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COMMONWEALTH of VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

November 6, 2002

The Honorable Sandra D. Bowen
Secretary of Administration
9th Street Office Building, 6th Floor
202 North 9th Street
Richmond, VA 23219

Dear Secretary Bowen:

This is in response to your request for our input regarding the following proposal currently under consideration by the Wilder Commission:

Consider the elimination of the Compensation Board and either funding local constitutional officers with block grants or transferring funding and other responsibilities to appropriate existing agencies (e.g., Commissioners of Revenue to Taxation, Sheriffs to Corrections)

Prior to directly addressing the recommendation of the Wilder Commission regarding the Compensation Board, it is important to understand the evolution of the Compensation Board over the past 20 years, and place these changes in perspective.

Evolution of the Relationship between Constitutional Officers and the Compensation Board

From its inception in 1934 to well into the 1970's, the Compensation Board approved Constitutional Officers' budgets and reimbursed their approved expenses without benefit of salary scales, workload based staffing standards, or written policy guidelines. Constitutional Officers and local governments never knew how much, or even when, they would expect Compensation Board funding or additional positions.

In addition to the perception of micromanagement of the day-to-day activities of the Constitutional Officers, the absence of clear and understandable policy guidelines and staffing standards resulted in the perception of political favoritism. It appeared that those Constitutional Officers in favor with the Governor or key members of the General Assembly were approved more than those who were not. Disputes between the Constitutional Officers, local governments and the Compensation Board were usually settled in court, oftentimes with the Compensation Board on the losing side.

Members of the General Assembly, Constitutional Officers, local governments and Compensation Board members began to call for changes in the manner in which the Compensation Board conducted business. Between 1972 and 1994 there were 17 initiatives to review funding alternatives for Constitutional Officers.

Efforts from the 1970's to 1994 concentrated on abolishing the Compensation Board and providing state funds for Constitutional Officers by block grant. These efforts were resisted by Constitutional Officers, local governments and the legislature. With the defeat of Senate Bill 248 in 1991, which sought to implement the block grant approach recommended by a 1990 JLARC study, the Constitutional Officer associations began to call for increased support from the Compensation Board in the form of staffing standards, policy manuals, training and automation. The 1994 Blue Ribbon Strike Force report calling for block grant funding from the Compensation Board was opposed by all Constitutional Officer associations.

At the request of the Constitutional Officers, the General Assembly, through a series of actions in the past eight years, has placed greater responsibilities on the Compensation Board in order to improve the services that Constitutional Officers deliver on a daily basis to citizens of the Commonwealth. This process has been evolutionary in nature. It has required a consensus-building approach on the part of the Constitutional Officers, the Compensation Board and the General Assembly. Rather than mandate training, the General Assembly has made it available. Rather than mandate improved employee development, the General Assembly has made the process available to those Constitutional Officers wishing to participate. Rather than developing staffing standards, the General Assembly directed the Compensation Board to develop the standards in cooperation with the Constitutional Officers.

Wilder Commission Proposal

The fundamental question before the Wilder Commission appears to be two fold: 1) the very existence of the Compensation Board as an agency to provide funding for Constitutional Officers, and, 2) the use of "block grants" to fund the Constitutional Officers. To address these questions, it is important to understand the role of Constitutional Officers in the framework of Virginia government, the Compensation Board's strengths in working with Constitutional Officers, and consideration of the realities of a block grant approach.

Constitutional Officers and Compensation Board Support

The primary functions the Compensation Board administers originate in Article VII, Section 4 of the Constitution of Virginia. It is here that the five "Constitutional Officers" are enumerated as being elected by voters in each county and city. The assumption of the Commonwealth sharing in the funding of these offices is based on the realization that these officers provide services that benefit local citizenry, but indirectly and in some instances directly, benefit all citizens of Virginia by providing funding from the Commonwealth to allow for a basic level of service in each locality.

