million GF (and elimination of 2,768 FTE positions).
 - Seven major institutions, 3 field units, 1 housing unit, and 5 community corrections facilities have been closed since 2002.
 - 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 there have only been about 60 layoffs.
- Savings from budget reductions have helped balance the budget.
 - State facilities are just as crowded as before (60-65% double-bunking), and more SR prisoners are backed up in local and regional jails.
 - State facilities operating at the maximum water and sewer capacity.
- Capital maintenance costs are increasing.



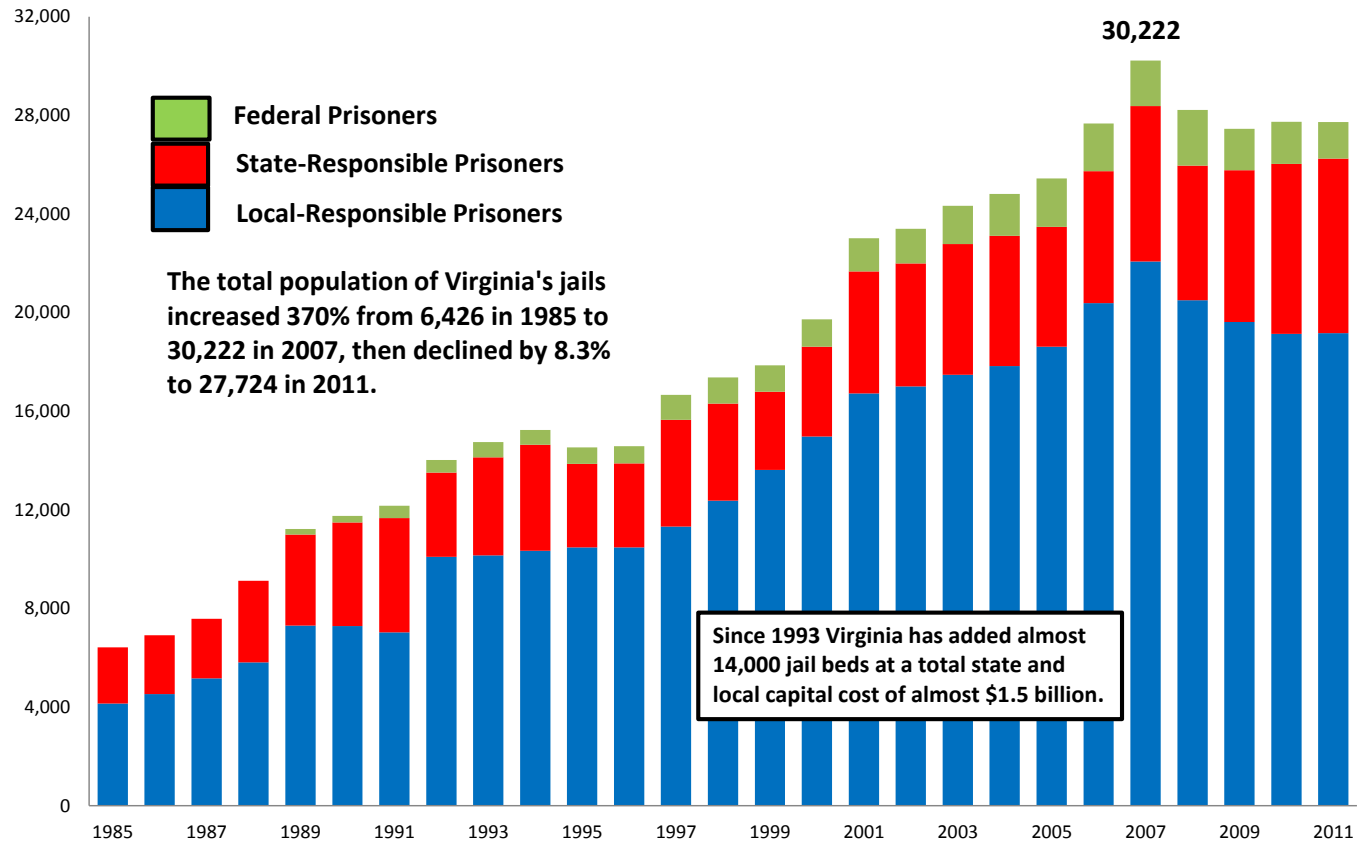
State-Responsible Forecast

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



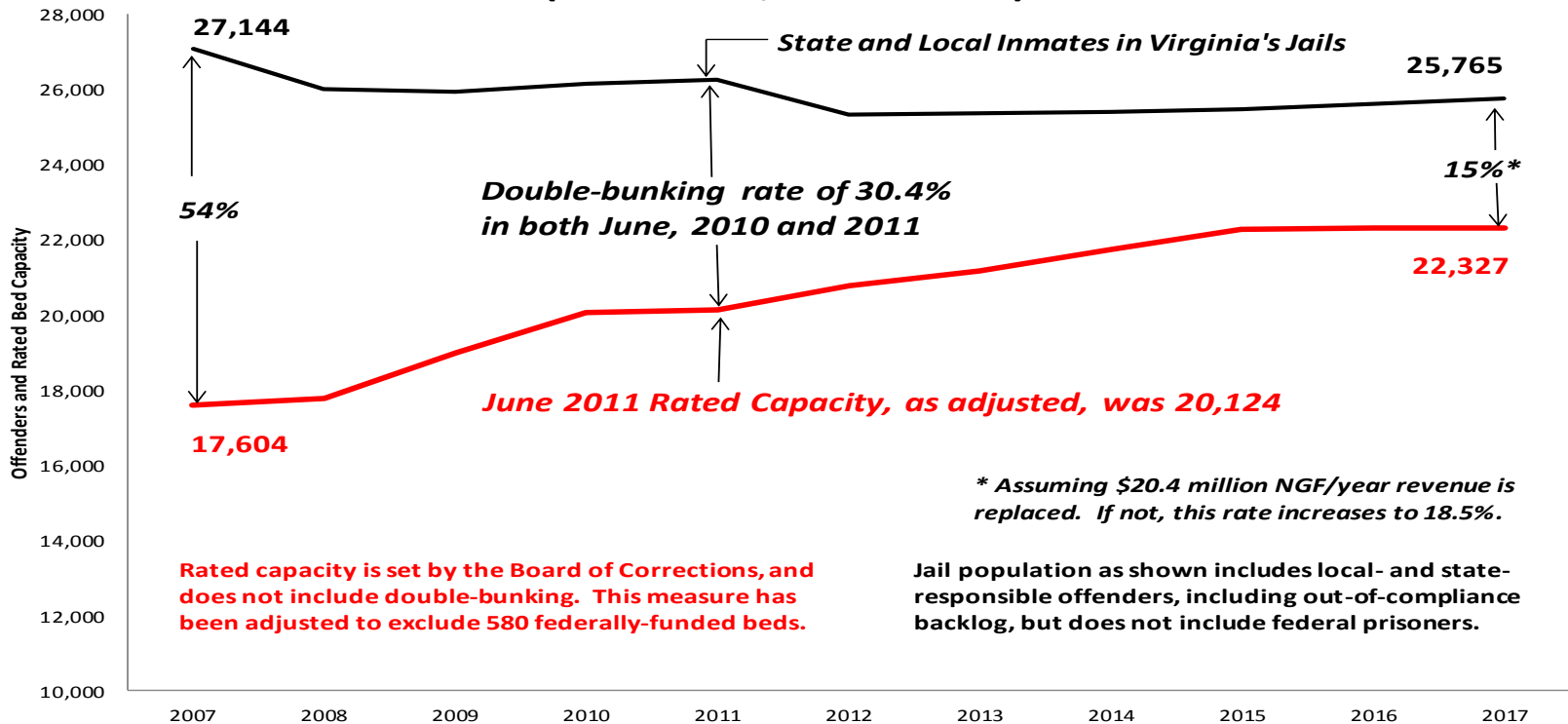
Virginia's Jails

Total Local and Regional Jail Population (As of June, 1985 - 2011)



