REPORT OF THE VIRGINIA STATE CRIME COMMISSION

STUDY ON METHODOLOGY USED TO PROJECT VIRGINIA'S PRISON POPULATION

TO THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA



HOUSE DOCUMENT NO. 38

COMMONWEALTH OF VIRGINIA RICHMOND 1997



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

John R. Isom Executive Director

General Assembly Building

December 10, 1996

MEMBERS: FROM THE SENATE OF VIRGINIA Janet D. Howell, Vice-Chair Mark L. Earley Kenneth W. Stolle

FROM THE HOUSE OF DELEGATES: Clifton A. Woodrum, Chairman James F. Almand Jean W. Cunningham John J. Davies, III Raymond R. Guest, Jr. William S. Moore, Jr

APPOINTMENTS BY THE GOVERNOR: Robert C. Bobb Terry W. Hawkins Robert J. Humphreys

ATTORNEY GENERAL'S OFFICE James S. Gilmore, III

TO: The Honorable George Allen, Governor of Virginia, and Members of the General Assembly:

House Joint Resolution 128, agreed to by the 1996 General Assembly, directed the Virginia State Crime Commission to conduct a study and evaluate the methodology used to project Virginia's prison population, and to submit its findings and recommendations to the Governor and the 1997 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1996. I have the honor of submitting herewith the study report.

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Clifton A. Woodrum

Chairman

CAW/jdw

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION 1996

From the Senate of Virginia:

Janet D. Howell, Vice Chair Mark L. Earley Kenneth W. Stolle

From the House of Delegates:

Clifton A. Woodrum, Chairman James F. Almand Jean W. Cunningham John W. Davies, III Raymond R. Guest, Jr. William S. Moore, Jr.

Appointments by the Governor:

Robert C. Bobb Sheriff Terry W. Hawkins Robert J. Humphreys

Attorney General:

James S. Gilmore, III

Corrections Subcommittee Studying the Methodology used to Project Virginia's Prison Population

Corrections Subcommittee Members

Delegate Raymond R. Guest, Jr., Front Royal, Chairman
Delegate James F. Almand, Arlington
Delegate Jean W. Cunningham, Richmond
Delegate John J. Davies, III, Culpepper
Sheriff Terry W. Hawkins, Albemarle County
Senator Kenneth W. Stolle, Virginia Beach
Delegate Clifton A. Woodrum, Roanoke

Staff

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HJR 128

Study and Evaluation of the Methodology used to Project Virginia's Prison Population

I. Authority for the Study

The 1996 General Assembly approved House Joint Resolution 128 (HJR 128/Watts) directing the Virginia State Crime Commission to conduct a study and evaluate the methodology used to project Virginia's prison population. Further the Commission was to submit its findings and recommendations to the Governor and the 1997 General Assembly.

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate recommendations to the Governor and the General Assembly." Section 9-134 authorizes the Commission to "conduct private and public hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook to study and evaluate of the methodology used to project Virginia's prison population.

II. Members Appointed to Serve

At the May 15, 1996 meeting of the Virginia State Crime Commission, Chairman Clifton A. Woodrum selected Delegate Raymond R. Guest, Jr., to serve as Chairman of the Corrections Subcommittee, which was directed to study and evaluate the methodology used to project Virginia's prison population. The following members of the Crime Commission were selected to serve on the subcommittee:

Delegate Raymond R. Guest, Jr., Chairman, Front Royal
Delegate James F. Almand, Arlington
Delegate Jean W. Cunningham, Richmond
Delegate John J. Davies, III, Culpepper
Sheriff Terry W. Hawkins, Albemarle County
Senator Kenneth W. Stolle, Virginia Beach
Delegate Clifton A. Woodrum, Roanoke

III. Executive Summary

Virginia has been utilizing some form of computer projection model for inmate forecasting since 1977. Over the years there have been numerous revisions to existing systems or scraping of old systems as newer, more advanced and accurate modeling became available. Virginia's use of the existing National Council on Crime and Delinquency (NCCD) model began in 1988 by the Department of Corrections.

Until 1994, an informal group of people from various state agencies and branches had been meeting to review computer model projections and "refine" them based on their expertise and knowledge of many of the factors that produce the projections.