In order to maintain a system of checks and balances, as well as separation of powers, the Constitutional Officers must have an executive branch agency to allocate funds appropriated by the legislature, with a right of judicial review by appeal. Additionally, Constitutional Officers cannot remain independent, and answerable to the people, if they are dependent upon funding administered solely by the local government. As elected representatives of the people, Constitutional Officers must never become totally dependent upon either state or local funding, and must remain free of restrictive regulations concerning the daily management of their offices.

Perhaps the greatest strength of the Compensation Board is the individual, personalized service the board and its staff is able to provide to Constitutional Officers, thus supporting the officers and their efforts to directly answer to the people of Virginia. This individual attention, however, is handled within the confines of an objective framework of budget review and staffing standards developed in conjunction with the individual officer associations. The Board is able to fairly and objectively address Constitutional Officers' requests for funding by its reliance on workload based staffing standards, compensation and classification plans and written policies regarding other funding issues. The Board's mission - to determine and set a fair and reasonable budget for the Constitutional Officer - demands this constant attention to objectivity and equity in the decision making process.

Another strength of the current approach is the Constitutional Officers' right to appeal Compensation Board and local government budget decisions to a three-judge panel. No other unit of local government - school boards, social service boards, police departments - has this right under law. Personalized, individual service handled in an equitable and objective manner, along with a statutory right to appeal annual budget decisions, combine to make the Compensation Board an effective and reasoned voice for the 650 officers throughout the Commonwealth.

Another strength of the Compensation Board is its leadership role in getting technology into the offices of these elected officials. Not only has the Compensation Board automated its systems, but also it has provided \$18.4 million in state funding to Constitutional Officers for information technology equipment in fiscal years 97 to 01. This leadership role in technology has allowed the Constitutional Officers to meet greater customer demands over the years without a corresponding increase in staff.

Another strength derives from the Compensation Board's shift to information management. For example, when Compensation Board staff conducts an audit of a jail's data submission into LIDS, the primary purpose is to ensure that the facility is properly reporting their inmate populations, both in numbers and classification demographics, as the reported information translates into the payment of per diem support to the jail or locality. However, an important by-product of that audit is oftentimes increased operational efficiency at the jail's records room and a greater understanding by jail management of population trends and the fiscal impact of jail operations at the local level. Similarly, Compensation Board assistance to Circuit Court Clerks in automating land records goes beyond the administration of the Technology Trust Fund, to include project management over private sector consultants advising clerks on appropriate technological solutions to their records management needs.

Building upon its major strength of providing personalized and individual service to Constitutional Officers, the Compensation Board conducts training for newly elected Constitutional Officers in December of each year. These officials receive in-depth training from subject matter experts in the Compensation Board, Auditor of Public Accounts, Office of the Attorney General, Division of Risk Management and other state agencies on such diverse topics as lawful employment, conflicts of interest, risk management, and audit procedures. In 1997, the General Assembly, at the request of the Constitutional Officers, directed the agency to provide three additional annual training sessions (Lawful Employment, Jail Liability and New Deputy), each designed to address particular topics in day-to-day operations handled by Constitutional Officers.

The Compensation Board's role in automation and information management goes beyond the efficiency of service delivery to the ability of the Commonwealth's numerous policy and budgetary decision makers to make informed decisions on topics from jail population and DOC prison intake trends to staffing levels in the offices of Commonwealth's Attorneys, from the true cost to operate a particular jail from all funding sources to funding mechanisms for enhancing the retrieval capabilities of land records in 120 Clerks' offices. Information and knowledge are required by Executive and General Assembly decision makers, and the Compensation Board recognizes as a strength its ability to collect, collate, maintain, and where appropriate, audit data attached to fiscal transactions to produce accurate and timely reports and database files.

Finally, the Master Deputy, Treasurers' Career Development and Career Prosecutor Programs, for which development was spearheaded by the Compensation Board, represent an agency strength as the Board moves from a reimbursement mechanism to a management development resource.

