

**REPORT OF THE**

**Joint Subcommittee on  
State Support for  
Jail Construction**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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## I. Authority for the Study

The 1990 Appropriation Act (Chapter 972, 1990 Acts of Assembly) created a joint subcommittee to examine State support for jail construction and related issues. Language in Item 629, Paragraph G, at page 224 contains the following charge:

*A Joint Subcommittee, composed of four members of the House Appropriations Committee and four members of the Senate Finance Committee, shall examine issues relevant to state support for construction of local and regional adult jail facilities. The study shall give special consideration to the appropriate level of state support for construction of large urban jail facilities, the incentives and number of participating localities which should reasonably be required in the case of regional jails, the procedures and timing for the disbursement of state funds for these facilities, and other related issues. The Joint Subcommittee shall present its final report, including recommended legislation, as appropriate, to the 1991 General Assembly.*

## II. History of Jail Construction Funding

**Pre-1989 Actions:** State support for construction of local jails was provided beginning in 1968, apparently modeled after similar statutes providing state support for juvenile facilities. The original enactment specified the Commonwealth would reimburse localities or a combination of localities up to one half the cost of construction or enlargement of a jail, not to exceed \$25,000 for any one project. This philosophy of providing one half the cost, up to a specified maximum, has been retained by the General Assembly ever since.

The State Board of Welfare and Institutions was charged with developing standards to implement the original statute. In 1970, the statute was amended to allow for reimbursement of up to one-half the cost of the project not to exceed \$25,000 for *each* participating locality.

In 1981, amendments to the jail construction statutes accomplished two things. First, authorization was established to provide state reimbursement for *renovation* as well as construction or enlargement projects in local jails. Second, a new schedule of reimbursement was enacted, providing maximum reimbursement thresholds for the amount each locality could receive *based on the size of the facility* in which work was being done. Part of the intent of these amendments appears to have been promotion of multi-jurisdictional cooperation through the building of regional jails.

In 1986, new jail size thresholds were added, and in 1987, the reimbursement amounts for all size facilities were doubled. Table 1 shows the maximum level of State reimbursement as adopted in 1981 and subsequently adjusted.

**1989 Joint Subcommittee Report:** Following the recommendations of a joint legislative subcommittee, the 1989 General Assembly substantially revised the jail construction statutes. Foremost among the changes was a provision that the State would pay fifty percent of the cost for construction, enlargement and renovation of regional jail facilities, while maximum reimbursement amounts for local jails were increased by fifty percent (see Table 1).

This change formalized, through monetary incentives, the Commonwealth's policy of promoting regional jails. For reimbursement purposes, the statutory changes defined a regional jail as one which had three or more localities as participants.

<b>Size</b>	<b>1981</b>	<b>1986</b>	<b>1987</b>	<b>Current</b>
Less than 35 beds	\$100,000	\$100,000	\$200,000	\$300,000
35 to 99 beds	\$200,000	\$200,000	\$400,000	\$600,000
100 beds and over	\$300,000	-	-	-
100 to 299 beds		\$300,000	\$600,000	\$900,000
300 beds and over		\$400,000	\$800,000	\$1,200,000
Regional Facilities (3 or more localities)				No Limit

Additionally, the Board and Department of Corrections were given substantially increased responsibility for developing construction *project guidelines* and generally improving the system of *project review, needs assessment* and *priority setting*. This change was precipitated by a subcommittee finding that the cost of operating local jails was greatly influenced by jail design. The subcommittee felt that *the Commonwealth, as the major provider of local jail operating funds, should have some control over the jail design.*

One issue left unchanged by the 1989 amendments was the policy of providing State funds in the form of reimbursement to facilities for completed work. The issue of advancing funds was examined by that joint subcommittee. However, it recommended that the existing reimbursement policy be continued.

The 1989 joint subcommittee report also recommended that budgeting for local jail projects be included in Executive Budget proposals and that the appropriation policy on jail facility construction be based on: i) *prior approval* of the Board of Corrections; ii) *initiation or completion of the construction activity*; and iii) *a reasonable expectation that the project will be completed within the budget period.*

**1990 General Assembly Action:** Several bills related to jail construction were introduced during the 1990 General Assembly. All failed and language creating this study was added to the Appropriation Act to address the issues raised.

House Bill 253 would have given localities a choice of whether to receive its reimbursement while work was in progress or at the completion of the project.

Senate Bill 443 would have required the Commonwealth to reimburse one-half the cost of any facility constructed in a jurisdiction with a population exceeding 150,000.

Senate Bill 30 (Senate Appropriation Bill) as amended contained a provision to reimburse one-half the cost of any facility in a jurisdiction exceeding 250,000 population.

None of these bills passed and the issues were referred to this joint subcommittee.

### III. Funding the Existing Statute

While localities want the Commonwealth to increase its funding for jail construction, the State already faces a substantial funding commitment to localities.

Under the existing statute, approved, planned and proposed jail projects represent a \$253 million funding obligation for the Commonwealth over the next few years.

Six regional jail projects have been *approved* by the Board of Corrections or have Board approval pending. The State share of these existing projects exceeds \$36 million. Six additional projects are in the preliminary *planning* stage representing a further State obligation of \$116 million. Additional projects *proposed* around the Commonwealth will add another 4,000 new jail beds. At a conservative cost estimate of \$50,000 per bed, the potential total cost is \$203 million with the Commonwealth obligated for half the cost (\$101 million).

The current 50 percent cost share policy for regional jails is the Commonwealth's principal means for encouraging jail construction. Legislation proposed in 1990 would have substantially increased the Commonwealth's funding obligation by expanding the 50 percent policy to local jails.

*Had SB 443 passed, the Commonwealth's previously cited financial obligation would have increased by an additional \$27.2 million due to current expansion plans in the City of Virginia Beach and Arlington County.*

Had HB 253 also passed, requiring the State share of construction to be paid up front at local option, the Commonwealth would have been obligated to add the \$27.2 million for Arlington and Virginia Beach in the current budget.

#### IV. State Aid for Jails in Perspective

The Commonwealth provides a variety of direct funding support for local corrections totaling \$389 million in the current biennium. A 1989 study by the National Conference of State Legislatures (NCSL) ranks Virginia's \$27.37 per capita state aid to local corrections as the highest in the nation. This amount is almost three times the amount which California, the next highest state, provides (\$9.57 per capita).

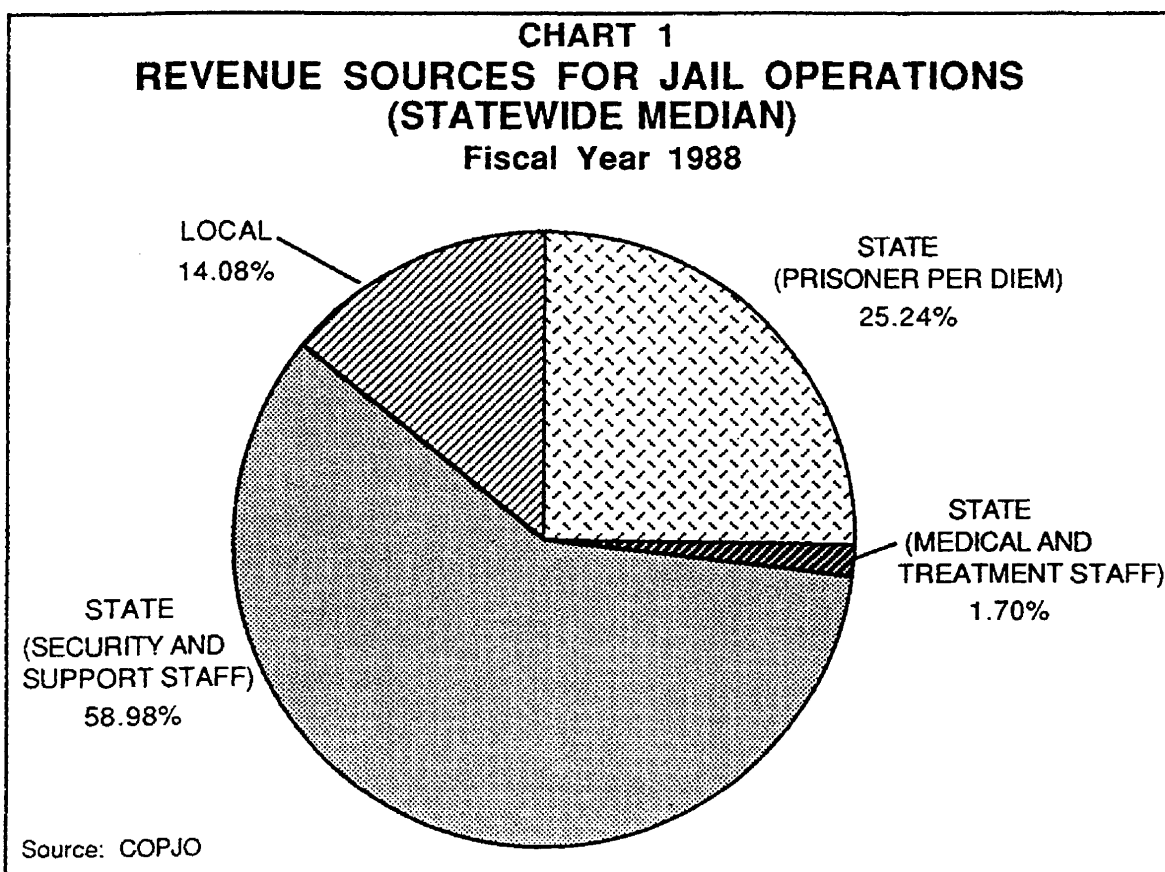
While the study cautions that state aid must be viewed in relation to the manner in which responsibility for corrections is assigned between state and local governments, it highlights the magnitude of local corrections support provided by the Commonwealth.

The NCSL study also found Virginia to be one of five states which offer construction assistance for building new facilities or bringing existing facilities up to standards set by the state or the courts. However, unlike Virginia, few of these other programs utilize State general funds in their construction assistance program. Kentucky funds its capital assistance through a monetary penalty assessed to offenders while Georgia simply provides construction labor using its inmate construction corps. In Virginia, \$16.9 million is currently appropriated for jail construction projects approved by the Board of Corrections. This is an increase of \$14.5 million over the previous biennium.

Table 2 shows the history of State appropriations for local jail construction since 1982.

1982-84	1984-86	1986-88	1988-90	1990-92
\$581,500	\$2,674,940	\$5,200,682	\$2,006,742	\$16,800,000

State funds also pay a high percentage of the direct cost of operating local jails. As a percentage of jail operating revenue, State funds range from a low of 45 to a high of 100 percent. As the chart below shows, localities in FY 1988 provided only 14 percent of the median local jail operating costs statewide with the remaining 86 percent coming from State sources. Further, since the Commonwealth pays the approved costs of support staff for all sheriff's departments, it also is absorbing much of the indirect or overhead costs of local jails.