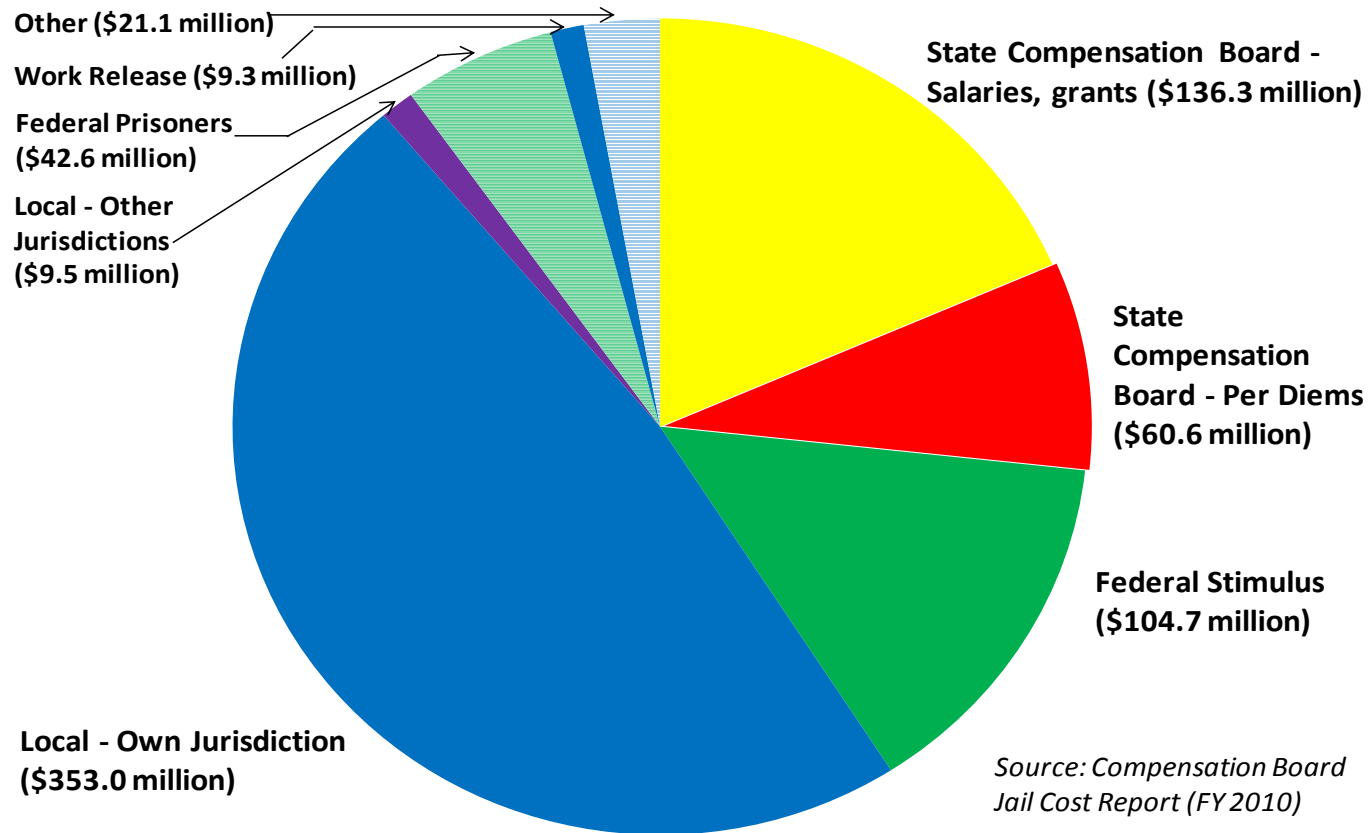
Local-Responsible Forecast

**Jail Population and Capacity
Including Local- and State-Responsible Offenders