Block Grant Approach

For over the past 10 years, the Compensation Board has determined the allocation of 95% of its appropriation in accordance with staffing standards. These standards, simply put, determine which offices are due positions, and how many of them they need. If an office's workload decreases, it loses positions, and those positions are reallocated to offices with a need. A block grant, no matter how well crafted, will not recognize immediate increases and decreases in a specific office's workload, and will not be able to shift resources accordingly. Further, if a block grant is to be based on something as meaningful as actual workload data, someone, somewhere, is going to have to collect it, compile it, audit it and analyze it. This is precisely what the Compensation Board does now, every year, for each of the 650 Constitutional Officers in the Commonwealth.

The primary reason behind a block grant approach to funding Constitutional Officers would seem to be the long-term savings to the Commonwealth that would be realized by not increasing the block grant to allow for new positions or pay raises for Constitutional Officers and their employees. Just as the "599" funding for police departments has remained level funded or been reduced during most of its 20 year existence, a block grant would serve to cap the expenditure of state funds going to local governments for Constitutional Officers. While this

may appear to be a cost savings to the taxpayer in support of state government services, the cost to the taxpayer for the services provided by the Constitutional Officers will not diminish; the cost will simply be supported by a transfer from state taxpayers to local taxpayers. As the taxpayer's demand for services from Constitutional Officers increases, so will the costs. Heretofore, these costs have been shared between the Commonwealth and local government. With a block grant, the Commonwealth's share would quickly diminish over time.

For example, the General Assembly approved 119 additional law enforcement deputy positions last year to meet the staffing standard requirements of one deputy per 1,500 of population. Loudoun County received 28 of these positions. With a block grant, would Loudoun County have received funding for these increased needs at all? If the block grant formula was developed to recognize these increased needs, then why have a "block grant" at all? The same premise holds with pay raises. In the 2000 General Assembly session, the 3.25% pay raise for Constitutional Officers and employees cost an estimated \$7.3 million in FY01 and approximately \$12.5 annually. Would a formula be included in the block grant to take into account the cost-of-living adjustments needed to support staff in these offices? If the intent of the block grant is to control increasing costs to the Commonwealth, then why include a formula in the grant to allow for pay increases? And, again, if pay increases are to be considered in the block grant, what is the purpose of having a block grant?

A block grant would be expended by the locality in total. In FY00, Compensation Board general fund year-end balances were \$21,440,544; in FY01, they totaled \$7,370,314, and in FY02, they would have been \$8,574,126 (\$7,993,999 was pre-paid prior to year-end to offset future FY03 budget reductions, leaving a balance of \$580,127). These funds reverted to the General Fund of the Commonwealth on June 30 of each year to be reappropriated by the Governor for other priorities. These balances existed each year because of the management and oversight of the Compensation Board; with a block grant, no year-end balances would be available.

Currently, Constitutional Officers and local governments have the right under law to appeal Compensation Board budget decisions. With a block grant, this right would be lost, as there would no longer be any discretion involved in the decision making process.

A block grant would not allow for emergency funding needs to be addressed during a fiscal year. For example, the Compensation Board has already addressed Sheriffs' overtime costs associated with the Jennifer Short investigation in Henry County, and will soon be receiving requests for assistance from the Spotsylvania and Hanover Sheriffs to address costs incurred from the Sniper murders.

A block grant, or having current Compensation Board duties spread out over 3 or 4 other agencies, would not allow for the immediate response often required from the criminal justice community in times of emergency. For example, immediately after September 11, we received inquiries from federal agencies regarding information in our LIDS database. On October 23, 2002 we were asked by the Virginia State Police and Virginia Sheriffs' Association to immediately develop a notification system for law enforcement in order to disseminate information to police chiefs and sheriffs. Because of the devotion of the agency's information

technology staff specifically to constitutional officer needs and the agency's systems, this system was developed, tested and operational on October 31.

