

LD1570180

## HOUSE BILL NO. 910

Offered January 25, 1994

*A BILL to amend and reenact § 14.1-70 of the Code of Virginia, relating to fixing number of law-enforcement positions by the Compensation Board.*

Patrons—Croshaw, Abbitt, Albo, Armstrong, Barlow, Bloxom, Callahan, Cantor, Christian, Clement, Cooper, Cox, Crouch, Darner, Deeds, Fisher, Ingram, Keating, Miller, Mims, Moore, Phillips, Puller, Robinson, Spruill, Wagner, Wardrup and Way; Senators: Goode, Houck and Saslaw

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:****1. That § 14.1-70 of the Code of Virginia is amended and reenacted as follows:**

§ 14.1-70. Number of law-enforcement positions.

A. Except as provided in § 15.1-48 of the Code of Virginia, the respective number of full-time ~~deputies positions appointed by~~ *allotted to* the sheriff of a county or city shall be fixed by the Compensation Board after receiving ~~such recommendation requests and recommendations of~~ *from* the board of supervisors of the county or the council of the city ~~or the sheriff~~, as the case may be, as the board of supervisors, ~~or city council or the sheriff~~ may desire to make. Such ~~recommendation requests and recommendations~~, if any, shall be made to the Compensation Board on or before ~~April~~ February 1 of each year.

B. In any county without a police force:

~~upon 1.~~ *Upon* the request of the ~~board of supervisors of such county~~ *sheriff*, the number of such law-enforcement deputies shall be fixed at not less than one such deputy for each 2,000 population in such county excluding the population served by state educational institution police departments if the sheriff's department does not provide the majority of the law-enforcement activities to such population according to uniform crime reports compiled by the Department of State Police. The Compensation Board shall also consider any agreement the sheriff may have pursuant to § 15.1-131.3 and any obligation ~~he the sheriff~~ may have pursuant to this section to provide law enforcement for towns in fixing the number of deputies.

2. Beginning July 1, 1996, in any county without a police force, and upon the request of the sheriff, the number of law-enforcement deputies shall be fixed at not less than one such deputy for each 1,600 population excluding the populations served by state educational institution police departments if the sheriff's department does not provide the majority of the law-enforcement activities to such populations according to uniform crime reports which shall be compiled by the Department of State Police. In any county without a police force which has a population of less than 8,000, upon the request of the sheriff, the minimum number of law-enforcement deputies shall be fixed at five, provided that the sheriff provides the majority of law-enforcement services.

3. Beginning July 1, 1996, upon the request of the sheriff, in counties where the sheriff is responsible for law enforcement and dispatching, and correctional officers do not dispatch, the minimum number of communications positions shall be fixed at five.

C. Beginning July 1, 1996, upon the request of the sheriff, the minimum number of deputies fixed for service of process shall be based upon six papers served per hour in all cities and in counties with a population of 100,000 and above, three papers served per hour in counties with a population of 70,000 to 99,999, and two papers served per hour in counties with less than 70,000 population, and 1,750 hours per year of available time per deputy.

Beginning July 1, 1996, upon the request of the sheriff, the number of deputies fixed for courtroom and courthouse security shall be based upon a minimum of two deputies in circuit court, one in general district court, and one in juvenile and domestic relations court for criminal cases at eight hours per day per deputy when court is in session and 1,750 hours per year of available time per deputy.

D. Beginning July 1, 1996, upon the request of the sheriff, the number of deputies fixed for the Drug Abuse Resistance Education (DARE) program shall be based upon a minimum of one full-time equivalent position per ten schools with fifth grade classes and one full-time equivalent position per ten schools with eighth grade classes, provided that the sheriff's office has entered into an agreement with the Department of State Police to participate in the DARE program. The Department of State Police shall provide the Compensation Board with a list of sheriff's offices participating in the DARE program by February 1 of each year. The Department of Education shall provide the Compensation Board with a list of schools with fifth grade and eighth grade classes by locality by February 1 of each year.

E. Beginning July 1, 1996, upon the request of the sheriff, the number of administrative, support or

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60 clerical positions shall be fixed at not less than one position per twenty-five law-enforcement deputies,  
61 one position per 100 inmates of average daily population in the jail, and one position per ten court  
62 security and process server positions. The minimum number of administrative, support or clerical  
63 positions per sheriff's department shall be fixed at one.

64 F. Upon the request of the sheriff, the Compensation Board shall allocate additional jail deputies for  
65 new jail construction using a ratio of not more than one jail deputy for every 3.0 beds of operational  
66 capacity. Operational capacity shall be determined by the Department of Corrections. No additional jail  
67 deputies shall be provided to a local jail in which staffing exceeds this ratio unless the jail is  
68 overcrowded. "Overcrowding" (for staffing purposes only) shall be defined as when the yearly average  
69 daily population exceeds the operational capacity. In those jails experiencing overcrowding, the Board,  
70 upon the request of the sheriff, shall allocate a minimum of one additional jail deputy for every five  
71 average daily prisoners above operational capacity.

72 Upon the request of the sheriff, the Compensation Board shall allocate additional jail deputies and  
73 cooks to staff new jail capacity resulting from the renovation of existing facilities on the basis of a  
74 comprehensive analysis prepared by the locality and approved by the Department of Corrections of the  
75 staffing requirements of such facility.

76 G. Upon the request of the sheriff, the Compensation Board shall allocate additional positions to  
77 staff alternative incarceration programs operated by sheriffs' offices using a ratio of not more than one  
78 position for every five inmates participating in alternative incarceration programs approved by the  
79 Department of Corrections.

80 H. Beginning July 1, 1996, upon the request of the sheriff, in jails where food service is not  
81 contracted, the number of cooks shall be fixed at a minimum of one cook position in jails with an  
82 operating capacity of thirty to forty inmates, two cook positions in jails with an operating capacity of  
83 fifty to eighty-nine inmates, three cook positions in jails with an operating capacity of ninety to 299  
84 inmates, four cook positions in jails with operating capacity of 300 to 499 inmates, and five cook  
85 positions in jails with an operating capacity of 500 inmates and above.

86 I. Beginning July 1, 1996, upon the request of the sheriff, the number of medical, classification, or  
87 treatment positions shall be fixed at a minimum of one position per twenty-five inmates based on the  
88 yearly average daily population of inmates.

89 J. No positions shall be abolished between July 1, 1996 and June 30, 1997 in any sheriff's office in  
90 which the number of positions exceeds the standards established in subsections B, through I of this  
91 section. However, positions which become vacant after July 1, 1997 in any sheriff's office in which the  
92 number of positions exceeds the standards established in subsections B, through I of this section shall  
93 be reallocated by the Compensation Board to other sheriffs' offices whose staffing levels do not meet the  
94 minimum standards of this section.

95 K. The governing body of any county or city may ~~employ~~ fund a greater number of law-enforcement  
96 ~~deputies~~ positions than fixed by the Compensation Board, provided that the county or city shall pay the  
97 total compensation and all employer costs for such additional ~~deputies~~ positions.