In 1994, the Secretary of Public Safety developed a new process utilizing the staff of the Department of Criminal Justice Services. This process was not subject to as much scrutiny as had the previous process. The resultant forecast was used by the 1994 special session and the 1995 regular session of the General Assembly in funding decisions.

During 1995, the "traditional" process was re-instituted by the Secretary. It involves members from all three branches of government, private research organizations, faculty from leading universities, and local and state law enforcement. They revisited the 10-year forecast that had been done the previous year. This new projection revealed that the 1994 group had overestimated the number of prison beds that would be required, the worst being for FY 98 where the 1994 estimate that had been used was projected to be more than 4,200 beds high.

Virginia's current system has an accumulated average error rate for state responsible offenders for FY95-96 of 0.05%. Virginia utilizes an extensive consensus-building process to generate the final projections. This consensus-building concept is strongly recommended by virtually all experts in the field.

Staff was unable to locate any other state that has a better system, that produces lower error rates than the one Virginia currently uses. Many states use "canned" packages, others have developed sophisticated models of their own. Almost all states surveyed use consensus-building in some form. The bottom line is, the Virginia process works, and with low error rates. Its success is largely due to the professionals who serve on the Policy and Technical Committees.

Recommendation: The process, in its current configuration, is generating reliable information with a low error rate. The process should be maintained, as is, and codified until a new method with a proven track record for accuracy is available.

IV. Background

The 1996 General Assembly adopted a study resolution, HJR 128, which directed the Virginia State Crime Commission to evaluate the methodology used to project Virginia's prison population.

During the 1994 Special Session of the General Assembly, new guidelines were adopted for the adjudication and punishment of those who commit crime in the Commonwealth, especially violent offenders. These significant policy changes included new sentencing guidelines, and abolition of parole. As a result, it became imperative to assess the actual effect of these policies in order to ensure that there was adequate prison bed space to accommodate the increase in state responsible offenders. Further, it is also imperative that there be confidence in the prison population forecasts so that appropriate funding measures may be taken in a timely fashion and, thereby, allowing adequate prison space to be on-line to meet the demand.

In 1988, the Department of Corrections first instituted the use of computer simulation forecast models. This computer model utilizes more than 120 components to generate a forecast number. These components include, but are not limited to, existing prison populations sentenced under both old and new sentencing guidelines; crime, arrest, and prosecution rates for various types of crimes; guidelines emulation and judicial compliance; rates of earned sentence credits; and recidivism rates.¹

Traditionally, an informal group of persons from all three branches of government, at both policy and technical levels, would then arrive at a *consensus* forecast based on computer model results that had been tempered by their individual areas of expertise. In 1994, the traditional consensus process was not used to forecast the impact of changes during the special session. The Secretary of Public Safety, utilizing staff from the Department of Criminal Justice Services, developed a new process that was subject to less independent scrutiny. The resultant forecast was used to estimate prison bedspace needs from FY 1995 through FY 2005. This forecast was also used for funding decisions in both the 1994 special session and the 1995 regular session.

¹For main components of the Prophet III Population Projection Model and process flowchart, see Appendix B.

In 1995, the Secretary re-instituted much of the traditional consensus forecasting process. During the 1995 process, the technical forecast adopted by the group was significantly lower than the forecast presented a year earlier.² The worst case being the FY 98 forecast difference which indicated 4,263 less beds would be required than originally estimated in 1994.

On May 6, 1996, the Governor vetoed House Bill 1335 enacted by the 1995 General Assembly.³ This bill would have codified the consensus forecasting process.

V. Study Results and Recommendation

A. Forecasting prior to 1994

In 1974, a Corrections Planning Task Force began work on developing an inmate projection model. Only one forecast was produced from that model in August of 1977. Between 1977 and 1982 this model was adjusted four times. The adjustments were intended to improve the forecast by accounting for recent legislative changes. The model remained within four percent of the actual populations between 1977 and 1982. In October of 1982, it began a continuous pattern of over-prediction.

In 1983, a forecasting model that was currently in use in Florida known as the Simulated Losses/Admissions Model or SLAM was adapted for Virginia and approved for development. Late in 1983 the initial forecast from the modified model, which had now become known as SLAM II, was presented. By 1987, the volatility of the SLAM II estimates proved to be unacceptable.