To recommend a block grant approach to funding Constitutional Officers is to recommend a diminution of Constitutional Officers' autonomy and independence. If it is the desire of the Commission to restructure local government as well as state government, then this is certainly an avenue through which to do it. Constitutional Officers will forever be indebted to county administrators and city managers. The right of individual citizens to elect their own local government officials would be negated. From a local government perspective, one would only have to look at "599" funding to see that this is also a means of forever reducing state funding for Constitutional Officers and therefore a means of reducing aid to localities. The services performed by constitutional officers will still need to be performed. This is nothing more than a means of reducing state funding while requiring localities to pick up more of the costs.

The actual "cost" of a block grant system, or splitting the Compensation Board duties among state agencies, is not measured as much in dollars as it is in service reductions to the Constitutional Officers, the loss of independence of the Constitutional Officer, and the resulting loss in services to all citizens of the Commonwealth. With a block grant, the Constitutional Officer will simply become another department of local government, with no right to appeal any action of the Commonwealth or local government, no matter how arbitrary, capricious or partisan. As long as these officers remain elected, they must receive funding from both the local government and the Commonwealth, and have the right of judicial appeal to address those funding decisions. Otherwise, the election serves no more purpose than a popularity contest.

Transfer of Compensation Board Duties to Other Agencies

It is unclear from the recommendation before the Wilder Commission precisely which Compensation Board functions and duties are to be transferred to other agencies. If we assume that all current duties are to be dispensed among various agencies, the only actual direct dollar savings would be the salary for the Chairman of the Compensation Board (\$19,864 annually). While it could be argued that a direct savings would be realized with the abolishment of the Executive Secretary position as well, it is highly likely that additional management oversight would be required in the various agencies being assigned Compensation Board duties, requiring either additional management positions in those agencies, or salary increases for existing managers taking on these additional functions.

Merging services into DOC functions is taking a step backwards, by at least 20 years. In 1983, responsibilities for per diem payments made to local jails were transferred from DOC to the Compensation Board due to DOC's inability to make prompt, accurate payments. In 1996, the jail inmate reporting function was also transferred from DOC to the Board. Once again, this function was removed from DOC due to their inability to computerize inmate data or their reluctance to assign the necessary resources to automate the system. In other words, assigning resources to fix a problem affecting local government was given a low priority. As a result, the General Assembly moved the responsibility to the Compensation Board.

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A thorough analysis of the additional duties the Compensation Board has picked up over the past several years will reveal that these increased duties and responsibilities came about not because the Board or its staff were looking for additional duties but because the General Assembly and Governors recognized the ability of the Board and its staff to get a job done and its ability to do it in a cost effective, efficient, timely manner. The General Assembly and Governors recognized that, relative to its duties, functions, and responsibilities, the Board's overhead and administrative costs are probably the best of any agency in the state. Rather than merging a small, efficient, low overhead agency into other agencies with huge bureaucracies and high overhead, perhaps the Commission should look to the Compensation Board as a model for other state agencies.

Finally, I would like to comment on the "transfer" option noted in the Wilder Commission recommendations. I have addressed the fallacy of the block grant approach in the paragraphs above but feel the need to add an additional element to the discussion. The notion of "(t)ransferring funding and other responsibilities to appropriate existing agencies" sounds logical and well thought out. But the reality speaks otherwise. Can anyone who works with the Sheriffs and the Virginia Sheriffs' Association really believe that the Department of Corrections would stand up for the legislative/policy issues of the Sheriffs? This is a responsibility of the Compensation Board in its role as liaison between the locally elected officials and the Commonwealth. Ask any number of Commissioners of the Revenue about how well their voice was heard at Tax under the prior administration and the picture will be clear. Constitutional Officers need an objective voice in the decision making process within state government. This "other responsibility" is not one that can be transferred. It is derived from many years of building relationships with these independent officials and their associations and those relationships, rather than being transferred, would be destroyed.