State assistance in the 1990-92 biennium for the direct cost of local jail operations exceeds \$354 million. This aid is provided in several forms as shown in Table 3 on the following page.



**Table 3**

**Direct State Aid for Jail Operations  
1990-92 Appropriations**

<u>Amount</u>	<u>Purpose</u>
\$243 million	100 percent of the salaries, certain benefits and support costs for all sheriffs, approved deputies and support personnel is paid. Over 1,500 new positions have been added in local sheriff's offices by the State Compensation Board since 1987. Approximately 4300 jail deputy positions are currently funded.
\$104 million	\$8.00 per prisoner day is paid for all inmates to support jail operation and maintenance costs. An additional \$6.00 per prisoner day is paid for convicted state felons with more than six months remaining on sentence. Each facility is guaranteed a minimum of \$20,000 in prisoner per diem payments.
\$7 million	Two-thirds of the salaries of medical and treatment personnel employed by the jail and approved by the State Compensation Board are paid. For the 1990-92 biennium 319 positions have been approved

Source: Chapter 972, Acts of Assembly, 1990

State support is also provided through the Departments of Corrections and Criminal Justice Services. Both agencies have staff devoted to assisting local jails with everything from staffing studies to training. The dollar value of these efforts is not readily available.

Finally, the Commonwealth provides funds for other programs which aid local corrections, including pre-trial services programs, community diversion incentive programs, alcohol detoxification centers, electronic home monitoring, citizen volunteers in jails and community sentencing programs. Funding for these programs will exceed \$18 million for the 1990-92 biennium.

## **V. Jail Financing Policy Issues**

The Commonwealth's substantial financial investment in local jails gives rise to several issues regarding jail financing policy. Previously discussed were concerns regarding the existing jail construction statute. *A larger jail financing policy issue involves incentives to control the cost of jail operation and to develop alternatives to incarceration.* Jail construction and operation is the most expensive of all the potential options available for dealing with increased offender populations.

### **Operating Economies**

The current financing formula is based on fostering economies of scale, gained through the consolidation of small and medium sized facilities. While recognizing the relationship between jail design and operating costs and acknowledging that certain economies of scale can be realized through regional operations, the *1989 joint subcommittee report focused primarily on incentives for construction of regional jails.* If economies of scale are gained through construction, similar economies should be possible in the operation of regional jails. *The subcommittee did not address the issue of incentives for the operation of regional jails. Additional incentives to encourage regional efforts can be provided on the operating side of jail funding.*

### **Alternatives to Incarceration**

An even larger issue involves those urban and suburban localities where the great majority of jail inmates are arrested and subsequently confined. Current jail construction and operating formulas are not designed to encourage the use of less expensive alternatives to incarceration. Policies can be developed to insure that jail construction is the option of last resort for dealing with increased offender populations.

An analysis of jail population information shows that some localities tend to incarcerate persons awaiting trial at a comparatively higher rate while others may have a significantly higher proportion of sentenced misdemeanants. Still others incarcerate non-violent local offenders at a greater rate.

While these may reflect local criminal justice sentiment towards crime and punishment, the question arises as to whether the Commonwealth should pay for the results of local criminal justice practices. It may be more desirable to provide State funds based on an articulated state wide norm with localities paying the cost of or keeping the savings from practices which stray outside that norm.

Like State operated adult correctional facilities, local facility construction needs and operating costs can be highly influenced by the presence or absence of policies affecting certain decision points in the criminal justice system.

**Pretrial Diversion:** One such point is the decision of whether or not to incarcerate pending trial. The 1989 Commission on Prison and Jail Overcrowding (COPJO) found that one-half the jail population statewide is awaiting trial and that recent growth in the awaiting trial population has outpaced other components of the local jail population.

The Commission also found that up to 883 jail beds annually are filled by offenders who are ultimately released while awaiting trial.

According to the Commission, the presence of programs to aid magistrates in assessing risk and other pretrial release alternatives have helped reduce the awaiting trial population in many localities where they are utilized. Similarly, the availability of alternatives to jail for public drunkenness and mentally ill arrestees could provide savings in local jail bed days. Yet, the current jail construction and operating funding structure does not require or provide incentives for such programs.

**Post Conviction:** A second major decision point in the criminal justice system affecting local jails is the sentencing decision and whether or not to incarcerate. The Commission on Prison and

Jail Overcrowding also examined the availability and use of alternative sanctions in considerable detail.

The Commission recommended the expansion of several existing programs and creation of new programs that would provide alternatives to incarceration in the sentencing decision.

Programs such as restitution, or community service, and probation services at the General District Court level can reduce the need for additional jail construction and associated operating costs. Yet, the current jail funding structure does not encourage the creation of such programs and may in fact discourage the creation of such programs.

## VI. Focus of the Study

Based on its review of the background information provided, the Subcommittee focused its work on the following finance issues related to jail construction and operating policies:

- Should the Commonwealth's current policy on jail construction reimbursement be modified?
- Should incentives be provided to reduce construction and operating costs?
- Should be the responsibilities, role and purpose of jails be clarified?
- Can the construction review and approval process be improved?

The Subcommittee heard testimony on these matters from the Departments of Corrections, Criminal Justice Services and Volunteerism. The Subcommittee also convened a public hearing during which speakers representing six localities, three regional jails and three associations provided their views on the issues. Written comments were also received from two localities.

## VII. Findings and Recommendations

Should the Commonwealth's current policy on jail construction reimbursement be modified?

### Regional Jail Preference

*Finding:* The 1989 Joint Subcommittee report recommended after thorough study, and the 1989 General Assembly affirmed, that as a matter of policy, State funding should be used as an incentive for the creation and construction of regional jails. This action has served as the catalyst for regional jail planning efforts throughout the Commonwealth. To retreat from this policy would send the wrong message at a time the General Assembly is being urged by localities to provide financial incentives for regional solutions to problems of drinking water, wastewater treatment and solid waste disposal.

The Commonwealth currently faces a potential funding obligation of \$253 million over the next few years for approved, pending and proposed projects under existing regional jail statutes. Identifying funds to meet these expected obligations presents a challenge to State government decision makers. *Some have proposed that the reimbursement cap be lifted on single locality jail construction projects. Because of current financial conditions and obligations, it would not be fiscally prudent to expand the potential for future financial obligations at this time.*

*Recommendation 1:* The Commonwealth's policy of reimbursing up to 50 percent of the cost of regional jail construction, renovation or enlargement while capping the reimbursement amount for local jails, should not be changed at this time.

## Timing of State Reimbursement

*Finding:* The 1989 Joint Subcommittee report on jail construction reviewed this issue and recommended that the policy of providing State funds to facilities for work completed remain unchanged. The issue has again been raised in this current study.

While it is recognized that local jurisdictions usually incur some combination of short term and long term debt in the construction of jail facilities, this burden could be lessened through closer coordination by affected localities with the Board and Department of Corrections. By timing construction completion to coincide with the projected date of State appropriations availability, the duration and hence the cost of construction borrowing can be reduced.

*Providing State reimbursement during construction, without changing the existing oversight process and financing mechanisms, as some have proposed, would be unwise at this time.*

*The larger issue here affecting both State and local government concerns the mechanisms available for jail construction financing. The Subcommittee is aware of the magnitude of funding required for these projects and the cash poor position of both State and local governments. Jail construction financing mechanisms require closer scrutiny and should be the focus of a separate study involving the legislative and executive branches of State government, as well as representatives of local government.*

*Recommendation 2:* The Commonwealth's current policy of providing reimbursement upon project completion should not be changed at this time.

*Recommendation 3:* A joint subcommittee should be created to examine the mechanisms available to State and local government for jail construction financing.

## Cooperative Regional Jail Contracts

**Finding:** §53.1-82 of the *Code* permits regional contracts for the cooperative jailing of offenders by three or more counties, cities or towns. The *Code* further provides that after December 1, 1989, contracts of five years or more must be approved by the Board of Corrections if State funds are sought for construction cost reimbursement. If enlargement or renovation of a regional or existing jail is required to implement the approved contract, such facilities are eligible for reimbursement of up to one-half of the cost.

*The intent of this section is to provide localities an alternative to the formation of a regional jail authority for the operation of a facility serving multiple jurisdictions. While the basic structure of this alternative appears to be a reasonable method of implementing the Commonwealth's policy on regional jails, a contract period of five years does not insure that the facility would continue to operate as a regional jail. Nor does a five year contract period protect the Commonwealth's 50 percent cost reimbursement, which is provided with the intent the facility will operate as a regional jail for most, if not all, of its life cycle. For this reason, the contract period making localities eligible for 50 percent reimbursement should be substantially increased.*

Further, the Board of Corrections regulations *do not require such contracts contain a provision that addresses the future bed space needs of contract participants with faster growing jail needs. Neither do regulations assure the contract provides for cooperative management decisions regarding certain offender management issues* such as the award of good time credit. Board regulations should include provisions addressing these issues.

**Recommendation 4:** The General Assembly should amend §53.1-82 of the *Code of Virginia*, relating to cooperative jailing of offenders by three or more localities, to require a minimum contract period of 30 years to be eligible for reimbursement of one-half the cost of construction, renovation or enlargement.

**Recommendation 5:** The Board of Corrections should establish regulations governing approval of regional jail contracts authorized under §53.1-82 of the *Code*.

**Should incentives be provided to reduce construction and operating costs?**

### **Jail Operating Costs**

***Finding:*** Several factors drive jail operating costs including design, operating procedures and financing methods. Opportunities exist to contain these costs without affecting the public safety or the quality of services provided.

As has been previously described, jail operating costs are strongly influenced by facility design factors. However, other methods are available to jail administrators and local governments to reduce operating costs even further. These include the use of alternative work schedules, improved offender classification processes and increased use of automated information systems. *These should be encouraged through the system of technical assistance currently available to jails through the Departments of Corrections and Criminal Justice Services.*

The current system of operating cost reimbursement is fragmented and in fact may even discourage the development of operating efficiencies. An analysis of operating costs calculated on a per diem basis was prepared at the Subcommittee's request. That analysis, *based on a survey of 20 jails, shows that total jail operating costs in fiscal year 1989 ranged from \$28.38 per day to confine an offender in Norfolk to \$154.02 per day in Bath County. The analysis further confirmed that the amount of local funds provided for jail operations continues to be minimal. The portion of the total per diem costs provided by localities ranged from \$0.00 in Bath and Amherst Counties to \$18.47 in Fairfax County. Several of the state's larger jurisdictions spend less than \$3.00 per day in local funds.*

*A method must be found either to have localities share with the Commonwealth an equal portion of jail operations costs or to provide greater incentives to reduce operating costs. Given the Commonwealth's expressed regional jail preference, regional jails should be freed from much of the paperwork and bureaucratic inefficiencies associated with the current reimbursement system as an incentive to increase operating efficiencies.*



*Regional jails should receive a quarterly block grant that encompasses all jail related operating funds received from the Commonwealth. The regional jail administrator and the jail board would have maximum flexibility in allocating these funds for jail operations as needed. Any savings generated through efficiency (while still meeting state standards) would be retained by the regional jail. The Department of Corrections should develop a means for implementing this funding method to coincide with the 1992-94 biennial budget.*

**Recommendation 6:** The Department of Corrections should be directed to develop and present to the 1992 General Assembly, a plan for reimbursement of all regional jail custody and care costs in a block grant, effective July 1, 1992.