In 1988, the Department of Corrections first instituted the use of computer simulation forecast models known as Prophet. The system used by the Department of Corrections was developed by the National Council on Crime and Delinquency (NCCD). At the present time, the NCCD projection and simulation models are being used in Nevada, Illinois, Ohio, Indiana, Michigan, Oklahoma, Hawaii, Florida, Louisiana, Virginia, the Kansas Sentencing Commission, and the Virgin Islands. An informal group of persons from all three branches of government were joined to take a close look at the numbers generated by the computer model. This was done on two levels, the technical, and at the policy level. The technical level (committee) "refines" and validates estimates for many of the data sets used in the computer model. The policy committee looks at the effect policy

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² For complete 1994 and 1995 forecast comparisons see chart on page 6.

³ For the Governors veto of HB 1335, see Appendix C.

changes have on prison population, such as, abolition of parole, changes in sentencing guidelines, and so forth. Once both committees have produced forecast numbers that everyone agreed on, a consensus offender forecast is agreed to and forwarded to the Governor and the General Assembly.

B. 1994 Forecasting

In 1994, the aforementioned "traditional" consensus process was not used to generate the offender forecast. The Secretary of Public Safety, utilizing staff from the Department of Criminal Justice Services, developed a new process that was subject to less scrutiny than the earlier process. In addition, new guidelines were adopted for the adjudication and punishment of persons who commit crime, especially violent crime, in the Commonwealth in 1994. Significant policy changes were incorporated into the new sentencing guidelines and parole was abolished during this period. The resulting forecast of estimated prison bedspace needs from FY 1995 through FY 2005, was used by the 1994 special session and the 1995 regular session for funding decisions.

C. Current forecasting methodology

In 1995, the Secretary re-instituted much of the traditional consensus forecasting process.⁴ The process used two committees, one that employs quantitative methods to make projections based upon past trends and patterns and another that looks at policy issues that are likely to affect future prison and jail populations.

The Technical Committee is chaired by Mr. John Forbes, Manager of Economic and Regulatory Analysis Section of the Department of Planning and Budget. This committee is comprised of representatives from the Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Joint Legislative Audit and Review Commission, the Virginia Criminal Sentencing Commission, and private research organizations.

The Policy Committee is chaired by the Deputy Secretary of Public Safety and is comprised of representatives from Virginia's executive and judicial branches, faculty from leading universities, and local and state law enforcement.

⁴ For members of the Policy and Technical Committees, see Appendix D.

The Technical Committee uses several statistical models to estimate future inmate populations. They identify trends in criminal justice data and attempt to estimate how such trends may impact the forecasts. Separate computer models are built for state responsible populations, local responsible populations, and juvenile offender populations.

Multiple scenarios are then constructed, where possible, to provide the Policy Committee the information needed to consider all probable outcomes. The models are then specified using the assumptions agreed upon by the Policy Committee.

These forecasts are then presented and discussed in the second Policy Committee meeting. The forecasts benefit from rigorous quantitative analysis by the Technical Committee and qualitative scrutiny by the Policy Committee.⁵

During the year, the Technical Committee revisited the estimates that had been done in 1994 for the period FY95 through FY05. Emphasis was given to cleaning up the historical prison admissions data. The table below shows the difference in these two estimates for the same period of time.

State Responsible Offender Forecast Comparison

FY	1994	1995	Difference
96	31,703	29,881	(1,822)
98	38,050	33,787	(4,263)
00	40,984	37,734	(3,250)
02	44,805	42,250	(2,555)
04	48,798	47,064	(1,734)

The difference between the two forecasts is largely attributed to prison admissions rate differences. The Technical Committee in 1995 used significant resources to identify reliable prisons admission data that used actual historic rather than estimated historic admissions as a model component.

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⁵ The five previous paragraphs are excerpts from "Introduction to the Forecasting Process" supplied by the Department of Planning and Budget.

The current consensus forecasting processes accuracy is detailed below for the period July 1995 through June 1996 for both State Responsible (SR) and Local Responsible (LR) population forecasts.

State Responsible (SR) Population Forecast⁶

Month	Forecast	SR Total	Absolute Error	Percentage Error
Jul-95	27,636	27,977	-341	-1.22%
Aug-95	27,828	28,110	-282	-1.00%
Sep-95	28,065	28,322	-257	-0.91%
Oct-95	28,236	28,464	-228	-0.80%
Nov-95	28,424	28,678	-254	-0.89%
Dec-95	28,615	28,593	22	0.08%
Jan-96	28,842	28,816	26	0.09%
Feb-96	29,103	28,843	260	0.90%
Mar-96	29,236	29,172	64	0.22%
Apr-96	29,492	29,120	372	1.28%
May-96	29,709	29,463	246	0.83%
Jun-96	29,962	29,719	243	0.82%
Accuracy for year				-0.05%

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⁶ Forecast Accuracy Charts provided by the Department of Planning and Budget.