The approval of block grant funding, or the abolishment of the Compensation Board would quickly result in the demise of Constitutional Officers in Virginia.

I look forward to discussing these matters further at your convenience.

Respectfully,



Frank Drew
Chairman

c: Bruce W. Haynes, Executive Secretary

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November 26, 2002

The Honorable L. Douglas Wilder
Distinguished Professor
Virginia Commonwealth University
Post Office Box 842028
Richmond, VA 23284-2028

Re: Proposal to Abolish the Compensation Board

Dear Governor Wilder:

I write, on behalf of the Commissioners of the Revenue Association of Virginia, the Virginia Association of Commonwealth's Attorneys, the Treasurers' Association of Virginia, and the Virginia Association of Local Elected Constitutional Officers (VALECO), in opposition to the suggestions, still before the Governor's Commission on Efficiency and Effectiveness in Government, to abolish the Compensation Board, to move to a "block grant" approach to funding of constitutional offices, and/or to disperse "oversight" of the constitutional officer programs to unspecified "appropriate" state agencies. You no doubt will hear from many of these officers in the public hearing scheduled for later today, but those comments are likely to come after the Commission has already taken action on these suggestions. Many have observed that a public hearing that comes after the decisions have been made is at best an exercise in hollow political hypocrisy; I hope that they are wrong, at least as far as this subject is concerned.

Before addressing the merits (or lack thereof) of these proposals, I am compelled to begin on a personal note, much as you did at the last full Commission meeting. It has been a source of deep dismay for constitutional officers to observe one who once ran for office as their champion take up a crusade to eliminate the tiny state entity that provides budget management, training, information technology, and numerous other sources of support for these offices, which serve a vitally important function in providing services directly to citizens. I enclose a copy of a speech you gave to constitutional officers, assembled for VALECO's Annual Meeting, during the fall of 1989, and hope you will have the opportunity to reflect upon your views as a candidate. Virginia's constitutional officers shared your beliefs then, and believe in them still. They appreciated the leadership you provided for Virginia's constitutional officers -- on

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occasions and issues including those trumpeted in your 1989 speech -- and believe that, if anything, the case for strengthening these offices is even greater than when you spoke these words. They respected that, when difficult economic times buffeted the early years of your Administration, you expected them to manage with less, but never once suggested that these offices ought to be singled out for actions that would have irreparably damaged them.

In short, they remember you as a friend, and find themselves at a loss to explain what appears to be an extraordinary reversal of course. They remember you as an advocate, and struggle to reconcile that memory with the visceral rebuke issued at the Commission's last meeting to those whose only transgression was having the temerity to follow with unabashed interest a public body's discussion of public policy fundamentally affecting the 14,000 public employees in their offices and the millions of Virginia citizens whom they serve, day in and day out.

The Suggestion on the Merits

An Amorphous Suggestion. Constitutional officers have waited in vain for a substantive proposal to address. The single-sentence suggestion regarding the Compensation Board considered by the Commission's Streamlining Team -- and forwarded to the full Commission with no recommendation -- cannot fairly be termed a proposal, for *nothing* definitive is or ever has been proposed. The lone sentence regarding the Compensation Board that was placed before the Streamlining Team suggests abolishing the entity that operates a half-billion-dollar set of programs providing vital services to citizens in every locality of the Commonwealth with absolutely no alternative proposed. There is talk of a "block grant" -- but no formula or other proposal -- and talk of dispersing "oversight" of constitutional offices to "appropriate" agencies, but no definitive assignments suggested. The suggestion is clear about what it's "agin," but says nothing substantive about what it's "fer."

This lack of substance had made the process of responding something like trying to nail Jello™ to the wall, but I (and later today, other representatives of the constitutional office associations) will endeavor to do so.

The Importance of the Compensation Board and the Cost of Destroying It.