### **Alternatives to Incarceration**

*Finding: Jails are frequently used to detain offenders on charges for which a jail or prison term is not statutorily prescribed punishment. Such offenses include drunk-in-public and other class 3 and 4 misdemeanors. Yet the Commonwealth, as specified in §53.1-83.1, provides a reimbursement to the locality for these type offenders. A reimbursement is also provided if a person is booked and released on bond or by some other means during the same day. Such reimbursements are inappropriate and funds expended in this manner would better be used by funding alternatives to incarceration programs. Not only would the presence of such programs free up existing jail space, it will, as noted earlier in these findings, reduce the number of new jail beds that must be constructed and operated.*

**Recommendation 7:** The General Assembly should amend §53.1-83.1 of the *Code of Virginia* and the Appropriation Act to provide jail per diem reimbursements only for those cases where the offender is charged with an offense for which jail or prison is a statutory prescribed punishment and where the offender is detained for 16 hours or longer

**Should be the responsibilities, role and purpose of jails be clarified?**

### **Responsibility for Jails**

***Finding:** Construction and operation of jails is a local government responsibility. Statute and practice make this clear; however, the Commonwealth has recognized that it has a financial role in assisting local government with this function. Currently, the locality bears the greater portion of jail construction costs while the Commonwealth funds most of the operating costs. These operating costs generally represent 90 percent of the life cycle cost of a jail facility while the remainder is construction costs.*

### **Role and Purpose of Jails**

***Finding:** The jail is one piece in a continuum of options that should be available to the courts for the control of accused or convicted offenders in the criminal justice system. In carrying out this role the jail must fulfill two similar but distinct missions or purposes:*

*First, jails must detain those persons charged, but not convicted of an offense punishable by a jail or prison sentence where release of the individual prior to trial poses a threat to public safety or where there is substantial evidence to indicate the accused will not appear for trial. Second, jails must control persons sentenced by the court to a period of incarceration and make available programs which may help offenders lead crime free lives after incarceration.*

*On this issue, the role of jails as described above is appropriate, but in many jurisdictions, rather than being one piece in a continuum of options available to the courts, it is the only option available. Local criminal justice system practices, combined with the absence of pretrial and post-dispositional programs, has resulted in the construction and operation of additional jail beds beyond those needed to meet the basic role and purpose of local jails as previously articulated. This does not mean that additional jail beds may not be needed, only that the number of such beds need not be as great if existing bed space is better utilized.*

## Can the construction review and approval process be improved?

Department of Corrections staff provided a detailed briefing on the review, comment and approval process used for jail construction and reimbursement. While many improvements have been made in this process since the 1988 study on jail construction, several issues continue to be sources of concern. These include aspects of the jail needs assessment, planning study, construction standards, construction costs and priority setting process.

### Needs Assessment

**Finding:** The needs assessment is designed to: provide information and answer questions on the scope of the project; demonstrate cost effectiveness; and, provide decision support data. It is the first step undertaken by a jurisdiction contemplating State reimbursement for jail construction. Procedures for completing the needs assessment are contained in rules promulgated by the Board of Corrections. Three areas of the needs assessment require strengthening.

First, the method to be used for projecting the increased jail population is determined by the submitting locality. While the DOC reviews these population forecasting methodologies for soundness, this practice results in a *patchwork system of jail population forecasting that serves no useful purpose for regional or state wide forecast comparisons*. This practice is also not conducive to evaluation for determining the most accurate forecasting method. *Population forecasting should be inclusive so that, not only are the numbers of offenders known, but also their profile*. Offender population characteristics such as types of charges, criminal justice status and demographics which might predict various programmatic needs are critical for effective criminal justice system planning at the local, regional and state level. Accuracy is critically important to the Commonwealth since it participates in construction costs and provides the major share of jail operating funds. The Department of Criminal Justice Services is currently developing a state wide jail forecasting model. This effort should provide a forecasting model capable of use at the local level for jail planning purposes.

This same rationale applies to the requirement for analysis of the impact of alternatives on correctional facility space needs. *The presence or absence of alternatives to incarceration strongly influences the number of jail beds constructed and operated.* Accurate forecasts of the impact of detention alternatives will permit local and State policy makers to make reasoned policy choices regarding the most cost-effective method of dealing with accused and convicted offenders. Convincing evidence was presented that the the presence of certain pretrial and post-dispositional program alternatives can greatly reduce the need for new jail bed construction and the concomitant operating costs.

Finally, the needs assessment should play a more important part in the Department and Board of Corrections decision making process. *Certain components of the needs assessment, notably the offender population projection and alternatives analysis, should be the major determinants in the number and types of jail beds to be constructed.* For example, the jail design and construction standards recommend that secure jail housing contain a mixture of 30 percent minimum custody housing, 40 percent medium custody and 40 percent maximum custody. This may or may not be an appropriate mix, but without an analysis of the offender demographics, jail planners will not know. Testimony was received that jurisdictions projecting future needs based on actual current offender classification requirements would probably support a higher percentage of minimum security space.

**Recommendation 8:** The Board of Corrections should require a standard population forecasting model, capable of providing a profile of the projected offender population and measuring the impact of detention alternatives, be used in jail needs assessments.

**Recommendation 9:** The Board of Corrections should reduce amounts recommended for reimbursement where the needs assessment demonstrates that the presence of programs providing alternatives to incarceration would reduce the number of new jail beds proposed. In effect, the Board should not approve construction of bed space for those offenders who can be diverted from jail.

## Planning Study

**Finding:** The planning study process required as part of a jurisdiction's proposal for jail construction was also reviewed. The planning study is prepared subsequent to the needs assessment and provides information relative to the size, physical layout, anticipated construction costs and estimated operating costs of the intended facility. While the planning study appropriately focuses on physical plant related issues, operating costs will greatly exceed the construction costs of a jail during the life-cycle of a facility. Consequently, the review process for design factors influencing operating costs require strengthening.

Principle elements of the estimated operating costs portion of the plan include a detailed security staffing analysis and a detailed operating budget.

The Board of Corrections has established security staffing ratios for use in project review but they are not considered an absolute minimum. Security staffing, while constituting the major portion of the jail staff, by no means represents all of a modern jail staff. *Staffing ratios should also be developed for use in reviewing inmate support services and programs. Overall staffing requirements should be analyzed using component operational descriptions of the entire planned facility as well as Board of Corrections operating standards for jail support services and inmate programs.*

Since operating and maintenance costs constitute the major portion of the jail's life cycle costs, the detailed operating budget should serve as a guide to decision makers regarding the future budget implications of jail construction. The detailed operating budget required in the planning process is not integrated with the operations and maintenance side of State and local jail budgeting and contains insufficient information upon which to base funding decisions.

*The estimated operating budget should project costs, using specific guidelines, over three biennia and apportion those costs between the State and local jurisdictions based on whether or not they are the direct result of a state mandated standard or an option chosen by the local jurisdiction.*

*This information should also be provided to the Department of Planning and Budget at the appropriate time to aid in developing state budget plans for jail operating costs.*

**Recommendation 10:** The Board of Corrections should establish minimum inmate to staff ratios for security, program and support staff in reviewing jail construction planning studies and require projects seeking reimbursement for new or enlarged facilities meet these ratios.

**Recommendation 11:** The Board of Corrections should require all planning studies project the detailed operating costs of proposed facilities over three biennia and require these projections be apportioned between the State and local government based on statutory and regulatory mandates.

## **Design and Construction Standards**

**Finding:** Design and construction standards are generally reasonable. However standards for construction of inmate program and support areas are somewhat vague in regards to minimum square footage requirements. In addition, the housing custody standards need further delineation.

Inmate programs and administrative support are a necessary component of the modern jail. As such, *the relationship between the Minimum Standards for the Operation of Local Jails and Lockups and the design and construction standards should be strengthened.* For example, if the Board of Corrections believes that medical services are necessary, then its minimum standards for operation should address this area and the design and construction standards should reflect the space needs of the operating standard. On the other hand, if the Board does not feel that certain programs are so necessary as to be set in the operating standards, then the design and construction standards should not establish minimum size requirements for these type programs.

The standards also recommend, but do not require, that secure jail housing contain a mixture of 30 percent minimum custody housing, 40 percent medium custody and 40 percent maximum custody. *One would assume that these differences in housing custody levels would translate into physically different types of housing, yet this is not the case for maximum and medium housing construction standards.* There is little substantive difference in standards for maximum security areas and medium security areas. Both require single cells with dayrooms.

The only difference in the standard is the size of the unit; maximum cannot have more than 12 cells while medium may contain up to 24 cells per unit. *These standards can lead to higher operating costs due to the amount of staffing required. Clearly, more definitive housing construction custody standards are needed if jail design is to become more cost effective.*

**Recommendation 12:** The Board of Corrections should include minimum construction standards for all support areas and services required by the jail operating standards in its design and construction standards .

**Recommendation 13:** The Board of Corrections should clearly delineate the difference between medium security housing construction and maximum security housing construction in its design and construction standards .

## Construction Costs

**Finding:** The range of "per bed" construction costs of jails in the Commonwealth raises serious concerns. Recent jail construction costs have ranged from a low of \$36,000 per bed for the 100 bed Piedmont Regional Jail constructed in 1986 to an estimated high of \$110,588 per bed for the planned 850 bed Fairfax Regional Jail. *While recognizing that cost advantages and disadvantages exist for construction in urban and rural areas, these tend to offset each other to some degree and do not account for the amount of cost variation.*

In light of this information, the Department of Corrections was requested to evaluate whether or not it costs more to build local jails in urban areas than regional jails in rural areas. The Department determined current costs based on the national averages for jail construction using the latest editions of Means Facilities Cost Data and the Marshall and Swift Building Cost Index. These costing guides also provide data which allow national averages to be adjusted for relative cost factors particular to the State's four major metropolitan areas (Northern Virginia, Hampton Roads, Richmond and Roanoke). This analysis shows the standard jail construction costs should range from a low of \$40,603 per bed in the Roanoke area to a high of \$56,702 per bed in Northern Virginia.