Local Responsible (LR) Population Forecast⁷

Month	LR Forecast	LR Actual	Absolute Error	Percentage Error
Jul-95	10,953	10,886	67	0.62%
Aug-95	11,007	10,909	98	0.90%
Sep-95	10,984	11,207	-223	-1.99%
Oct-95	11,094	11,232	-138	-1.23%
Nov-95	11,177	11,193	-16	-0.13%
Dec-95	11,085	10,884	201	1.85%
Jan-96	10,989	10,520	469	4.46%
Feb-96	11,221	11,025	196	1.78%
Mar-96	11,308	11,194	114	1.02%
Apr-96	11,325	11,111	214	1.93%
May-96	11,333	11,039	294	2.66%
Jun-96	11,373	11,117	256	2.30%
Accuracy for year				1.18%

D. Forecasting in other States

Two other states were looked at for comparison, Florida, which uses the NCCD model for input (similar to Virginia), and Minnesota, who utilizes another recognized model.

Florida utilizes the NCCD model to input to a self-made model called ARIMA. It has been used (with constant revision) since 1983. Florida uses a consensus process, although not as involved as Virginia. Error rates for FY95-96 were 1.3% for admissions and 3.1% for existing population.

Minnesota has used the Structured Sentencing Simulation (SSS) since 1988. Minnesota uses a very limited form of consensus in their process. Their error rate for the period FY95-96 is approximately -1.70%. The SSS Model is uniquely suitable for Minnesota because of their sentencing guidelines.

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⁷ Forecast Accuracy Charts supplied by the Department of Planning and Budget.

E. House Bill 1335 (1995)

On May 6, 1996, Governor George Allen vetoed House Bill 1335. HB 1335 was an effort by the General Assembly to codify the forecasting process in a manner similar to the revenue forecasting process.⁸

There is wide agreement that the adult and juvenile correctional population forecasting must be a broad-based, consensus-building, process. It is also generally agreed that the process should include all three branches of government.

Where there is not agreement, is contained in the Governor's veto of HB 1335. The Governor objects "... to the codification of the forecasting process in a manner that limits the Governor's ability, acting through the Secretary of Public Safety, to direct the efficient allocation of functions and resources among executive branch agencies."

Staff has thoroughly reviewed the existing forecasting process and its participants. We find that the Governor has significant input to, and control of the process, through the participants in the process. Some of the participants in the process are, the Secretary of Public Safety, Director of Juvenile Justice, the Director of the Department of Corrections, the Superintendent of the State Police, the Chairman of the Virginia Parole Board, the Director of the Department of Planning and Budget, and the Department of Criminal Justice Services.

In order to maintain the confidence in the process, it is crucial to have persons with knowledge and expertise in the subject, actively involved in the process who have no vested interest in the outcome, other than it be as accurate as possible. Only through this type of process can there be general confidence in the forecasts and widespread acceptance by the General Assembly in the ability of the process to generate accurate information to be used in funding decisions.

F. Recommendation

The process, in its current configuration, is generating reliable information with a low error rate. The process should be maintained, as is, and codified until a new method with a proven track record for accuracy is available.

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⁸ See Appendix C for complete text of the Governors veto of HB 1335.

⁹ See Appendix D for Policy and Technical Committee members who are responsible for the offender forecast.

VL Resources

The Role of General Government Elected Officials in Criminal Justice, U.S. Advisory Commission on Intergovernmental Relations, 1993.

<u>Virginia's Correctional System: Population Forecasting and Capacity</u>, Joint Legislative Audit and Review Commission, 1985.

Introduction to the Forecasting Process, Department of Planning and Budget.

Introduction to the NCCD Prophet Simulation Model: an Interactive Microcomputer Simulation System, National Council on Crime and Delinquency, 1996.

<u>Final Report on House Joint Resolution 402</u>, Commission on Prison and Jail Overcrowding, 1989.