The single-sentence suggestion before the Commission does not address at all the crucial role of the Compensation Board in providing essential services and professional support to the 14,000 constitutional officers and deputies who deliver front-line services to Virginia citizens every day in areas that touch them far more than the activities of most, if not all, state agencies -- among them, law enforcement, prosecution and corrections, judicial system administration, revenue generation and collection, and fiscal management. Indeed, the suggestion presumes that the Board's services are so insignificant that they can be flung to other bureaucracies in state government, or simply abandoned, without impacting the local services constitutional officers

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deliver.

Such a presumption bears no resemblance to reality.

Perhaps the best single explanation of the *actual* impact of abolishing the Compensation Board is provided in a recent letter prepared by the current Chairman of the Board, Frank Drew, to Secretary of Administration Sandra Bowen, responding to a request for such an analysis. I was shocked to learn yesterday that Commission members have not even seen this thoughtful analysis, prepared by Chairman Drew, who is not only a former Sheriff of Virginia Beach, and Virginia Beach and District of Columbia policeman, but also a past President of the Virginia Sheriffs' Association *and* the Virginia Association of Local Elected Constitutional Officers (VALECO). So that there is at least some hope that this analysis is considered by the Commission, I enclose copies for you and your colleagues.

As Chairman Drew relates, moving to a block grant program -- or scattering the specialized expertise of the Board and its staff to the four corners of the state bureaucracy -- will have enormous, negative repercussions for Virginia's constitutional offices and the services they provide. It is difficult to imagine a worse idea than the block grant program, a suggestion rejected on multiple occasions by the General Assembly. The dismal history of the "Chapter 599" block grant program -- a commitment by the Commonwealth to support police departments as part of a larger compromise on annexation, broken virtually immediately following its inception and chronically underfunded ever since -- illustrates better than any dry analysis what will happen to constitutional offices if they are consigned to a static, faceless grant program devoid of any mechanism for adapting staffing and budget levels to changing circumstances. As Chairman Drew notes, the flexibility provided by the Compensation Board's specialized expertise has proven vitally important even as recently as the past several months, as constitutional officers and their deputies have responded to extraordinary challenges from the Jennifer Short abduction, to the Washington-area sniper investigation and manhunt, and other unforeseeable demands. Not every issue the Compensation Board addresses receives as much public attention as these -- but to the offices affected, this ability to respond is just as critical to the delivery of services to the citizens.

Similarly, as Chairman Drew's letter relates in much greater detail, scattering responsibility for the five constitutional office programs among multiple state bureaucracies can only serve to destroy the institutional memory and efficiencies that the Board's staff has developed. The constitutional office programs are far from cookie-cutter operations; the offices serve complex functions, and are as diverse as Virginia's counties and cities themselves. It is simply institutional reality to note that a constitutional office program will have a far lower priority if transplanted into the midst of large state bureaucracy trying desperately to sustain its own programs in the face of the current budget crisis. In fact, the history of recent growth in the Compensation Board's duties is replete with examples of tasks being taken away from large

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bureaucracies -- including the very one to which it is suggested oversight of sheriffs be transferred -- that could not get the job done.

The Illusion of Savings. The total absence of any substantive analysis of the services provided by the Compensation Board is matched by the absence of any substantive fiscal analysis of potential savings. We have confirmed with Commission staff that the Commission has ***absolutely no*** fiscal impact information to support the generic claim that abolishing the Board would permit the Commonwealth to realize some recurring savings. Indeed, as the Chairman of the Board has indicated in his letter to Secretary Bowen, the only likely savings, if there is any at all, is the part-time compensation of the Chairman him- or herself -- and there are likely significant administrative cost ***increases*** that will accompany the balkanization of the constitutional officer programs among multiple large state bureaucracies that are slashing their own ranks drastically to accommodate the cuts on the order of 20% to 25% already effected by the 2002 Appropriations Act and the Governor's recent cuts of 15% in most state agencies.