Based on this finding, *proposed jail construction should undergo a further level of review similar to that utilized by the Commonwealth for capital projects proposed by State agencies*. This review should be a cost review to insure that jail projects are developed to meet functional and space requirements in a cost range comparable to similar public and private sector projects. Since instituted in 1988, this program has saved the Commonwealth millions of dollars in construction costs.

Board of Corrections regulations should further ensure that State reimbursement is provided *only for direct costs associated with facility construction*. This practice would be consistent with the capital outlay process for State government. *Certain costs requisite to jail construction projects, such as the needs assessment and local government indirect or overhead costs should be treated as local government operating costs and not subject to reimbursement*. Board regulations should also make clear that *reimbursement for land acquisition is not allowed since the statute provides only for construction reimbursement*.

**Recommendation 14:** The Board of Corrections should require all projects requesting reimbursement undergo a comparative cost review to ensure they are constructed in a cost range comparable to similar public and private sector projects.

**Recommendation 15:** The Board of Corrections should clarify its regulations to ensure that only direct costs associated with construction of a jail facility are eligible for State reimbursement.



## Priority Setting

***Finding:*** The present priority setting process used by the Board of Corrections focuses solely on the purpose for which the construction takes place such as court-ordered renovation, a sustained pattern of crowding or addition to inadequate support facilities. While Board guidelines state that preference will be given to regional facilities over similar requests for local jail facilities, this rule is not firm.

The Subcommittee, after hearing all of the factors involved in jail construction and operation, believes that *priorities should also reflect policy and cost matters of concern to the state and local governments.* These include the presence or absence of programs which provide alternatives to incarceration, staffing efficiencies, projected long term cost of maintenance and operation, number of localities served, regional authority versus contract beds and costs of construction. These factors or others could be weighted and combined to set priorities that will better assist the General Assembly in its funding decisions.

***Recommendation 16:*** The Board of Corrections should revise its process for establishing priorities so that priorities reflect policy and cost matters of mutual concern to both State and local government.

## VIII. Summary of Recommendations

The Subcommittee on Jail Construction Funding recommends the following:

1. That the Commonwealth's *policy of reimbursing up to 50 percent of the cost of a regional jail construction, renovation or enlargement while capping the reimbursement amount for local jails, not be changed at this time.*
2. That the Commonwealth's *policy of providing reimbursement upon project completion not be changed at this time.*
3. That a *joint subcommittee* be created to examine the mechanisms available to State and local government for jail construction financing.
4. That §53.1-82 of the *Code of Virginia*, relating to cooperative jailing of offenders by three or more localities, be amended to require a *minimum contract period of 30 years* to be eligible for reimbursement of one-half the cost of construction, renovation or enlargement.
5. That the Board of Corrections establish regulations governing approval of cooperative regional jail contracts.
6. That the Department of Corrections develop and present to the 1992 General Assembly, a plan for reimbursement of all *regional jail custody and care costs in a block grant*, effective July 1, 1992.
7. That §53.1-83.1 of the *Code of Virginia* and the Appropriation Act be amended to *provide jail per diem reimbursements only for those cases where the offender is charged with an offense for which jail or prison is a statutory prescribed punishment and where the offender is detained for 16 hours or longer.*

That the Board of Corrections:

8. Require a *standard population forecasting model*, capable of providing a profile of the projected offender population and measuring the impact of detention alternatives, be used in jail needs assessments.

9. *Reduce amounts recommended for reimbursement where the needs assessment demonstrates that the presence of programs providing alternatives to incarceration would reduce the number of new jail beds proposed.*

10. *Establish minimum inmate to staff ratios for security, program and support staff in reviewing jail construction planning studies and require projects seeking reimbursement for new or enlarged facilities meet these ratios.*

11. *Require all planning studies project the detailed operating costs of proposed facilities over three biennia; require these projections be apportioned between the State and local government based on statutory and regulatory mandates.*

12. *Include minimum construction standards for all support areas and services required by the jail operating standards in the design and construction standards .*

13. *Clearly delineate the difference between medium security housing construction and maximum security housing construction in the design and construction standards.*

14. Require that all projects requesting reimbursement undergo a comparative cost review to ensure *they are constructed in a cost range comparable to similar public and private sector projects.*

15. Clarify its regulations to ensure that *only direct costs associated with construction of a jail facility are eligible for State reimbursement.*

16. *Revise its process for establishing priorities so that priorities reflect policy and cost matters of mutual concern to both State and local government.*

Respectfully submitted,

Howard P. Anderson, *Chairman*

Franklin P. Hall, *Vice Chairman*

Whittington W. Clement

V. Earl Dickinson

Elmon T. Gray

Marian Van Landingham

William A. Truban

Stanley C. Walker

## **Appendices**

**List of Approved, Planned and Proposed Jail Projects**  
**Department of Corrections Construction Cost Briefing**  
**Department of Criminal Justice Services Operating Cost Analysis**  
**Proposed Jail Financing Methods Study Resolution**  
**Proposed Legislation §53.1-82 Regional Jail Contracts**  
**Proposed Legislation §53.1-83.1 Jail Operating Costs**

**ADULT COMMUNITY CORRECTIONS  
Local Adult Facilities**

**July 18, 1990**

**Regional Jail Facilities in Operation  
Under  
Jail board Authority**

<u>Name of Jail</u>	<u>Localities Served</u>
Albemarle/Charlottesville Joint Security Complex (Beds - 173)	Albemarle County Charlottesville City
Middle Peninsula Regional Security Center Beds - 35	Essex County King & Queen County King William County Mathews County Middlesex County
Prince William/Manassas Adult Detention Center (Beds - 475)	Prince William County Manassas City
Rappahannock Security Center (Beds - 102)	Fredericksburg City Spottsylvania County King George County
Piedmont Regional Jail (Beds - 113)	Amelia County Buckingham County Cumberland County Lunenburg County Nottoway County Prince Edward County
Rockbridge Regional Jail (Beds - 60)	Rockbridge County Buena Vista City Lexington City

**Local Jail Facilities**  
**OPERATING UNDER CONTRACT AS REGIONAL JAIL**  
**Prior To**  
**JUNE 30, 1982**

Fairfax Co. Adult Detention Center (Beds - 638)	Fairfax County Fairfax City
Rockingham County Jail (Beds - 65)	Rockingham County Harrisonburg City
Williamsburg City Jail (Beds - 48)	Williamsburg City James City County
Suffolk City Jail (Beds - 88)	Suffolk City Isle of Wight Co.

**Regional Jail**  
**Construction Projects Approved By Board**

Central Virginia Regional Jail		Fluvanna County
New Construction	105 beds	Greene County
Close: Louisa Jail	<20> "	Louisa County
Orange Jail	<7> "	Madison County
Net Gain	78 beds	Orange County

Scheduled To Open August 15, 1990

Total Construction Cost		\$4,650,000
State's Share of Cost	\$2,325,000	

Clarke, Frederick, Winchester R. J.		Clarke County
New Construction	294 beds	Frederick County
Close: Fred. Jail	<42> "	Winchester City
Clarke Jail	<10> "	
Net Gain	242 beds	

Scheduled To Open January 1991

Total Construction Cost		\$17,500,000
State's Share of Cost	\$8,750,000	

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**Regional Jail Construction Projects  
With  
Board Approval Pending**

Western Tidewater Regional Jail		Suffolk City
New Construction	372 beds	Franklin City
Close: Suffolk Jail	<del>88</del> "	Isle of Wight County
Net Gain	284 beds	

Scheduled To Open April 1992

Total Construction Cost		\$21,036,028
State's Share of Cost	\$10,518,014	

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Riverside Regional Jail		Colonial Heights City
New Construction	600 beds	Hopewell City
Close: Hopewell Jail	<del>24</del> "	Petersburg City
Net Gain	576 beds	Prince George County
		Charles City County
		Surry County
		Chesterfield County

Est. Completion Date FY 92/93

Estimated total Construction Cost		\$30,000,000
State's Share of Cost	\$15,000,000	





Est. Date of Completion FY 92/93

Est. Construction Cost        \$11,500,000  
State's Share of Cost        5,750,000

Close old Jail:     Rockingham        65 beds

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Roanoke/Salem/Craig Jail Farm  
(300 Beds)

Roanoke County  
Salem City  
Roanoke City  
Craig County

Est. Date of Completion FY 92/93

Est. Construction cost        \$12,000,000  
State's Share of Cost        6,000,000

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Prince Wm/Man Adult Detention Center  
(1200 Beds - 3 phase construction)

Prince Wm. County  
Manassas City

Est. Date of Completion (all phases) 1998

Est. Construction Cost        \$81,200,000  
State' Share of Cost        40,600,000

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**Localities Expressing Interest  
In  
Regional Jail Concept**

Richmond/Henrico Regional Jail  
(1750 beds)

Richmond City  
Henrico County

Note: Currently no final decision  
has been made regarding the  
establishment of a regional  
jail facility.

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Tidewater Regional Jail  
(2000 Beds)

Norfolk City  
Portsmouth City  
Chesapeake City  
Virginia Beach City  
Hampton City

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Northern Virginia Area  
(??? Beds)

Alexandria City  
Arlington County  
Prince William county  
Loudoun County

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Lynchburg City Area

Lynchburg city  
Campbell County  
Amherst County

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Northern Neck Area  
(??? Beds)

Westmoreland County  
King George County  
Richmond County

Note: Supervisors of both counties  
voted against Regional Jail  
concept.