VII. Acknowledgements

The Crime Commission wishes to thank the following for their assistance in the conduct of this study:

Paul Broughton, Department of Corrections

Mike Jones, National Council on Crime and Delinquency

John Forbes, Department of Planning and Budget

Ron Jordan, House Appropriations Committee Staff

Rich Stevens, Florida Division of Economic and Demographic Research

Mark Evenson, Minnesota Department of Corrections

Susan Carter, Minnesota Sentencing Guidelines Commission

Appendix A

House Joint Resolution 128

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HOUSE JOINT RESOLUTION NO. 128

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules

on February 6, 1996)

(Patron Prior to Substitute—Delegate Watts)

Directing the Virginia State Crime Commission to study and evaluate the methodology used to project Virginia's prison population.

WHEREAS, there exists a great concern among the people of the Commonwealth about the rate of violent crime and the impact it has on their lives; and

WHEREAS, in the 1994 Special Session of the General Assembly, new guidelines were adopted for the adjudication and punishment of those who commit a crime in the Commonwealth, especially those who choose violence; and

WHEREAS, with the significant policy changes embodied in the new sentencing guidelines and abolition of parole, there comes an enhanced need to assess the actual effect of these policies in order to ensure that prisons and ancillary programs are available; and

WHEREAS, if needs are over- or under-projected, the dollar cost and/or the costs in human suffering to potential crime victims are considerable; and

WHEREAS, in 1988, the Department of Corrections first instituted a computer simulation forecast program tracking 120 components to more accurately forecast prison populations, and the Sentencing Commission will use a computer simulation forecast program to conduct an assessment of the impact of all proposed legislation on correctional resource needs as directed by the 1995 Session of the General Assembly; and

WHEREAS, in recent years, computer-generated forecasts and assumptions have been reviewed by an informal group of representatives from the various affected agencies and departments, including local law-enforcement and corrections officials, the State Police, the Department of Criminal Justice Services, the Department of Corrections, the Department of Youth and Family Services, the Supreme Court, the Parole Board, the Sentencing Commission, and staff representatives from the legislative money committees: and

WHEREAS, there are numerous components of a comprehensive simulation program, including crime, arrest, and prosecution rates for various types of crimes; guidelines emulation and judicial compliance; rates of earned sentence credits; recidivism rates; and offender-mix distribution, all of which are part of accurately forecasting prison needs and are used to different degrees in various computer programs nationwide; and

WHEREAS, it may take as long as three years to bring prison space on-line from when the need is identified, and this will be increased if there is no confidence in the actual projected need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study and evaluate the methodology used to project Virginia's prison population. The Commission shall evaluate current methodologies used to project Virginia's prison population, including, but not limited to, historic accuracy, legislative involvement in projection assumptions, comparisons of the computer programs or methodology used by other states, projection horizon, timeliness, oversight, and recommendations for improvements.

The Commission shall conduct the study in collaboration with the Department of Criminal Justice Services, which shall also provide technical assistance for the study, including any projections, models, forecasting methodologies, and such other data and information as the Commission may require. Further, during the course of its deliberations, the Commission shall consult with the Virginia Criminal Sentencing Commission, the Departments of Corrections and Youth and Family Services, and any other agencies and entities with the expertise to assist in the study. All agencies of the Commonwealth shall provide assistance to the Commission upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Appendix B

Main Components of the Prophet III Population Projection Model and process flowchart

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VIRGINIA DEPARTMENT OF CORRECTIONS PROPHET III POPULATION PROJECTION MODEL

Main Features of PROPHET Model

- Includes both Old and New Law Prison Populations
- Models the Parole Population and the Parole Board Process
- Phases in the New Law while phasing out the Old Law

Prison Population - Old Law

Existing Population under Old Law

New Admissions under Old Law (Phased out gradually)

Parole Violator Returns under Old Law (Both Technical and New Sentenced)

Discretionary Parole Board Process for those Eligible

Mandatory Parole prior to Sentence Expiration for those Eligible

Pretrial Jail Credits

Goodtime Awards

Time until first PED based upon FTI group

HB1598 inmates handled separately

Parole Population - Old Law

Existing Parole Population (All Old Law)

New Parolees released from Old Law Prison Population

Lengths of Stay and Parole Violation Rates based upon actual data

Parole Violators recycled back to Prison Population (Old and New Law)

