

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB713

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

2. Patron: Deeds

3. Committee: Judiciary

4. Title: Emergency custody order; duration.

5. Summary: Provides that a law enforcement officer may transfer custody of a person who is the subject of an emergency custody order to a facility or location that has been authorized by the Department to accept custody of a person who is the subject of an emergency custody order upon a finding by the Department that the facility or location is capable of providing the level of security necessary to protect such person and others from harm and that in cases in which custody of a person who is the subject of an emergency custody order has been transferred to a facility licensed to provide up to 23 hours of crisis stabilization services, the emergency custody order shall be valid for a period not to exceed 23 hours from the time of execution. Currently, all emergency custody orders are valid for a period of up to 8 hours.

6. Budget Amendment Necessary: Indeterminate.

7. Fiscal Impact Estimates: Preliminary – See Item 8.

8. Fiscal Implications: This legislation allows for the acceptance of individuals under an emergency custody order (ECO) at facilities licensed to provide crisis stabilization services if the Department of Behavioral Health and Developmental Services (DBHDS) has found that the facility has sufficient security necessary. The bill allows for the extension of the ECO period of up to 23 hours if the individual is being held at a facility licensed to provide crisis stabilization services.

If the legislation is interpreted to provide full authority to DBHDS to determine which sites have sufficient security, there is no fiscal impact, because no crisis stabilization services would be required to meet this level of security. If there are no centers with sufficient staffing to become authorized to accept ECOs, then individuals cannot be transported to those locations and traditional ECO procedures would be followed. However, this legislation would allow for alternative sites to be used if security is sufficient, although additional funds would be necessary to meet the security requirements.

Currently, the licensing process for crisis stabilization services does not require a facility to have a security presence and they are not typically staffed to provide for the needs of an

individual under an emergency custody order. To ensure a safe environment for staff and the clients being served in these licensed facilities, DBHDS expects to need additional staffing at these centers in order to ensure that licensed facilities are prepared to receive these individuals. If an individual de-escalates in a crisis stabilization center, the need for a continued ECO order may be unnecessary. It is difficult to project the exact amount of needed staffing due to the continually changing landscape of Virginia's crisis continuum and the flow-through of an individual from one level of care to another. Therefore, the fiscal impact is indeterminate.

For the purposes of discussion, the analysis below shows the projected impact of increasing security in order to accommodate ECOs at the eight to ten Crisis Receiving Centers (CRCs) planned for development in FY 2023 and FY 2024. The introduced budget includes \$9.0 million in each year for the creation of CRCs. As planned, the CRCs were not anticipated to be staffed to accept ECOs, and thus the funding in the introduced budget does not account for those costs and the amounts in the table below would be in addition to the proposed funding.

In order to meet security needs for this population, it is estimated that each CRC would require a minimum of four security officers, with more populous regions such as Northern Virginia requiring six to eight. For the purpose of this FIS, a range with a minimum of four FTE's and a maximum of eight FTE's per CRC will be used, assuming a total of 10 CRCs. For this calculation, a range of 40-80 FTEs is assumed with an average salary of \$60,000 (\$97,896 with fringe). This results in a minimum of \$3,915,840 and a maximum of \$7,831,680, with a median of **\$5,873,760**.

Per Program Costs (Non-Nova)**	FY23 Ongoing 40 FTE	FY24 Ongoing 40 FTE	FY23 Ongoing 80 FTE	FY24 Ongoing 80 FTE
Salary, Fringe,	\$3,915,840	\$3,915,840	\$7,831,680	\$7,831,680
Total	\$3,915,840	\$3,915,840	\$7,831,680	\$7,831,680

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.