# **Jail Construction and State Reimbursement**

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## **An Overview of the Review, Comment and Approval Process for the Joint Subcommittee on Jail Construction**



**Department of Corrections  
Planning and Engineering Services  
September 24, 1990**

# **Your Questions: Our Focus**

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- 1) **How is the needs assessment used to review construction plans?**
  - **Component Questions:**
    - **If there are no incarceration alternatives programs in the community, how does the DOC determine the appropriate number of beds to be approved?**
- 2) **How are operating costs reviewed in relation to facility design?**
  - **Component Questions:**
    - **How is the appropriate number of minimum, medium and maximum custody beds reviewed?**
    - **How does the custody level influence the construction and material standards used in the review process?**
- 3) **What are the standards governing what items will be approved for state share reimbursement?**
  - **Component Questions:**
    - **For example, does the state pay when a locality or regional authority wants a Georgian brick facade or stainless steel toilets in a dormitory?**
- 4) **How does the DOC prioritize construction projects for reimbursement?**
- 5) **On a per bed basis adjusted for inflation to equalize for changes over time, has it cost more to build local jails in urban areas than regional jails in rural areas?**
  - **Component Questions:**
    - **If there are differences, what explains them?**

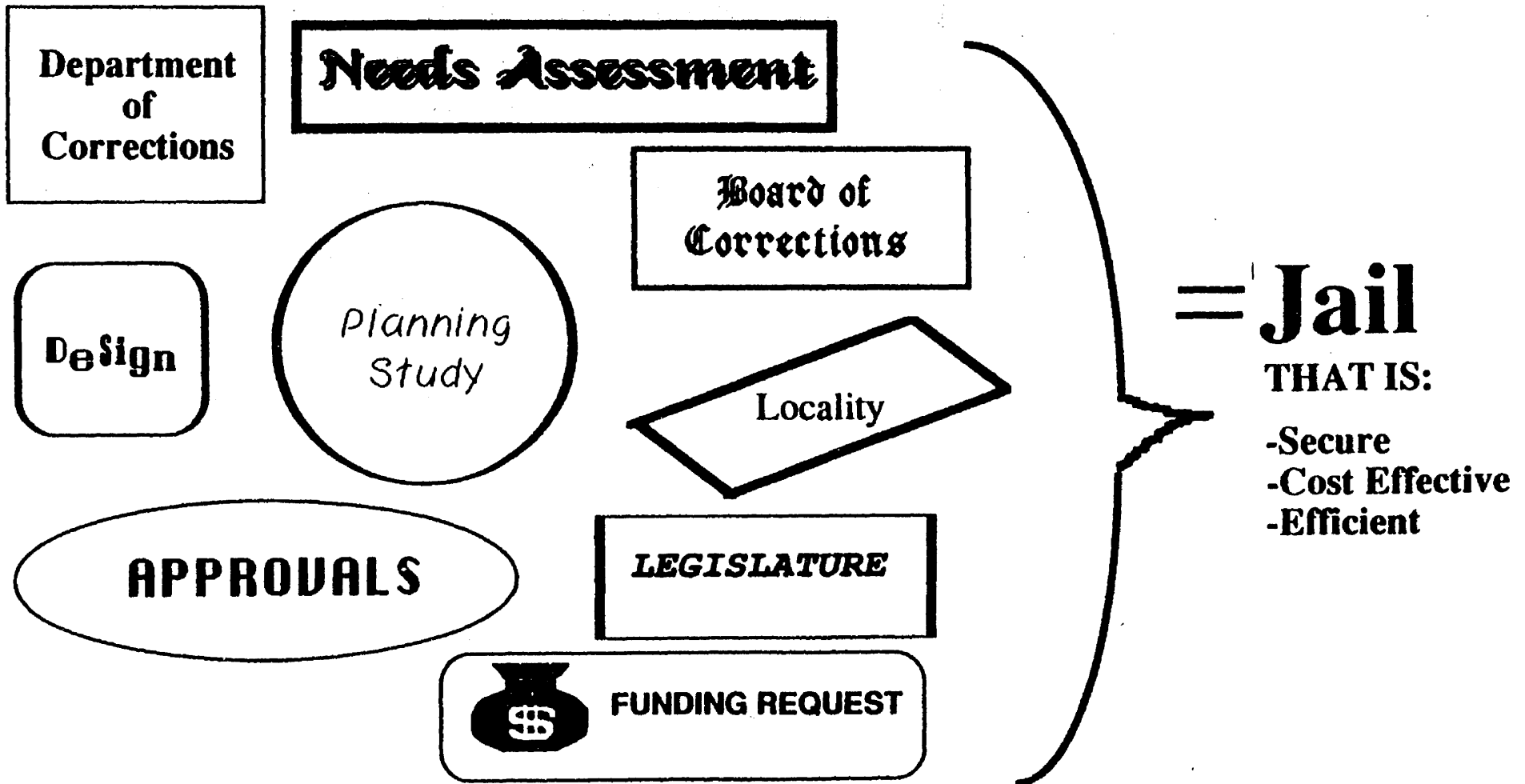
# Focus on the Process and Cost

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- Process
  - Relationship exists between the components of the process and review/control functions
- Cost
  - Historical
  - Future reference

# Putting the Pieces Together: the Players and the Process

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# The Stages in the Process

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- **Prior to the Appropriation**

- **Concept Development Stage**

- **Problem Definition**
    - **Development of Alternatives**
    - **Architectural Renderings**

- **Reviews by:**

- **Department of Corrections**
    - **Board of Corrections**
    - **Governor's Office (delegated to Planning and Budget)**
    - **Legislature (staff)**

- **After Appropriation**

- **Execution Stage**

- **Development of Construction Documents**
    - **Construction of the Facility**
    - **Application for Reimbursement**
    - **Receipt of Reimbursement**





# The Process and Players at a Glance

ITEM	LOCALITY	DOC	BOC	GOVERNOR	LEGISLATURE
Preliminary Needs Assessment	Prepares (Optional)	Reviews/Comments			
-Needs Assessment -Planning Study -Request for Funding	Prepares	Reviews/Comments	Evaluates, Prioritizes, Recommends to Governor	Approves for Budget Submittal	Appropriation
Construction Documents	Prepare	Review/Comment, Approval to Proceed			
Construction	Execution	Review C.O.s			
Final Inspection	Request	Execute & Prepare Deficiency Report			
Reimbursement	Request	Approval			

\*Black line denotes Appropriation

# **The Process: Prior to Appropriation**

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- Procedures for Requesting Funding
  - Needs Assessment (may include Preliminary Needs Assessment)
  - Planning Study
  - Request for Reimbursement to the Board of Corrections
- Review of the Plans
- Approvals

# The Needs Assessment--Step 1

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- Designed to assist localities conceptualize their needs and explore alternatives to construction
- Requirements designed to force the localities to demonstrate cost effectiveness and provide decision support data to justify their construction decisions
- **Components of the Needs Assessment**
  - 1) Identification of the Problem, Need or Reason for the Study
  - 2) Description of the Current Situation Including:
    - Analysis of Existing Physical Plant/Facilities
    - Identification of Existing Facility Offender Related Programs
    - Identification of Existing Alternative Methods of Detention or Diversion
  - 3) Analysis of Offender Population Addressing:
    - Arrest Rates
    - Court Services
    - Jail Population Data
    - Jail Forecast
    - Analysis of Impact of Alternatives on Space Needs

# The Planning Study: Step 2

## A Comparison Between the Preplanning Study and the Jail Planning Study

REQUIRED SUBMISSION	PREPLANNING STUDY	JAIL PLANNING STUDY
Project Criteria - Owners' design program	X	X
Site evaluation description	X	X
Site evaluation of two alternate sites	X	
Written project design description	X	X
Schematic floor plans	X	X
Schematic building elevations	X	X
Schematic site plan	X	X

# More Comparisons Between the Preplanning Study and the Jail Planning Study

REQUIRED SUBMISSION	PREPLANNING STUDY	JAIL PLANNING STUDY
Schematic building section(s)	X	X
Security staffing analysis		X
Architectural style description and justification	X	
Heating and cooling system operating analysis	X	
Construction cost estimate	X	X
Total project budget	X	X
Owner's operating budget	X	X
Project planning and construction schedule	X	X

# Approvals: Step 3

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- **Department of Corrections**
  - Reviews the Needs Assessment and Planning Study Submitted by the Locality
  - Makes Comments Based on Standards, Regulations and Review of Proposals
  - Recommends Appropriate Action to the Board of Corrections
- **Board of Corrections**
  - Reviews Locality's Submittals and Comments by the Department of Corrections
  - Takes Appropriate Action: Approves or Disapproves
  - Prioritizes Needs
  - Recommends to the Governor
- **Governor**
  - Responsibility Delegated to the Department of Planning and Budget
  - Reviews for Inclusion in the Governor's Budget
  - Submits to General Assembly for Consideration
- **Legislature**
  - Review of Requests by Staff
  - Appropriation Decision by Legislature

# Question # 1

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*How is the needs assessment used to review construction plans?*

*Component Question:*

*If there are no incarceration alternatives programs in the community, how does the DOC determine the appropriate number of beds to be approved?*

## **Answer:**

- Needs Assessment and Planning Study drive funding approval
- The Department of Corrections will include "the need to develop alternatives to incarceration" as part of its recommendations to the Board of Corrections
- The Board of Corrections will weigh the recommendations of the Department of Corrections and the locality's request and grant approval subject to funds being appropriated by the Legislature.

# Question #2

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*How are operating costs reviewed in relation to facility design?*

## **Answer:**

The effects of design on operating costs are to be considered by the architectural/engineering firm hired by the locality to complete the Planning Study. In addition, architectural personnel from the Department of Corrections are available to provide guidance on design concerns. Furthermore, as part of its review for recommendation to the Board, the Department is formally charged with evaluating the effects of design on operating costs. One component of the Department's review is the completion of a staffing study, which provides localities with an opportunity to see how design issues can effect staffing levels. The standards for construction outlined in both the Guide for Minimum Standards in Design and Construction of Jail Facilities and the Procedures for Receiving State Reimbursement for Local Correctional Facility Construction, Enlargement or Renovation also provide guidance as to how design considerations effect long-term operational costs.



# Design and Operational Considerations

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*2-1) How is the appropriate number of minimum, medium and maximum custody beds reviewed?*

## **Answer:**

- Historically, most needs assessments have not addressed the custody levels of bed space to be constructed. As a result of the new requirements and procedures adopted by the Board of Corrections in April 1990, localities must now provide information as to how bedspace will be divided amongst the various custody levels.
- The construction standards promulgated by the Department of Corrections and adopted by the Board of Corrections contain a recommendation that bedspace be divided as follows:
  - 30% Maximum Custody
  - 30% Medium Custody
  - 40% Minimum Custody
- The Department reviews alternatives and discusses other considerations with officials from the locality should any deviation from this recommended guideline for custody level distribution. The Department's recommendation to the Board will reflect consideration of the custody level distribution.