(As of June, 2007 - 2017)**



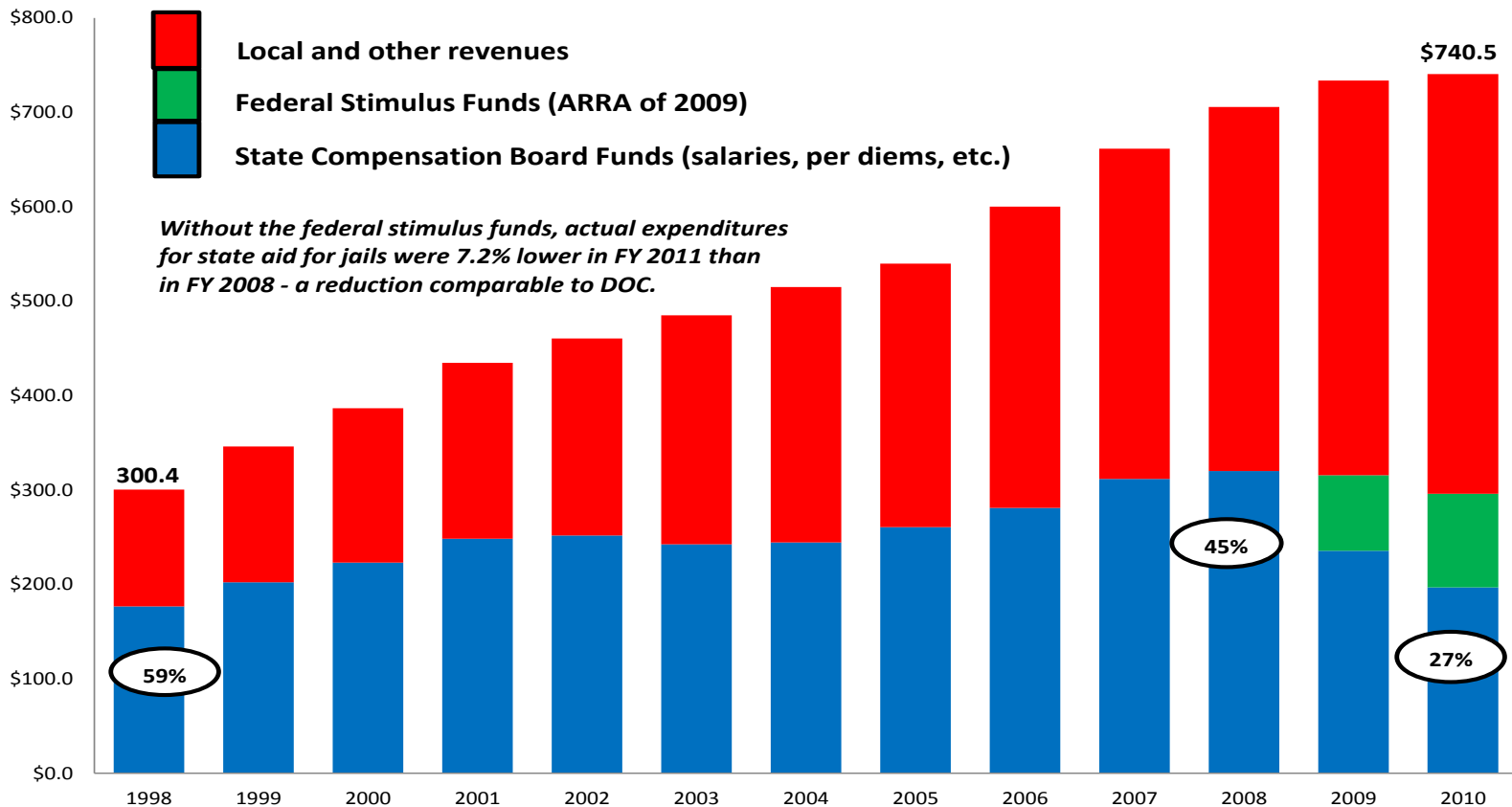
Jail Funding: The Basics

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



