

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB555

House of Origin Introduced Substitute Engrossed
 Second House In Committee Substitute 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 six 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 of correctional facilities 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. The Office shall submit an annual report to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on Public Safety, the Committee, and the Director of the Department. In addition, the bill requires the Committee to conduct at least two random inspections each year, quarterly public hearings and a hearing on the annual report of the Office, and for the co-chairmen of the Committee to meet at least twice per year with the Governor and Director to report on the Committee's work and findings.

6. Budget Amendment Necessary: Yes, Items 1, 49, 56 and 390 of HB/SB 30.

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

7a. Expenditure Impact: Office of the State Inspector General, Item 56

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2024 | - | - | |
| 2025 | \$2,116,679 | 12 | General |
| 2026 | \$2,051,399 | 12 | General |
| 2027 | \$2,051,399 | 12 | General |
| 2028 | \$2,051,399 | 12 | General |
| 2029 | \$2,051,399 | 12 | General |
| 2030 | \$2,051,399 | 12 | General |

7b. Expenditure Impact: Department of Corrections, Item 390

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2024 | - | - | |
| 2025 | \$1,624,425 | 3 | General |
| 2026 | \$1,119,425 | 3 | General |
| 2027 | \$1,119,425 | 3 | General |
| 2028 | \$1,119,425 | 3 | General |
| 2029 | \$1,119,425 | 3 | General |
| 2030 | \$1,119,425 | 3 | General |

7c. Expenditure Impact: Office of the Attorney General and Department of Law, Item 49

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2024 | - | - | |
| 2025 | \$1,191,146 | 9 | General |
| 2026 | \$1,191,146 | 9 | General |
| 2027 | \$1,191,146 | 9 | General |
| 2028 | \$1,191,146 | 9 | General |
| 2029 | \$1,191,146 | 9 | General |
| 2030 | \$1,191,146 | 9 | General |

7d. Expenditure Impact: General Assembly of Virginia, Item 1

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2024 | - | - | |
| 2025 | \$4,200 | - | General |
| 2026 | \$4,200 | - | General |
| 2027 | \$4,200 | - | General |
| 2028 | \$4,200 | - | General |
| 2029 | \$4,200 | - | General |
| 2030 | \$4,200 | - | General |

- 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:

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 are \$1,837,550 per year, which includes the Ombudsman, 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. In addition, OSIG estimates funding for leasing office space, purchasing office equipment, IT costs, staff travel costs, and contracting for other services including subject matter experts at a cost of \$421,705 annually in addition to \$20,280 for initial one-time costs.

Corrections Oversight Committee members are eligible for reimbursement of expenses. Reimbursements are estimated to be \$22,144 per year if the minimum required hearings, inspections, and co-chair meetings per year are conducted, although additional meetings and inspections may occur.

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 \$2,116,679 the first year and \$2,051,399 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. Paper copies of the form must also be made available at no cost to inmates and the Department shall not require inspection of the contents prior to forwarding the form to the Office. DOC expects to make the paper forms, as developed by the Office of the Ombudsman, available to inmates. An estimate is not currently available for postage.

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.¹

The bill requires reasonable access by the Office and Oversight Committee, upon request in person or in writing, and with or without prior notice, to all Department facilities, including

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

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 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. According to OAG, seven additional attorneys, one paralegal, and one legal secretary may be needed to handle additional advice requests and court cases. OAG estimates costs for one experienced attorney at \$182,297 per year, six entry level attorneys at \$136,951 per year, one paralegal at \$100,178 per year, and one legal secretary at \$86,965 per year, for a total of \$1,191,146 annually and nine positions from the general fund.

General Assembly of Virginia:

The bill provides that Corrections Oversight Committee members are not eligible to receive compensation, as does language in Item 56 of HB/SB 30. However, language in Item 1 of HB/SB 30 requires compensation of legislative members notwithstanding other provisions of law. Therefore, it is assumed that legislative members will need to be compensated at \$300 per day pursuant to the provisions of Item 1 of HB/SB 30. The cost of the two additional legislative members called for in the bill beyond the four legislative members already established in Chapter 1, 2023 Acts of Assembly, Special Session I, is estimated to be \$4,200 general fund per year if the minimum hearings and inspections per year are conducted, although additional meetings and inspections may occur.

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, Office of the Attorney General, and the General Assembly

10. Technical Amendment Necessary: No

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

2/13/2024