It is remarkable how little attention has been paid, in what has passed for a debate on this subject, to the extraordinary efficiency of the Compensation Board, which manages a half-billion-dollar set of programs with a general and administrative expense ratio of ***less than four-tenths of one percent (0.004)***. I should note that this expense ratio includes all information technology charges, maintenance of a Internet-based application serving more than 650 remote locations in the Commonwealth and providing real-time data interface in a virtually paperless environment, a full menu of training programs for constitutional officers that have improved administrative efficiencies, enhanced customer service, and reduced risk management costs associated with employing a 14,000-member workforce. I would respectfully challenge the Commission to identify any state agency with a comparable administrative expense ratio.

The truth -- as many members of the Commission have acknowledged -- is that abolishing the Compensation Board would ***produce no savings at all***, would result in likely cost ***inefficiencies***, and would dramatically reduce the quality of services and support being provided to constitutional offices. There simply is no fiscal argument that can support this suggestion.

What is the Real Agenda?

The absence of any policy rationale for, and any savings resulting from, the abolition of the Compensation Board has led constitutional officers throughout the course of the Commission's deliberations to puzzle over what could be the true impetus for this push to eliminate the Board. As the Commission prepares to take up this issue, the answers are no clearer.

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It is difficult for constitutional officers to escape the conclusion that the proponents of abolishing the Compensation Board in fact are interesting in weakening, and ultimately abolishing, the five local elected constitutional offices provided for in Article VII, Section 1 of the Virginia Constitution, themselves. This, inescapably, would be the effect of abolishing the Board and destroying its institutional expertise and memory.

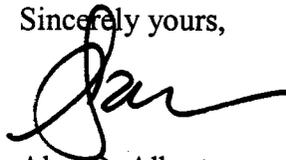
Such a desire runs precisely counter to the will of Virginia citizens, who have expressed their strong desire to maintain the constitutional offices time and again when confronted with proposals that would have abolished specific local offices. *No contested effort to abolish a local constitutional office has succeeded for the past three decades.* Voters have made clear that they want the opportunity to have their sheriffs, Commonwealth's Attorneys, clerks, commissioners and treasurers remain *directly* accountable to them, even in the face of well-heeled campaigns to convince them to the contrary.

Some have suggested that the Compensation Board is "obsolete" or somehow reflects a bygone era in Virginia, and that its destruction would hold some talismanic or symbolic significance. With all respect, such views are hopelessly mired in history long gone, and could achieve at most a wretchedly pyrrhic victory in which symbols are valued far more highly than serving today's citizens. The Compensation Board left behind years ago the last vestiges of the political favoritism that many once associated with it. It has become an extremely efficient, effective administrative entity that provides vitally important support to the provision of *direct* services to Virginia citizens. Destroying it, and all it does to bring good government services to the people of Virginia at the local level, would be the height of folly.

I hope these comments will be helpful to you and your colleagues as you complete the work of the Commission. The times are difficult, and the demands upon you great -- but even tough times provide no license for decisions that are bad policy, bad economics, and bad news for citizens who depend on constitutional offices for vital services.

With kindest personal regards, I am

Sincerely yours,



Alan D. Albert

Enclosures (2)

cc: Commission members (with enclosures)

**The Virginia Sheriffs' Association Comments
Before the Governor's Commission on Efficiency and Effectiveness
November 26, 2002**

Mr. Chairman and Members of the Commission:

Thank you for giving me the opportunity to represent the Virginia Sheriffs during your deliberations to enhance the effectiveness and efficiency of Virginia's government. My name is John W. Jones. I am the Executive Director of the Virginia Sheriffs' Association, and I represent their interests at this meeting.