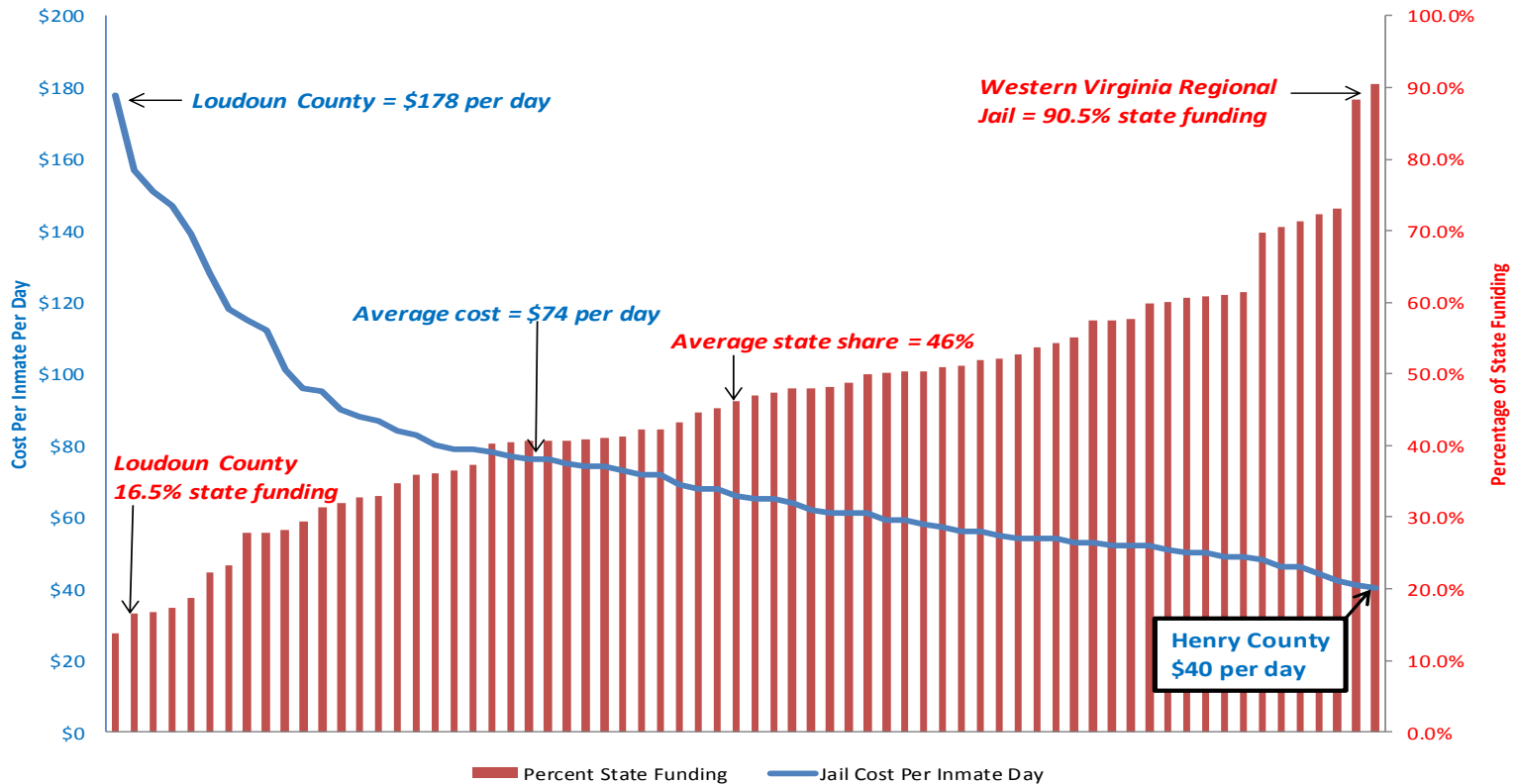
Jail Operating Expenditures

Localities Have Assumed Greater Share of Costs (FY 1998 - 2010, \$ Millions, All Jails)