Technical Violators versus New Sentenced Violators based upon actual rates

New Sentenced Violators under New Law sent to New Law Prison Population

Prison Population - New Law

New Admissions under New Law (Phased in gradually)

Existing Population under New Law can be added (when needed)

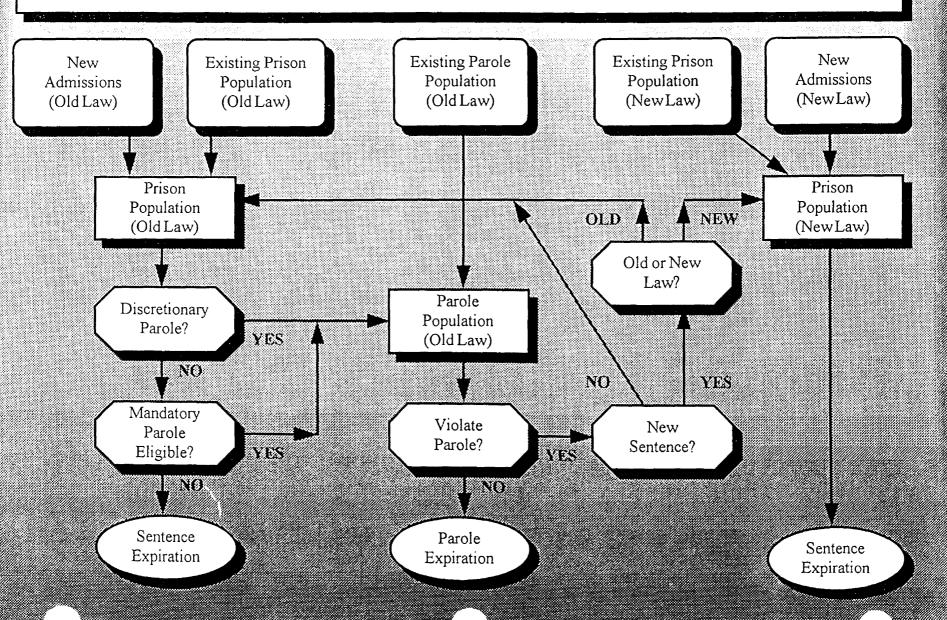
Parole Violator Returns with New Sentences under New Law

Pretrial Jail Credits

Goodtime Awards up to 15 percent of Sentence

- Projections of Populations, Admissions, and Releases are Available
- Projections can be broken out by Offense Groups as well as Law (Old or New)
- Model can be Modified in order to Simulate Alternative Scenarios

VIRGINIA DEPARTMENT OF CORRECTIONS PROPHET III POPULATION PROJECTION MODEL INMATE FLOW DIAGRAM



Appendix C

Governors veto of House Bill 1335



COMMONWEALTH of VIRGINIA

George Allen Governor Office of the Governor

May 6, 1996

TO THE HOUSE OF DELEGATES

HOUSE BILL NO. 1335

Pursuant to Article V, Section 6 of the Constitution of Virginia, I am vetoing House Bill 1335, which is attached hereto.

I agree that there must be a broad-based process for reviewing and approving adult and juvenile correctional facility population forecasts. Obtaining the most accurate forecast possible is essential for planning and for the efficient allocation of resources to and within the adult and juvenile correctional systems.

This consensus-building process should include the executive branch, represented by agencies within the Secretariat of Public Safety; the judicial branch, through the Virginia Criminal Sentencing Commission; and the legislative branch, through the Senate Finance and House Appropriations Committees and their staffs. Representatives of all three branches should be involved in reviewing and evaluating the assumptions and methodologies used to arrive at the official forecast. Notwithstanding my veto of this bill, I fully intend that my Secretary of Public Safety will work with the other branches of government to develop consensus forecasts.

I object, however, to the codification of the forecasting process in a manner that limits the Governor's ability, acting through the Secretary of Public Safety, to direct the efficient allocation of functions and resources among executive branch agencies. The amendments I submitted to the General Assembly would have codified a broad-based consensus-building approach and would have ensured that the management of purely executive branch functions remains properly within the purview of the Secretary of Public Safety. The rejection of those reasonable amendments has made it necessary for me to veto this bill.

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House Bill No. 1335 Page Two

The Secretary of Public Safety will be pleased to work with the patron and other sincerely interested members of the General Assembly during the coming year to develop acceptable legislation on this topic to properly achieve our common goals.

Governor

Appendix D

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