# Design and Operation Considerations

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- 2-2) *How does the custody level influence the construction and material standards used in the review process?*
- 3) *What are the standards governing what items will be approved for state share reimbursement?*

## *Component Questions:*

*For example, does the state pay when a locality or regional authority wants a Georgian brick facade or stainless steel toilets in a dormitory?*

# Construction Standards

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- Standards are "minimum" construction standards
  - Created to apply primarily to the security aspects of construction
  - Also related to a lesser degree to the long-term costs inherent with the long-term operation and maintenance of a secure facility
- Historically, localities which propose to exceed the standards have not been challenged
- However, designs in excess of the standards will be challenged if parts of the project are incompatible. (as an example, wood doors with heavy-duty security locks)

# Construction Standards

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- The Guide for Minimum Standards in Design and Construction of Jail Facilities sets forth three classifications of security construction. These levels are:
  - **Secure**
    - Designed to accommodate inmates of all custody levels (maximum, medium and some minimum)
  - **Less Secure**
    - Intended for the housing of weekenders, work/study release and similar low-custody inmates
  - **Non-Secure**
    - Intended to house a group of inmates similar in nature to those being housed in less secure environments
    - Requirements for construction materials are less stringent
    - Crowded to a level greater than 25% of capacity

# A Look at the Influence of Custody Levels on Construction Standards

Secure Facilities					
CONSTRUCTION FEATURE	MAXIMUM SECURITY	MEDIUM SECURITY	MINIMUM SECURITY	LESS-SECURE	NON-SECURE
Security perimeter (reinforced floors, walls, roofs)	X	X	X		
Secure ceiling	X [1]	X [1]	X [1]		
Non-combustible	X	X	X	X	
Heavy security doors	X	X			
Heavy security locks	X				
Med. security locks		X			
Heavy duty commercial grade doors & locks			X	X	
Commercial grade doors & hardware					X [3]
Limit on persons per pod	12	24	24 [2]	25 [2]	25 [2]
Special purpose cells	X	X	X		

# A Look at the Influence of Custody Levels on Construction Standards

SECURE FACILITIES					
CONSTRUCTION FEATURE	MAXIMUM	MEDIUM	MINIMUM	LESS-SECURE	NON-SECURE
Individual cells	X	X			
Stainless steel plumbing fixtures	X				
Sprinkler system	X	X	X		
Natural light	X	X	X	X	X
Security exterior windows or bar grille	X	X	X		
Security glazing for interior windows	X	X			
Security light fixtures	X	X			
Stationary tables and benches	X				
Food passes in cell doors	X				
Food passes in dayroom doors	X	X	X		
Sallyport at dayroom or cell pod entrance	X	X			

# Question #4

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*How does the DOC prioritize construction projects for reimbursement?*

• **Answer:**

- According to the Regulations for State Reimbursement of Local Correctional Facility Construction Costs, the Board of Corrections is to assign priorities as follows:
  - 1) Unsafe physical plant or court-ordered renovation, expansion or new construction
  - 2) Replacement or renovation of existing bedspace lost due to fire, earthquake, or other disaster
  - 3) Existing local correctional facility is experiencing a sustained pattern of crowding (generally defined as operational capacity plus 25%) and such crowding is expected to continue based on inmate population forecasts
  - 4) Locality with no present local correctional facility
  - 5) Addition to or renovation of inadequate support facilities
  - 6) Phased projects
  - 7) Cost overruns
  - 8) Localities having received reimbursement within the last five years for beds of non-secure construction anticipated to have a limited lifespan. These localities may not receive approval for replacement of those beds with another secure or non-secure facility.
  
- ***Preference is ordinarily to be given "to requests for regional jail facilities over similar requests for local jail facilities".***

## **The Stages in the Process: After the Appropriation**

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- **Preliminary Design**
- **Final Construction Documents**
- **Construction**
- **Reimbursement**



# **Reviewing Construction Documents**

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- **The Department of Corrections is responsible for reviewing design documents to determine compliance with the minimum standards identified by the Board of Corrections**
- **Localities which do not meet with these standards are required to confirm**
- **Localities must also comply with BOCA and Fire Safety Standards**

# **The Final Stage: Receiving Reimbursement**

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- **Once the final inspection has been completed and construction related issues are resolved, a locality is asked to submit all change orders and other related construction documents for reimbursement.**
- **Reimbursement is made at the level approved by the Board of Corrections and appropriated by the Virginia General Assembly.**
- **Issues regarding what the locality will or will not be reimbursed for are to be ironed out during the Department of Corrections's review of design documents and subsequent checks for compliance with the minimum standards set by the Board of Corrections.**
- **Localities will not be reimbursed for:**
  - **Office space for the Sheriff and his staff**
  - **Office space for the Magistrate**
  - **Parking not directly related to the jail function**
  - **Loose equipment (equipment not permanently installed)**
  - **Off-site utilities intended to benefit other users**
  - **Maintenance and repair costs**

# Jail Construction: State Funding Levels

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- Section 53.1-80 of the Code of Virginia specifies that,
  - "On and after July 1, 1989, the Commonwealth shall reimburse any city or county one-half of the cost of construction, enlargement or renovation of a jail constructed or enlarged or renovated ...".
  - This section, along with Section 53.1-81, defines the procedures for reimbursement as those set forth by the Board of Corrections and in addition, establishes the definition of a regional jail facility.
- Section 53.1-83 of the Code of Virginia sets the following maximum rates for State reimbursement of jail construction costs:
  - \$300,000 for any jail with a capacity of 35 beds or less
  - \$600,000 for any jail with a capacity of more than 35 beds and less than 100 beds
  - \$900,000 for any jail with a capacity of more than 100 beds and less than 300 beds
  - \$1,200,000 for any jail with a capacity of 300 beds or more

# **A Look at Construction Costs**

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# Question #5

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*On a per bed basis adjusted for inflation to equalize for changes over time, has it cost more to build local jails in urban areas than regional jails in rural areas?*

*Component Question:*

*If there are differences, what explains them?*

# Problems with Construction Cost Comparisons

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- Construction costs are comprised of:
  - Land acquisition costs
  - Infrastructure needs/development
    - Water
    - Wastewater treatment
    - Roads
    - Other site work considerations
  - Facility design
    - Urban criminal justice/safety center complex
    - Expansion or renovation of existing facilities
    - Programming area provided
    - Number of inmates designed to accommodate (economies of scale)
  - Specialized cost factors--Urban differential

# A Look at Construction Costs: Recent Experience

COMPLETE	FACILITY	TYPE	LOCALITIES	NO. OF BEDS	TOTAL COST	STATE COST	COST PER BED	STATE COST PER BED
1985	Gloucester Co.	Rural	Gloucester Co.	20	\$1,365,860	\$86,000	\$68,293	\$4,300
1987	Alexandria	Urban	Alexandria City	367	23,200,000	400,000	63,212	1,090
1988	Charlotte Co.	Rural	Charlotte Co.	13	756,900	238,000	58,223	18,308
1988	Piedmont Regional Jail	Rural Regional	Amelia, Buckingham, Cumberland, Lunenburg, Nottoway, Prince Edward	100	3,600,000	1,800,000	36,000	18,000

# More Construction Cost Comparisons

COMPLETE	FACILITY	TYPE	LOCALITIES	NO. OF BEDS	TOTAL COST	STATE COST	COST PER BED	STATE COST PER BED
1988	Rockbridge Regional Jail	Rural Regional	Buena Vista City, Lexington, Rockbridge Co.	60	2,969,850	1,033,500	49,498	17,225
1990	Virginia Beach	Urban	Virginia Beach City	224	10,500,000	1,200,000	45,982	5,357
1990	Brunswick Co.	Rural	Brunswick Co.	20	1,437,000	200,000	71,850	10,000
1990*	Central Virginia Regional Jail	Rural Regional	Fluvanna, Greene, Louisa, Madison, Orange	105	4,650,000	2,325,000	44,285	22,143

\* Estimated date and cost information

(1) Regional status by legislative action prior to 1982



# Additional Construction Comparisons

COMPLETE	FACILITY	TYPE	LOCALITIES	NO. OF BEDS	TOTAL COST	STATE COST	COST PER BED	STATE COST PER BED
1991*	Clarke, Frederick, Winchester Regional Jail	Rural Regional	Clarke, Frederick, Winchester	294	17,500,000	8,750,000	59,524	29,762
1992*	Western Tidewater	Rural Regional	Franklin City, Isle of Wright, Suffolk City	372	21,036,028	10,518,014	56,548	28,274
1993*	Riverside Regional Jail	Mixed Regional	Charles City, Colonial Heights, Hopewell, Petersburg, Surry, Pringe George	600	30,000,000	15,000,000	50,000	25,000
1993*	Fairfax Co.	Urban Regional (1)	Fairfax Co.	850	94,000,000	47,000,000	110,588	55,294

\* Estimated date and cost information

(1) Regional status by legislative action prior to 1982

# Regional Comparisons: Urban Construction

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- **Urban**

- **Problems**

- Site Constraints Increase Cost by Impacting on:
      - Construction Materials Used (facade)
      - Construction Equipment Used
      - Storage of Equipment and Materials
      - Design (single versus multistory construction)
    - Higher Land Acquisition Costs
    - Higher Labor Costs
    - Increased Cost if Construction Occurs in Occupied Facility

- **Advantages**

- Infrastructure Usually in Place

# **Regional Comparisons: Rural Construction**

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- **Rural**

- **Problems**

- **Lack of Infrastructure to Support Development**
      - **Water**
      - **Wastewater Treatment**
      - **Roads**
      - **Electrical**

- **Advantages**

- **Lower Land Costs**
    - **Reduced Labor Costs**
    - **No Site Constraints Impacting Design**

# Evaluating Construction Costs: Utilizing the "Adjusted Mean Cost"

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- **Adjusted Mean Cost**

- Defined in the procedures as:

- "Current costs based on the national averages for jail construction published in the latest editions of Means Facilities Cost Data and Marshall and Swift Building Cost Index.

- Means Facilities Cost Data contains:

- National Median Costs on square footage basis

- National Median Costs on cubic footage basis

- Modifiers to reflect the size of the project

- Relative Cost Factors for the State's major metropolitan areas (Northern Virginia, Richmond, Roanoke, Tidewater)

- The Marshall and Swift Building Cost Index contains:

- Historical quarterly cost data for building classifications

- Information used to inflate the cost of past projects for comparisons with present cost projections or project costs

# Standard Cost Adjusted for Regional Cost Differences

Facility Size	Average Area / Bed	NOVA Max. Cost / Bed	Tidewater Max. Cost / Bed	Richmond Max. Cost / Bed	Roanoke Max. Cost / Bed
Less Than 50 Beds	449	\$54,400	\$47,500	\$48,184	\$46,987
60-120 Beds	409	49,554	43,269	43,892	42,801
200-330 Beds	388	47,009	41,047	41,638	40,603

# Standard Costs Adjusted for Regional Cost Differences

<b>Facility Size</b>	<b>Average Area / Bed</b>	<b>NOVA Max. Cost / Bed</b>	<b>Tidewater Max. Cost / Bed</b>	<b>Richmond Max. Cost / Bed</b>	<b>Roanoke Max. Cost / Bed</b>
<b>Less Than 50 Beds</b>	449	\$54,400	\$47,500	\$48,184	\$46,987
<b>60-120 Beds</b>	409	49,554	43,269	43,892	42,801
<b>200-330 Beds</b>	388	47,009	41,047	41,638	40,603
<b>400-1200 Beds*</b>	468	56,702	49,510	50,223	48,975

\* Based on jail construction data from the entire country

# Conclusions About Jail Construction

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- There has been an increase in the number of requests for reimbursements involving regional jails.
- Historically, jails in Virginia have been constructed to house smaller numbers of offenders for shorter durations.
- There seems to be a movement towards the construction of larger jails.
- Recent requests, particularly for areas in the State's urban crescent, seem to allow more square footage for inmates. A number of reasons may explain this trend:
  - More program space is being built into local facilities
  - Localities may not be maximizing the use of pre- and post-trial alternatives to incarceration
- Virginia's jail construction costs tend to be lower than the national average; however, this may change as urban areas and regional authorities, including urban counties, seek to construct larger jails.