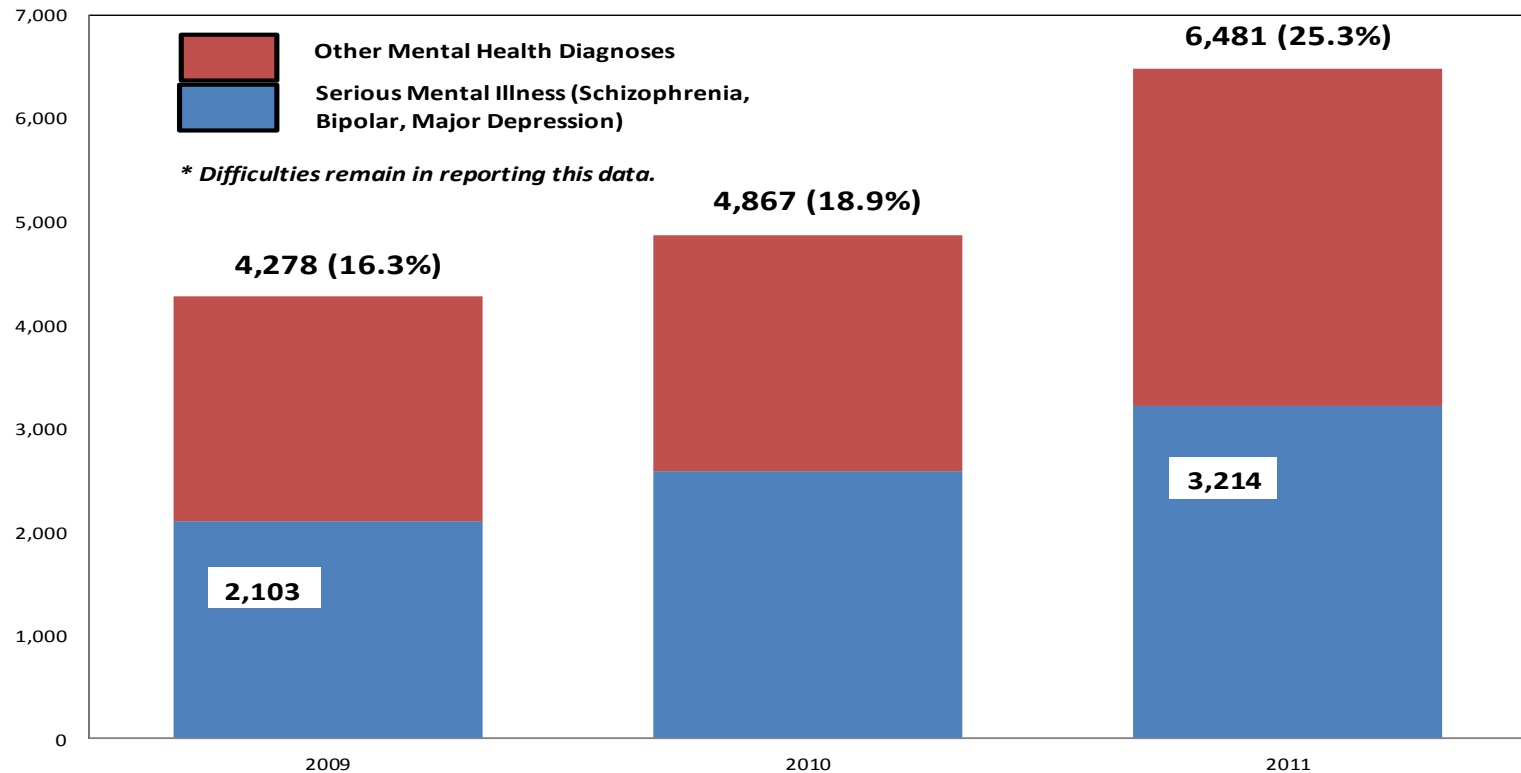
Jail Costs Vary by Locality

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



Virginia's Jail Mental Health Survey

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



Addressing Jail Mental Health Issues

- 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.
- 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 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 Community Services Boards (CSBs) since January 2009.



Pilot Jail Mental Health Sites

CSB	Jail Program Sites	\$ GF/Year
Alexandria	Alexandria	\$229,000
Arlington	Arlington County	273,000
Chesterfield	Chesterfield County Jail And Riverside Regional Jail	180,500
Fairfax County	Fairfax County	246,050
Hampton- Newport News	Hampton City Jail and Newport News City Jail	288,800
Middle Peninsula- Northern Neck	Middle Peninsula and Northern Neck Regional Jails	152,000
New River Valley	Montgomery County Jail and New River Regional Jail	270,750
Portsmouth	Portsmouth City, and Hampton Roads Regional Jail	87,400
Rappahannock	Rappahannock Regional 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.
- Jails developing improved capacity to identify mental illness.
- 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 and crisis stabilization centers
 - Specialized, evidence-based treatment, and alternative housing



