

LD8301693

SENATE BILL NO. 555

Offered January 25, 1994

A BILL to amend and reenact § 14.1-70 of the Code of Virginia, relating to sheriffs' staffing.

Patrons—Lambert, Benedetti, Chichester, Colgan, Goode, Holland, R.J., Houck, Miller, K.G., Norment, Reasor, Saslaw, Stolle and Stosch; Delegates: Abbitt, Barlow, Bloxom, Christian, Clement, Cooper, Crouch, Darner, Deeds, Jones, D.C., Keating, Moore and Puller

Referred to the Committee on Finance

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 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 of requests and recommendations from the sheriff and the board of supervisors of the county or the council of the city, as the case may be, as the sheriff and the board of supervisors or city council may desire to make.~~ Such ~~recommendation requests and recommendations~~, if any, shall be made to the Compensation Board on or before ~~April 1~~ *February 1* of each year.

B. In any county without a police force, 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 may have pursuant to this section to provide law enforcement for towns in fixing the number of deputies.

C. Upon request of the sheriff, the Compensation Board shall allocate:

1. Additional jail deputies for new jail construction using a ratio of not more than one jail deputy for every three beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional jail deputies shall be provided to a local jail in which staffing exceeds this ratio unless the jail is overcrowded. For purposes of this section, "overcrowded" means when the yearly average daily population exceeds the operational capacity. In those jails that are overcrowded, the Board, upon request of the sheriff, shall allocate a minimum of one additional jail deputy for every five average daily prisoners above operational capacity.

2. Additional jail deputies and cooks to staff the new jail capacity resulting from the renovation of existing facilities, on the basis of a comprehensive analysis of the staffing requirements of such facility prepared by the locality and approved by the Department of Corrections.

3. Additional positions to staff alternative incarceration programs operated by sheriffs' offices using a ratio of not more than one position for every five inmates participating in alternative incarceration programs approved by the Department of Corrections.

D. Beginning July 1, 1996, upon request of the sheriff:

1. In any county without a police force, 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 for 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 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.

2. In any county 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.

3. The minimum number of deputies fixed for service of process shall be based upon 1,750 hours per year of available time per deputy and (i) six papers served per hour in all cities and in counties with a population of 100,000 and above or (ii) three papers served per hour in counties with a population of 70,000 to 99,999 or (iii) two papers served per hour in counties with less than 70,000 population.

4. The number of deputies fixed for courtroom and courthouse security in criminal cases shall be

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SB555

60 based upon 1,750 hours per year of available time per deputy with a minimum of two deputies in the
61 circuit court, one in the general district court, and one in the juvenile and domestic relations court for
62 eight hours per day per deputy when court is in session.

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

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

76 7. In jails where food service is not contracted for, the number of cooks shall be fixed at a minimum
77 of (i) one cook position in jails with an operating capacity of 30 to 49, (ii) two cook positions in jails
78 with a operating capacity of 50 to 89, (iii) three cook positions in jails with an operating capacity of 90
79 to 299, (iv) four cook positions in jails with operating capacity of 300 to 499, or (v) five cook positions
80 in jails with operating capacity of 500 and above.

81 8. The number of medical, classification, or treatment positions shall be fixed at a minimum of one
82 position per 25 inmates based on the yearly average daily population of inmates.

83 E. No positions shall be abolished between July 1, 1996, and June 30, 1997, in any sheriff's office
84 where the number of positions exceeds the minimum standards established in subsection D of this
85 section. Positions that become vacant after July 1, 1997, in sheriffs' offices where the number of
86 positions exceeds the standards established in subsection D shall be reallocated by the Compensation
87 Board to sheriffs' offices where staffing levels do not meet the minimum standards of this section.

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