**Cost Efficiency in Jail Operations  
and  
Incentives for Operating Efficiencies**

**A  
Presentation  
to the  
Joint Subcommittee on State Support  
for Jail Construction**

**Department of Criminal Justice Services  
Division of State and Local Services  
September 24, 1990**



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## **Comparison of Historical with Current Jail Operating Costs**

This presentation relies heavily on the prior work of the Departments of Corrections, Planning and Budget, Criminal Justice Services and the Compensation Board. Specific sources of information include the work preparatory to the implementation of the Block Grant Program and that prepared for the Commission on Prison and Jail Overcrowding.

What you have before you in the table entitled **Comparison of Total State and Local Jail Operating Support**, is an attempt to compare, and track the growth and costs of 16 jails originally analyzed in 1982, to where they were in 1989. Since there was also an interest in costs for regional jails, FY 1989 information on four other jails has been provided.

The data provided should be viewed more as indicators of cost, rather than actual verified costs and related data since most of the information provided on local cost is based on self-reported total expenditures compared to state payments. The state has not, and currently does not track total jail expenditures on a yearly basis, nor has it a mechanism for identifying and verifying all sources of non-state support, such as local, federal, grants, and per diems from other localities.

The state supported jail costs presented in this table represent salaries and fringe benefits for security staff and block grant related payments for operating costs and treatment staff but does not include a pro-rated share of the personnel costs of sheriffs and their clerical staff related to providing jail administrative and support services.

## **Factors Influencing the Cost of Jail Operations**

It is difficult to separate the influence of design on operating costs from operating factors which influence cost efficiency.

- *Interior design* has a significant impact on the operating cost of a jail.

Local factors which influence design are often as simple as a community's perception of jail as a place for punishment. The availability of funds for construction and the philosophy of corrections and corrections management of the local unit of government and the sheriff are perhaps the most influential factors in determining jail operating costs.

- *Method of supervision or offender management*, can influence jail operating costs

Nationally, ***direct supervision*** is being touted as cost effective, since it relies primarily on staff to provide security through direct and continual observation and interface with prisoners.

- *Cellblock, pod or unit size and materials selection* play a significant role in operating cost efficiencies.

These factors can influence the number of duty posts necessary to maintain appropriate security or the costs of maintenance and replacement of interior fittings. Currently the BOC/DOC standards for design and construction call for relatively small pod sizes; 12 for maximum security, 24 for medium, and 24 up to 50 for minimum security, if a facility is designed for more than 250 inmates.

Because of this, localities seeking to build and operate under the direct supervision model must seek a variance from the BOC standards.

- *Classification of offenders* can influence design and therefore, construction and operating costs of jails.

Standards, at this time, call for a recommended breakdown in custody levels of 40% minimum and 30% each for medium and maximum. Localities which can project future needs based on actual current classification requirements of offenders could probably support ***higher percentages of minimum security space***. However, with jails statewide operating at 47.5% over capacity, the ability to classify offenders, and thereby analyze future needs, has been severely diminished during the past three to four years.

- *Higher percentages of minimum custody areas*, and the use of rooms, dormitories and/or the less secure construction alternative currently allowed by standards, may lead to both reduced construction and operating costs.
- *Larger classification and intake centers in jails* can also reduce construction and operating costs.

The "center" concept is supported by current standards and can be designed to operate like a "jail within a jail". Intake centers, like emergency rooms in large hospitals, should be designed to handle a large volume of short-term commitments, half of which are often released within 24 hours, and to provide for much needed continuous observation of special needs defendants and offenders. Spaces for intake, holding, processing, releasing, classifying and treating defendants for periods of up to three days can greatly reduce the demand on general purpose housing space, which can be devoted to sentenced offenders and those more serious offenders who have not been released awaiting trial. Cost efficiency results from the higher inmate-to-staff ratios in a more compactly designed area.

- *Peak commitment period staffing* for classification, intake, and records management can lead to improved jail management and reduced commitments.

The establishment of the intake center concept can provide the nucleus for defendant and offender classification. ***Background information collected on detainees can be used to support magistrate bail decisions and initiate pretrial release programs and also provide the core of information needed for defendants who are subsequently committed to jail.***

- *Cross-training of security and treatment staff* with or without, the unit management concept can reduce the overall number of duty posts which are staffed solely by security officers.
- *Implementation of alternative work schedules* may reduce the number of security staff needed to man a 24-hour, 7 day-a week duty post.

Staffing analyses prepared by both DOC and DCJS staff have revealed that staff work schedules, which are often designed solely to meet the maintenance needs of staff, can easily add a need for 5 to 10% more staff. This becomes significant when compounded by design factors requiring higher numbers of duty posts, and in larger facilities. Factors which increase staff needs or costs include high compensatory time/overtime and schedules which reduce the number of individual hours each staff person is available for work.

- *On-site training capacity for large jails* may lead to cost savings related to down time required for basic and in-service training.

As jails become more specialized, and in some cases, as large and as sophisticated as state facilities, the need grows for more training above "basic corrections" to meet increased management and supervisory requirements, and for state and national certification. Downtime due to staff training is also one of the biggest factors reducing staff time available for duty assignments. The state may want to examine a method which would allow for the certification of specialized "on-the-job" methods for providing basic and in-service training in larger jails. The demand for training needs to be balanced with providing a reasonable minimum number of "on-duty" work hours.

- *Standardization and automated jail data and management information systems* can improve operating efficiency and effectiveness and thereby, reduce costs.

Many jails still generate reimbursement and other reports manually or by automated systems which result in the production of local reports which are of limited value to the state, commonwealth attorneys and the courts.

An excellent example is the recent **requirement** for jails to report the awaiting trial population to local courts and the commonwealth attorney on a semi-monthly basis. The six sites which currently operate pre-trial diversion programs were asked to assess the jail awaiting trial population on this report and to indicate those which the program screened and or recommended for diversion. While all jails submitted or generated an automated report, no two reports were the same in format or content, nor did they report the population for the same day during the semi-monthly period.

- **Overcrowding can reduce cost effectiveness** by increasing staff leave time, by producing higher maintenance and offender medical costs, and resulted in the recent higher staff-to-offender ratios established under the emergency regulations. At the same time, however, **"double-bunking" by design or by need, and cots and mattresses on the floor, has increased the number of beds in jails.** This has resulted in larger unit "capacities" per aggregate square foot available, which has produced operating efficiencies, **but not without creating a potential for increased liabilities.**
- **Facilities size appears to be a major factor in jail operating efficiencies.**

The best that can be said from this limited assessment is that jail size appears to be one of the most influential factors related to operating efficiencies. Generally, the small to medium sized facilities do not appear to be as cost effective to operate, **from a state support point of view**, as do large (100 to 300) and very large (over 300) jails.

**The issue of single urban or rural regional does not appear to influence overall operating efficiencies.**

Although the state pays a higher proportion of the total reported cost for some of our large urban jails, the overall cost to the state on a per diem basis, when compared to the regional facilities reporting, is only **occasionally marginally higher.**

Without examining the specific design of each facility, the following factors seem to accrue as operating efficiencies for the state:

- An "economy of scale" based on a combined factor of facility size (100 beds or more) and lower staff to inmate ratios (1 to 4 or lower).
- Increased local funding due to treatment staff.
- Locally funded security staff above the "state approved" number.
- Provision of space for federal prisoners and the receipt of per diem support.

- Provision of space to neighboring localities on an "as available" basis and charges for per diem.
- Use of a single locality jail by neighboring localities either by formal contract or long-term informal use, which has rendered the facility a "regional" one.

## **Monetary Incentives for Jail Operating Efficiencies**

It is difficult to posit monetary incentives for jail operating efficiencies from a state point of view, without them being seen as disincentives from a local view point.

The fact is that over a thirty (30) year life cycle of a facility, operating costs account for about 90% of the total costs including construction, renovation and/or remodeling. Personnel costs account for 75 to 80% of this total. In order for the state to reduce the increasing and continual demand for both operating funds and the increases sought for single locality facility reimbursement at the same level as that of regional jails, it must develop a realistic and reasonable plan.

The state support of constitutional officers is over 60 years old and came about because the "fee system", which dates to around the time of the House of Burgesses, was prone to abuse. the "fee system" did, nevertheless, establish the jail as a locally supported effort. The desire to improve jail physical conditions and offender treatment, has also encouraged the state to take a greater role in the financial support of local jails. The "separation" of counties and cities from the Commonwealth is not an easy one, and there is much to be said about the local point of view that all arrests on "state" misdemeanor and felony warrants, and the subsequent committal of these offenders to jail, makes them state responsible.

*The extensive and long-term funding of local jails and jail security positions has encouraged many localities to be dependent on the state for support and for solutions to the overcrowding problem.*

*Still it is local decisions which determine release or commitment to jails and localities need to be responsible for this and the impact that these decisions have on current and future jail space needs.*

- *The state should examine the feasibility of transferring funds for the operation of local jails to local units of government for the development of programs which provide proven diversion and alternative services for select non-violent /non-dangerous defendants and offenders, and/or improve the operation of the local criminal justice system which results in a reduction of bedspace demand.*

Localities must be encouraged to look at their local/regional criminal justice activities as a system whose policy, procedure, practice and performance dictate the need for current and future jail space.

- The state could encourage this by *giving priority consideration for construction reimbursement to localities which establish or maintain a local criminal justice advisory board to oversee the development and operation of the local criminal justice system including its impact on the jail.*

This committee, made up of local government members and criminal justice practitioners on local criminal justice oriented boards and advisory groups would oversee the development of the local jail Needs Assessment and Planning Study and establish and review the policies and procedures which determine jail space needs on an on-going basis.

- The state may want to examine the efficacy of providing shared support for a local criminal justice planning capacity.
- Priority consideration for construction reimbursement should be given to localities who *defer reimbursement through a combination of phased construction and improvements to, or expansion of, diversion and alternative programs and services which improve the operations of the local criminal justice system.*

This would apply to localities which either project the need for future jail space and demonstrate and project bedspace savings through improved criminal justice programs, or which have demonstrated that existing programs and services are operating at optimum efficiency and effectiveness.