Survey 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%

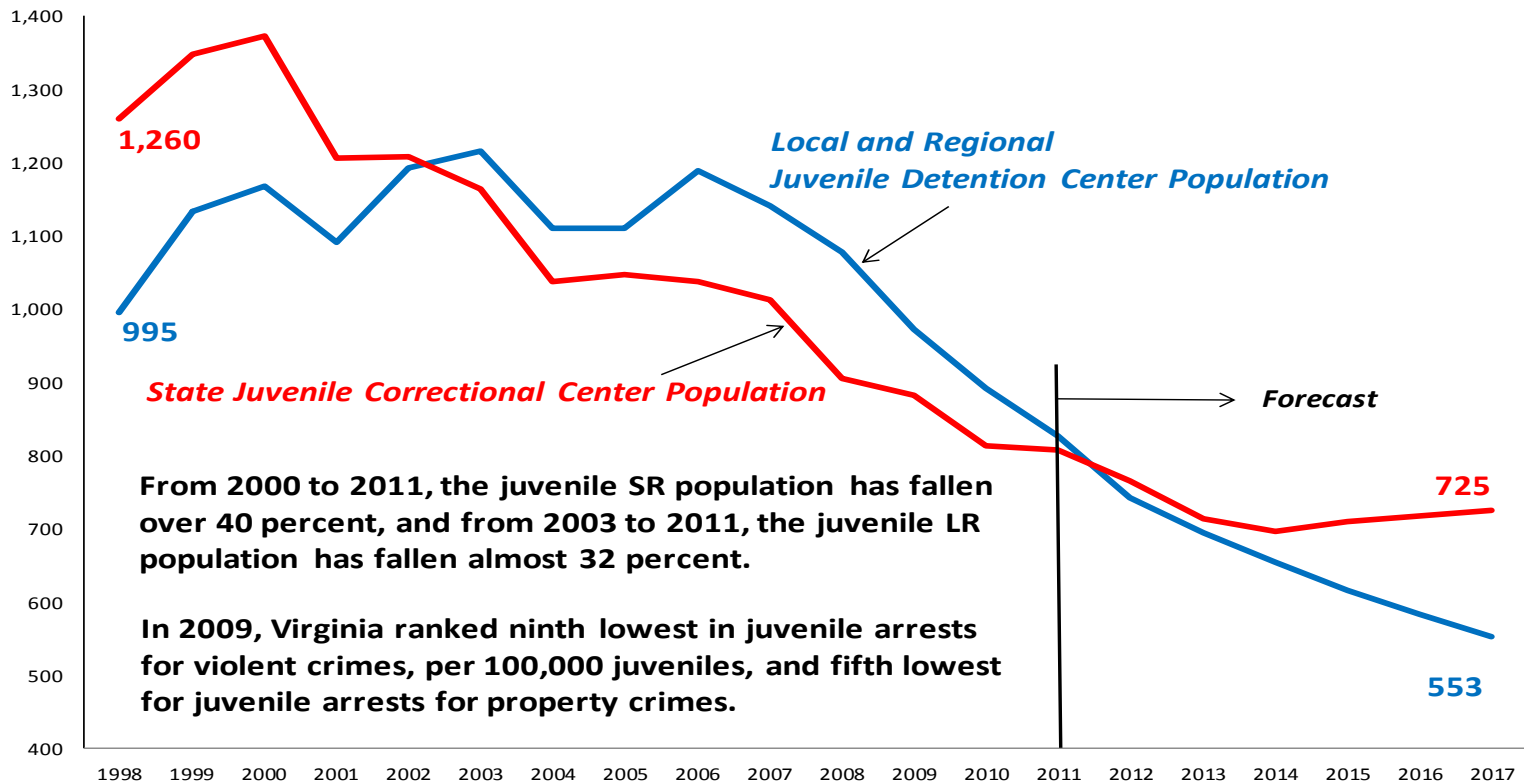
Seriously mentally ill offenders are defined as those with schizophrenia, schizoaffective disorder, delusional disorder, bipolar disorder, or major depression. These 33 (out of 68) jails accounted for 84.4% of the jail population and 92.9 percent of the seriously mentally ill offenders in Virginia jails.

