

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number: SB 1063**

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron: Deeds**

**3. Committee: Passed both houses**

**4. Title:** State Board of Corrections: membership and duties

**5. Summary:**

Under current law, the Virginia Board of Corrections is required to establish minimum operating standards for local and regional jails. The proposed legislation would expand the Board's powers and duties to include the development and implementation of policies and procedures for the review of any death, determined by the Board to warrant review, of an inmate incarcerated in any local, regional, or community correctional facility. The purposes of such review would be to determine:

- the circumstances surrounding the inmate's death, including any act or omission by the jail or its staff that may have contributed to the inmate's death; and
- whether the facility was in compliance with the Board's regulations.

If, in the course of a review of the death of an inmate in a local correctional facility, the board determines that it would be necessary to review the operation of an entity other than the jail, the legislation directs that it request the Office of the Inspector General to review the operations of that entity to the extent it has statutory authority to do so.

The legislation would require the Board to submit a detailed report of its findings of any review to the Governor, the General Assembly, and the Department of Corrections.

Finally, the legislation would reconstitute the composition of the Board. Under current law, the Board is composed of nine members appointed by the Governor and confirmed by the General Assembly. As for qualifications of the members, the current statute provides only that the Board shall include "persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction." The proposed legislation would require the Board to be comprised as follows:

- One former sheriff or former warden, superintendent, administrator, or operations manager of a state or local correctional facility;
- One person employed by a public mental health agency or with training in or clinical, managerial, or other relevant experience working with persons in the criminal justice system who have mental illness;

- One person with experience overseeing a correctional facility's or mental health facility's compliance with laws and regulations;
- One physician;
- One person experienced in administering educational or vocational programs in state or local correctional facilities;
- One person with experience in financial management or performing audit investigations;
- One citizen member who represents community interests; and
- Two persons with experience in conducting criminal, civil, or death investigations.

**6. Budget Amendment Necessary:** Yes. Partially funded; see Item 8.

**7. Fiscal Impact Estimates:** Final. See Item 8 below.

**8. Fiscal Implications:**

According to the Department of Corrections, there were 36 inmate deaths in local and regional jails in 2015 and 42 in 2016. The proposed legislation does not require the Board to review all deaths, only those it determines warrant review, and some of these deaths would be "routine", i.e. resulting from an underlying serious medical condition. However, to carry out its responsibilities under the legislation, the Board would need to gather some information about each death to determine if additional review were warranted. For some inmate deaths, the circumstances may warrant extensive review. In addition, for each review, the legislation requires the Board to prepare a detailed report. To carry out these responsibilities, the Board would need at least two additional staff and additional funds for travel.

The budget bill adopted by the General Assembly provides \$100,000 and one position for FY 2018 for the fiscal impact of the legislation. Because the Board would need some time to establish the policies and procedures for the review of deaths of jails, as required by the legislation, and there would be time needed to recruit and hire the staff person provided, that level of funding and staffing should be sufficient for the first year in which the bill would be effective. After FY 2018, additional staffing and funding is likely to be needed to enable the Board to carry out the provisions of the legislation.

**9. Specific Agency or Political Subdivisions Affected:**

Board of Corrections  
 Department of Corrections  
 Office of the State Inspector General  
 Local and regional jails.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 3/9/2017