The Virginia Sheriffs' Association opposes further cuts to public safety, resulting in lay-offs of staff. Sheriffs are responsible for primary local law enforcement in 86 counties in Virginia and provide critical public safety services in jails and the courts in all localities in Virginia. Additional significant cuts will result in lay offs of deputy sheriff positions and adversely impact public safety for citizens across the state.

The Association opposes funding of sheriffs by block grants. The Compensation Board is one of the most efficient agencies in state government and provides a significant level of public safety services to sheriffs, in addition to allocating funds to sheriffs' offices. The Virginia Sheriffs' Association supports the continuation of the Compensation Board, or similar entity. Some agency or board must have discretion in dealing

with the law enforcement budget of the sheriffs across the state. This cannot be accomplished with a block grant or formula of any kind which would be insensitive to local issues and inconsistent with the discretion necessary to provide funding relating to special circumstances, including high profile criminal cases. The Sheriffs' Association sees no significant savings from abolishing the Compensation Board concept. Abolishing the Compensation Board would leave a significant void in public safety services to sheriffs and therefore to the communities they serve. Approximately 80% of the Compensation Board funding to localities relates to public safety. Additionally, the Compensation Board performs numerous public safety functions including the administration of the Local Inmate Data System (LIDS), the DNA tracking system, the Law Enforcement Alcrt Network (LEAN), law enforcement liability reduction training, the law enforcement resource website, audits of local jail funding, and the local jail cost report. Regional jail funding is provided by the Compensation Board.

These important public safety issues are also important to the citizens of the Commonwealth of Virginia and cannot be discontinued or reduced because of the negative impact on public safety in each community. For example, the DNA tracking system is an effective crime fighting tool that enables law enforcement agencies to make "cold hits" on crimes committed in which DNA is left at the crime scene, such as sex offenses or other crime in which DNA evidence can be gathered. The DNA tracking system was established by the Compensation Board pursuant to action taken by last year's General Assembly and is actually up and running early, before the required date of

January 1, 2003. This is clearly indicative of the Compensation Board's efficiency. Every law enforcement agency in Virginia making a violent crime arrest will be required to take a swab for input into the DNA data bank. The DNA tracking system is designed to save money by avoiding duplicate swabs being analyzed by the Division of Forensic Science. Law enforcement officers will take the saliva swabs but avoid duplicate swabs if the tracking system indicates that a sample already exists for those arrested. This is a 24-hour, 7-day a week program operated by the Compensation Board.

Another example recently established because of the recent high profile sniper case, includes the Law Enforcement Alert Network which the Compensation Board established through a web-based system relating to the DNA tracking system so law enforcement agencies can be notified immediately of confidential investigatory information so that they may better serve their communities on the issues, including school safety.

The law enforcement liability reduction training identifies civil losses experienced by sheriffs and gears training programs to address those losses. This saves the Commonwealth money by reducing sheriffs' exposure to liability.

The law enforcement resource website is designed to allow law enforcement agencies to share a resource and avoid purchasing additional special equipment. For example, a law enforcement agency needing an explosive

sniffing dog or scuba diver can log onto the website and find which law enforcement agencies already have those resources for loan.

The LIDS recovery under this program has totaled more than \$3.1 million dollars since the program's inception in 1998. The bulk of the financial recovery came as a result of the Compensation Board's audits of local jail funding and training programs to local jail officials. This program actually saves more money than the administrative staff of the Compensation Board costs.

The bottom line – there's a lot more to the Compensation Board in public safety than giving out dollars to be spent by public safety agencies. There are many programs operated by the Compensation Board that are important to the health, safety, and welfare of Virginia's citizens.

The Virginia Sheriffs' Association feels the Compensation Board serves as a model public safety agency. However, if the Commission on Efficiency and Effectiveness wishes to abolish or change the Compensation Board, something must be done to replace these functions. They cannot be lost without significant damage to public safety in Virginia. This is a very serious matter not only to the sheriffs, but to all citizens across Virginia.

Thank you for your time and efforts. I look forward to answering any questions you may have.