

## **Department of Planning and Budget 2024 Session Fiscal Impact Statement**

**1. Bill Number:** HB555

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

**2. Patron:** Hope

**3. Committee:** Appropriations

**4. Title:** Office of the Department of Corrections Ombudsman; created

**5. Summary:** Creates, within the Office of the State Inspector General, the Office of the Department of Corrections Ombudsman (the Office) headed by an Ombudsman who is selected by a Corrections Oversight Committee (the Committee), also created by the bill. The bill provides that the Committee is made up of four members of the General Assembly and 11 nonlegislative citizen members who monitor the activities of the Ombudsman and the Department of Corrections (the Department). The bill provides the Office's authority to conduct inspections at least once every three years and more often when warranted and requires the Office to establish confidential telephone hotlines and online forms for concerns, complaints, and inquiries by inmates, their family members and advocates, and Department employees and contractors. In addition, the bill requires the Committee to conduct quarterly public hearings and submit an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, and the Director of the Department.

**6. Budget Amendment Necessary:** Yes, Items 56 and 390 of HB/SB 30. Also see Item 8 below.

**7. Fiscal Impact Estimates:** Preliminary; see Item 8.

**8. Fiscal Implications:** This bill creates within the Office of the State Inspector General (OSIG), an Office of the Department of Corrections Ombudsman (the Office), and a Corrections Oversight Committee.

An Office of the Department of Corrections Ombudsman was created within the Office of the State Inspector General in Chapter 1, 2023 Acts of Assembly, Special Session I. This bill would expand upon the requirements and authority of this office. OSIG received \$250,000 general fund and two positions to establish the office that remain in the agency's budget in HB/SB 30 as introduced and can be used to meet a portion of the requirements of the bill. A Corrections Oversight Committee was also established in Chapter 1 and its authority and composition is modified by this bill.

Office of the State Inspector General Impact:

Revised 1/30/2024 to accommodate additional information received from state agencies.

Staff and associated costs in excess of the \$250,000 and two positions in OSIG's budget in HB/SB 30 would have to be funded. Preliminary estimates for staffing the Office under OSIG as outlined in the bill with an Ombudsman director, at a cost of \$164,450, up to 11 assistant ombudsmen positions, at a cost of \$128,700 each, and two technical support staff members, at a cost of \$128,700 each, would cost approximately \$1.6 million general fund annually after accounting for the \$250,000 in HB/SB 30. In addition, OSIG estimates additional funding for leasing office space, purchasing office equipment, IT costs, and contracting for other services including subject matter experts at a cost of \$281,809 annually in addition to \$23,660 for initial one-time costs.

Preliminary estimates for a statewide uniform reporting system required in the bill are \$65,000 the first year and \$20,000 the second year and thereafter.

Preliminarily, the known expected costs for OSIG total \$1,958,019 the first year and \$1,889,359 in annual ongoing general fund costs and 12 additional positions after accounting for the \$250,000 and two positions in the agency's budget in HB/SB 30 as introduced.

Department of Corrections (DOC) Impact:

DOC estimates that up to three DOC staff members dedicated to assisting with human resources and data collection as provided in the bill would cost approximately \$266,073 general fund annually for salary and benefits.

The bill requires that inmates have access to an online form to transmit complaints to the Office. The electronic form must be available to inmates during certain hours of the day on at least 10 computers in each DOC facility and on any electronic tablets or other electronic computing devices that inmates are permitted to possess, use, or access. DOC estimates the cost to purchase and install the required 10 computers in all 42 DOC facilities (420 computers total) at \$1,344,000 general fund the first year and \$839,000 for ongoing costs the second year and thereafter. Estimates include costs to provide secure internet access limited only to the complaint form and to run network infrastructure to the location of the computers,

The bill requires a secure inmate telephone hotline (the inmate hotline) to be made available to all Department inmates, employees, and contractors to file complaints and inquiries regarding covered issues. The Director shall ensure that the inmate hotline and its use are made available to all inmates free of charge. The Office and Director shall guarantee that calls to the inmate hotline are confidential and are not monitored or recorded. DOC estimates the cost of facility phone lines for the inmate hotline at \$14,352 annually.<sup>1</sup>

The bill requires reasonable access by the Office and Oversight Committee, in person or in writing, and with or without prior notice, to all Department facilities, including all areas that are used by inmates, all areas that are accessible to inmates, and to programs for inmates, at reasonable times, which at a minimum shall include normal working and visiting hours. The bill allows for confidential interviews with inmates, DOC employees, contractors, etc. The bill also sets requirements for periodic inspections of correctional facilities. Per § 53.1-17.3 of the bill, Oversight Committee inspections would only be conducted in person and without

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<sup>1</sup> The \$14,352 estimated annual cost to DOC for phone lines could be absorbed by the agency.

notice. According to DOC, Correctional Officers would escort staff of the Office and Oversight Committee during the visits, interviews, and inspections required by the bill. It is not clear at this time if these visits, inspections, and interviews would require staff to work overtime if those on shifts are unable to be assigned for these specific tasks.

DOC's existing grievance procedures would remain in place and are required to be attempted to be utilized prior to the initiation of an investigation by the Office of the Department of Corrections Ombudsman. Therefore, no changes to existing DOC resources dedicated to its internal grievance process are expected.

Preliminarily, the known expected costs for DOC total \$1,624,425 the first year and \$1,119,425 in annual ongoing general fund costs and three additional positions.

Office of the Attorney General and Department of Law Impact:

The Office of the Attorney General and Department of Law (OAG) indicates this bill is likely to increase the number of annual advice requests and court cases referred to OAG correctional litigation staff. However, the number of cases that would be referred to the OAG is unknown at this time. To the extent the bill has a litigation impact on the OAG, the general fund cost for one experienced litigation attorney is \$140,752 per year. For approximately every four attorneys hired, OAG will also need to hire a paralegal at \$100,178 per year, a legal secretary at \$86,965 per year, and an administrative position at \$104,152 per year.

Language in paragraph G. of Item 56 of HB/SB 30 would need to be adjusted to conform with the bill and reflect adjustments to funding for this purpose.

- 9. Specific Agency or Political Subdivisions Affected:** Office of the State Inspector General, Department of Corrections, and the Office of the Attorney General

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** This bill is similar to Senate Bill 456.