- The state should examine *providing monetary incentives for localities willing to implement diversion and alternative programs instead of building new jail space.*
- *Priority consideration for construction reimbursement should be given to localities who are willing to reduce local jail operating costs by, but not limited to, one or more of the following ways.*
  - Those not seeking reimbursement for defendants and offenders committed and released within 24 hours.
  - Those not seeking reimbursement for, or diverting from detention awaiting trial, public inebriates and like Class 3 and 4 misdemeanants.
  - Localities who implement community service programs as alternatives to payments for fines and costs.

- Localities who do not seek reimbursement for offenders sentenced to non-consecutive jail time (weekends), for offenders participating in local work forces and/or on local work release.
- Those jails which can demonstrate a reduction in staff needs through improved operations such as alternative work schedules or by converting to direct supervision.
- **The state could examine the feasibility of providing half the cost of construction, enlargement, expansion or renovation for *any locality willing to enter into an agreement to share the cost of operations, exclusive of federal prisoners, and based on an audit of current accounts receivable and expenditures.***

The plan for shared operating costs and reimbursements for construction could be phased over a period of three to four years, or planned coincide with the implementation schedule outlined in SB 186, depending on the current amount of permanent local and other funding support and, current and future facility space needs.

Options to be considered for shared amounts would be at a 50-50, or a 2/3 to 1/3 state-to-local ratio for all jail operating costs including security staff.

The state may be moving in a direction towards parity between state and local funding support with the implementation of the SB 186 amendments to Section 53.1-20 of the Code of Virginia. Starting on July 1991 all offenders with sentences greater than twelve months to 2 years, and all those for which there is less than sixty days from the receipt of the complete and final court order by the Department of Corrections, will be considered to be local responsibility. During FY 1990 30% of all state responsible admissions to the DOC were made up of offenders with less than two year sentences. FY 1988 and 1989 figures were 35% and 31.8%, respectively, with 80% of offenders in this category housed in local jails.



**Comparison of Total State and Local Jail Operating Support  
on  
Acutal Prisoner Per Diem Basis**

Jail	State Per Diem		Local Per Diem		Total Per Diem	
	FY 81	FY 89	FY 81	FY 89	FY 81	FY 89
Amherst County	\$17.34	\$38.34	\$1.17	\$0.00	\$18.51	\$38.34
Bath County	\$60.92	\$154.02	\$9.52	\$0.00	\$70.39	\$154.02
Nottoway County	\$14.15	Closed	\$0.00	Closed	\$14.15	Closed
Northampton County	\$20.22	NR	\$1.40	NR	\$21.62	NR
Bristol City	\$20.85	\$35.18	\$3.16	\$5.64	\$24.01	\$40.82
Franklin County	\$12.16	\$28.97	\$0.98	\$5.63	\$13.14	\$34.60
Rockingham County	\$13.41	\$25.84	\$1.18	\$0.99	\$14.59	\$26.83
Williamsburg City	\$20.49	\$31.78	\$9.14	\$10.84	\$29.63	\$42.62
Albemarle/C'ville Regional	\$14.39	\$28.84	\$5.19	\$5.53	\$19.59	\$34.37
Arlington County	\$15.15	\$23.73	\$12.21	\$17.21	\$27.36	\$40.94
Chesterfield County	\$16.19	\$29.39	\$5.74	\$3.99	\$21.93	\$33.38
Chesapeake City	\$17.57	NR	\$2.32	NR	\$19.89	NR
Fairfax County	\$12.52	\$24.73	\$2.09	\$18.47	\$14.61	\$43.20
Hampton City	\$16.00	NR	\$1.00	NR	\$17.00	NR
Richmond City	\$16.59	\$28.09	\$0.98	\$1.45	\$17.57	\$29.54
Norfolk City	\$12.61	\$21.32	\$0.70	\$2.06	\$13.31	\$23.38
Middle Peninsula Regional	NA	\$39.66	NA	NR	NA	NA
Rockbridge Regional	NA	\$53.46	NA	\$18.08	NA	\$71.54
Rappahannock Regional	NA	\$23.50	NA	\$12.84	NA	\$36.34
Piedmont Regional	NA	\$26.84	NA	\$2.15	NA	\$28.99

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2 SENATE JOINT RESOLUTION NO.....

3 Establish a joint subcommittee to study financing mechanisms for jail  
4 construction funding.

5

6 WHEREAS, the 1990 Session of the Virginia General Assembly  
7 established a joint subcommittee to examine issues relevant to state  
8 financial support for construction and operation of local and regional  
9 adult jail facilities; and

10 WHEREAS, the joint subcommittee specifically reviewed issues  
11 related to the responsibility, role and purpose of jails, the  
12 construction review and approval process, construction funding and  
13 reimbursement, and incentives to reduce construction and operating  
14 costs; and

15 WHEREAS, the joint subcommittee's report of findings and  
16 recommendations has been presented to the 1991 Session of the Virginia  
17 General Assembly for its consideration; and

18 WHEREAS, the joint subcommittee found the Commonwealth faces a  
19 potential funding obligation of \$253 million over the next few years  
20 for jail projects approved, pending and proposed under existing  
21 construction reimbursement statutes; and

22 WHEREAS, the joint subcommittee heard testimony from local  
23 officials wanting an increase in the amount of state reimbursement and  
24 changes in the method by which the state share of construction funds  
25 are provided; and

1           WHEREAS, the joint subcommittee also heard testimony regarding  
the financial condition of the Commonwealth and its local governments;  
3 and

4           WHEREAS, the joint subcommittee found the larger issue affecting  
5 both state and local government is one of the mechanisms available for  
6 the long-term financing of jail construction; and

7           WHEREAS, the joint subcommittee believes jail construction  
8 financing mechanisms require closer scrutiny and should be the focus  
9 of a separate study involving the legislative and executive branches  
10 of state government, as well as representatives of local government;  
11 now, therefore, be it

12           RESOLVED by the Senate, the House of Delegates concurring, That a  
13 joint subcommittee be established to study alternative financing  
14 mechanisms for jail site acquisition, construction, renovation and  
furnishing costs. The study shall examine the feasibility of debt  
16 issuance, payment methods for debt amortization and other related  
17 long-term financing issues.

18           The joint subcommittee shall be composed of seven members to be  
19 appointed as follows: two members from the Senate to be appointed by  
20 the Senate Committee on Privileges and Elections; three members from  
21 the House to be appointed by the Speaker of the House of Delegates;  
22 one member of the Virginia Association of Counties to be appointed by  
23 the Senate Committee on Privileges and Elections; and one member from  
24 the Virginia Municipal League to be appointed by the Speaker of the  
25 House. The Secretary of Finance is requested to serve as an ex  
26 officio member.

27           The joint subcommittee shall receive staff support from the  
3 Senate Committee on Finance and the House Committee on Appropriations.

1 The Department of the Treasury shall cooperate with the joint  
2 subcommittee and, upon request, assist the joint subcommittee in its  
3 work. The joint subcommittee shall complete its work in time to make  
4 its recommendations to the Governor and the 1992 Session of the  
5 General Assembly as provided in the procedures of the Division of  
6 Legislative Automated Systems for processing legislative documents.

7 The indirect costs of this study are estimated to be \$8,255; the  
8 direct costs shall not exceed \$3,780.

9 Implementation of this resolution is subject to subsequent  
10 approval and certification by the Joint Rules Committee. The  
11 Committee may withhold expenditures or delay the period for the  
12 conduct of this study.

13

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2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend and reenact § 53.1-82 of the Code of Virginia,  
4 relating to regional cooperative jailing.

5

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 53.1-82 of the Code of Virginia is amended and reenacted as  
8 follows:

9 § 53.1-82. Regional contracts for cooperative jailing of  
10 offenders; state reimbursement.--Three or more counties, cities or  
11 towns, or any combination thereof, are authorized to contract for  
12 services for the detention and confinement of categories of offenders  
13 in single or regional jail facilities operated by the contracting  
14 jurisdictions. In addition, any existing regional jail facilities  
15 established by only two cities, counties, or towns on or before June  
16 30, 1982, and any regional jail facilities established by only two  
17 contiguous counties whose boundaries are not contiguous by land with  
18 the boundaries of any other county in the Commonwealth, may  
19 participate under the provisions of this section. The Board shall  
20 promulgate regulations specifying the categories of offenders which  
21 may be served pursuant to the contracts provided for herein.

22 On and after December 1, 1989, when such contracts are for a  
23 period of five-thirty years or more, are approved by the Board and,  
24 for the implementation of the contract, require the construction,  
25 enlargement or renovation of a regional jail facility or the

1 enlargement or renovation of an existing jail, the Commonwealth shall  
reimburse each such locality its pro rata share, up to one-half, of  
3 the cost of such construction, enlargement or renovation in accordance  
4 with the provisions of this section. The Board shall promulgate  
5 regulations, to include criteria which may be used to assess need and  
6 establish priorities, to serve as guidelines in evaluating requests  
7 for such reimbursement and to ensure the fair and equitable  
8 distribution of state funds provided for such purpose. The Department  
9 shall apply such regulations in preparing requests for appropriations.  
10 No such reimbursement shall be had unless the plans and  
11 specifications, including the need for additional personnel, thereof  
12 have been submitted to the Governor, and the construction, enlargement  
13 or renovation has been approved by him. The Governor shall base his  
14 approval in part on the expected operating cost-efficiency of the  
interior design of the facility. Such reimbursement shall be paid by  
16 the State Treasurer out of funds appropriated to the Department of  
17 Corrections.

18 In the event that a county, city or town requests and receives  
19 financial assistance for costs of construction, enlargement or  
20 renovation of a jail facility from the Department of Criminal Justice  
21 Services or from other public fund sources outside of the provisions  
22 of this section, the total financial assistance and reimbursement  
23 shall not exceed the total cost of the project.

24 #

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2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend and reenact § 53.1-83.1 of the Code of Virginia,  
4 relating to state payment to local jails for operating costs.

5

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 53.1-83.1 of the Code of Virginia is amended and reenacted  
8 as follows:

9 § 53.1-83.1. How state appropriations for operating costs of  
10 local correctional facilities determined.--The Governor's proposed  
11 biennial budget bill shall include, for each fiscal year, an  
12 appropriation for operating costs for local correctional facilities.

13 The proposed appropriation shall include:

14 1. An amount for compensating localities for the cost of  
15 maintaining ~~prisoners-arrested-on-state-warrants-in~~ local jails,  
16 regional jails and jail farms prisoners arrested for a felony or Class  
17 1 or Class 2 misdemeanor on state warrants , at a specified rate per  
18 prisoner day;

19 2. An amount for maintaining convicted state felons in local  
20 correctional facilities, at a specified rate per felon day, pursuant  
21 to § 53.1-20.1;

22 3. An amount to pay two-thirds of the salaries of medical and  
23 treatment personnel approved by the State Compensation Board; and

24 4. An amount to be set aside for unanticipated medical  
25 emergencies.