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

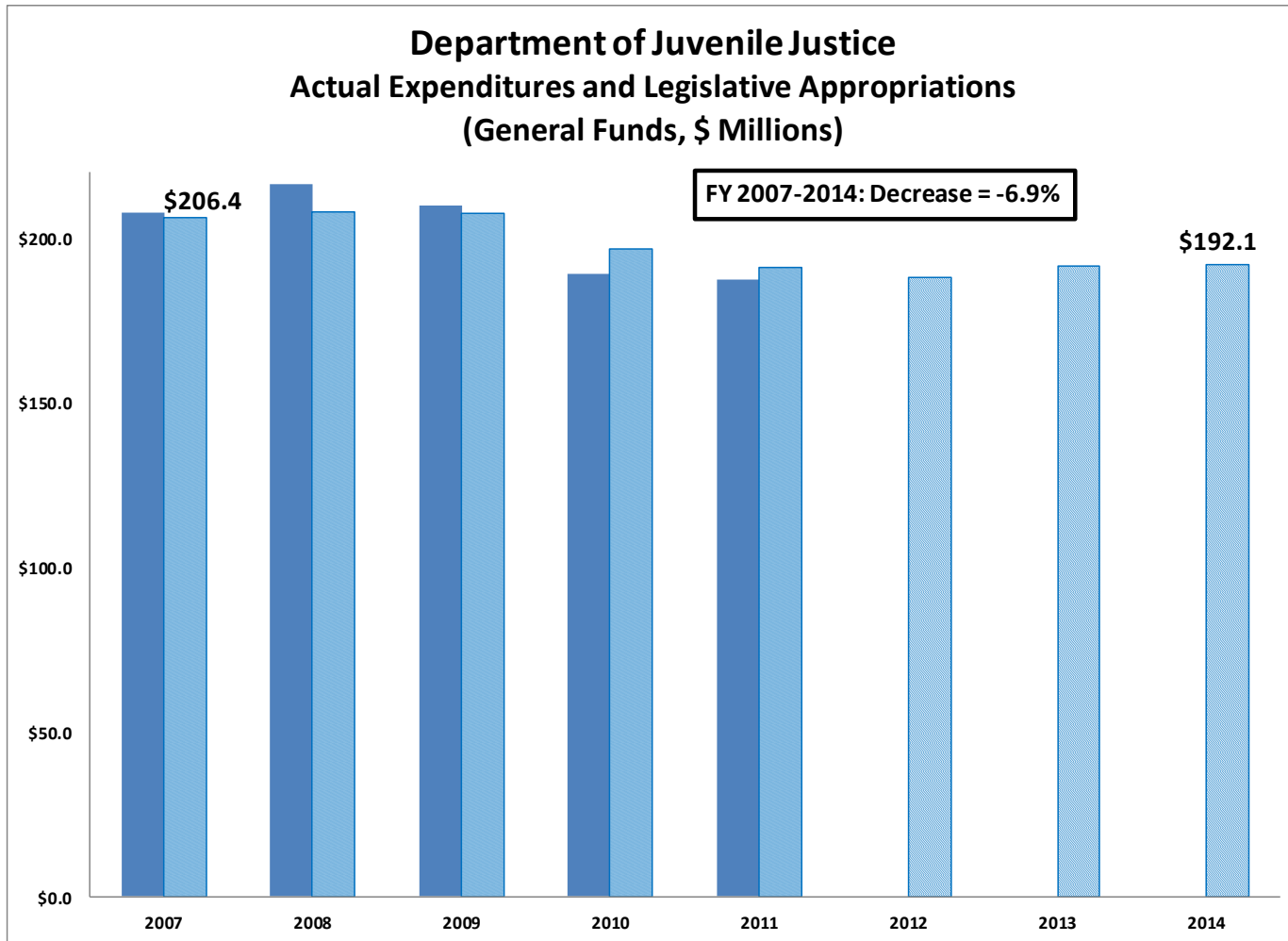


Juvenile Facility Populations Declined

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



Juvenile Justice (FY 2007 – 2014)



The Bottom Line

- Virginia has a well-managed, safe and secure correctional system, and is a national leader in sentencing reform.
- Crime and recidivism rates are low -- national rankings improved.
- Actual DOC expenditures, as adjusted, were cut 7.3 percent from 2008-2011. Overcrowding remains a serious concern.
- Jail costs have shifted to local governments since the 1990's. State aid for jails was cut 7.2 percent from 2008-2011.
- Virginia is emphasizing prisoner reentry programs and evidence-based practices designed to reduce recidivism.
- There are no painless ways to reduce the cost of 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 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 and interagency collaboration can help divert offenders with mental illness from jail and improve treatment.

