

FY10 Policy & Procedure Manual

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Additional Positions

Compensation Board Policy

The 2009 Appropriation Act did not provide additional law enforcement positions due in FY10 based upon the ratio of one deputy per 1500 locality population.

The 2009 Appropriations Act did not provide for additional court services positions.

In the Appropriation Act, the Compensation Board is directed to estimate every two years the number of additional law enforcement deputies that will be needed in each Sheriff's office. The annual allocation of these full-time positions to local Sheriff's offices is based upon the most recent final population estimate for the locality, and is contingent upon funding and positions provided by the General Assembly.

However, the 2009 Appropriation Act did not provide additional law enforcement positions due in FY10 based upon the ratio of one deputy per 1500 locality population. The 2009 Appropriation Act did not provide for additional court services positions.

For more information regarding positions in the Sheriff's office (including the allocation of new positions), see sections entitled **Emergency Correctional Officers, Jail Construction and Expansion, LIDS Technician Position, Medical, Treatment, Records, and Inmate Classification Positions**, and **Staffing Standards**.

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Career Development Program

2009 Appropriation Act
Item 69 (excerpt)

K. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriff's Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriff's Career Development Program have been met, and provided that such certification is submitted by Sheriffs as part of their annual budget request to the Compensation Board, the Board shall increase the annual salary shown in Paragraph A of this Item by the percentage shown below for a twelve-month period effective the following July 1: a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, or, b. For sheriffs that have not achieved one of the above accreditations:

Compensation Board Policy

The 2009 Appropriation Act includes language in support of a Sheriffs' Career Development Program, subject to appropriation by the General Assembly.

Subject to appropriations by the General Assembly, the Compensation Board provides a Career Development Program (CDP) for Sheriffs. Following receipt not later than February 1 of a Sheriff's certification of compliance with the established minimum criteria for the Sheriff's Career Development Program, where such criteria include that a Sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body by March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, the Board increases the salary of the Sheriff by the percentage shown below for a twelve-month period effective the following July 1, subject to funding by the General Assembly.

Sheriffs receive a pay increase along one of two tracks. The Accreditation track allows a 9.3 percent increase for Sheriffs who have achieved accreditation from the Virginia Law Enforcement Professional Standards Commission, the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association. The alternative track applies to Sheriffs that have not achieved one of the above accreditations but certify their compliance with the minimum criteria of the CDP:

- 3.1% increase for all Sheriffs;
- 3.1% additional increase for Sheriffs with jail responsibilities; and
- 3.1% additional increase for Sheriffs with primary law enforcement responsibilities.

County Administrators and City Managers should contact the Sheriff to determine the participation of that office and the officer's eligibility for a pay increase in FY10.

For information regarding career development for Deputy Sheriffs, see the section entitled **Master Deputy Program**.

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Duties

Code of Virginia § 15.2-1609

The voters in every county and city shall elect a sheriff unless otherwise provided by general law or special act. The sheriff shall exercise all the powers conferred and perform all the duties imposed upon sheriffs by general law. He shall enforce the law or see that it is enforced in the locality from which he is elected; assist in the judicial process as provided by general law; and be charged with the custody, feeding and care of all prisoners confined in the county or city jail. He may perform such other duties, not inconsistent with his office, as may be requested of him by the governing body. The sheriff shall be elected as provided by general law for a term of four years.

§ 15.2-1613 (excerpt)
Any county or city may appropriate funds for the operation of the sheriff's office.

Compensation Board Policy

A Sheriff's duty is to enforce the law or see that it is enforced, assist in the judicial process, and be charged with the custody, feeding, and care of all prisoners confined in the county or city jail.

The local governing body may request performance of other duties consistent with that of a Sheriff.

Like all Constitutional Officers (excluding Clerks) the Sheriff is elected to a four-year term. The office of Sheriff began in colonial times and has continued as an important part of local government throughout Virginia's history. Initially, the Sheriff was not only the chief law enforcement officer, but also the election supervisor and tax collector. Today, the Sheriff's responsibilities cover a range of public safety functions that vary from locality to locality.

In most counties, Sheriffs provide all law enforcement services, including investigating crimes, pursuing offenders and making arrests. In cities and large suburban counties, police departments handle these functions.

Many Sheriffs maintain local jails, housing from a handful to hundreds of offenders awaiting trial or serving short sentences. By statute, Sheriffs in participating localities are represented on governing boards of all regional jails. The Sheriff may also manage other local corrections programs and transport criminal defendants to and from corrections facilities.

All Virginia Sheriffs provide security in local courthouses, serve legal papers throughout their jurisdictions, summon jurors and witnesses, and execute upon court judgments. Sheriffs are assisted in their duties by Deputy Sheriffs, appointed by the principal officer.

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Emergency Correctional Officers

2009 Appropriation Act
Item 69

E. Consistent with the provisions of paragraph B of Item 76, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded.

Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding in accordance with the Board's staffing standards for alternatives to incarceration programs or court services within the sheriff's office or among other jails in the Commonwealth.

Compensation Board Policy

The Compensation Board allocates additional jail deputies in situations of jail overcrowding (as approved by the General Assembly). When overcrowding is reduced the Compensation Board may reallocate such deputies to court services positions prior to reallocating the positions to another Sheriff's office, provided the positions are due based upon Compensation Board staffing standards.

In FY09 and FY10, the Compensation Board is authorized to allocate emergency positions in Sheriff's offices and regional jails up to the following levels, subject to available funding:

	FY09	FY10
Temporary Positions	549	549

All Emergency Correctional Officer (EC-7) positions included in the Sheriffs' current budgets were allocated to meet needs due to overcrowded conditions in local jail facilities. All EC-7 positions are allocated on a year-by-year basis. If overcrowding is reduced or eliminated in the jail, the EC-7 positions will be removed from the budget in the following fiscal year. If funding is not available to the Compensation Board for emergency positions in future fiscal years or if Sheriffs' offices are not due additional positions based upon Compensation Board staffing standards, the EC-7 positions will be abolished.

For more information regarding positions in the Sheriff's office, see sections entitled **Additional Positions, LIDS Technician Position, and Medical, Treatment, Records, and Inmate Classification Positions.**

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Emergency Medical Expenses

2009 Appropriation Act
Item 70

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

Code of Virginia
§ 53.1-133.01

Any sheriff or superintendent may establish a medical treatment program for prisoners in which prisoners participate and pay towards a portion of the costs thereof. The Board of Corrections shall develop a model plan and promulgate regulations for such program, and shall provide assistance, if requested, to the sheriff or superintendent in the implementation of a program.

Compensation Board Policy

The Compensation Board reimburses emergency medical expenses incurred by local correctional facilities in the care of state responsible inmates, not to exceed \$377,010 per year statewide.

The Compensation Board receives an appropriation from the general fund held in reserve for unbudgeted medical expenses incurred by local and regional correctional facilities in the care of state responsible inmates that are overdue for transfer to the Department of Corrections. A Sheriff may submit a request for reimbursement to the Compensation Board using a CB Form-20 no later than November 1 for expenses incurred in the months of May through October and no later than May 1 for the months of November through April.

The CB Form-20 is located on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html> and includes certification of both the payment by the locality and the facility having implemented the Department of Corrections' Model Plan for Jail Prisoner Medical Treatment Programs.

For additional information regarding emergency medical expenses, call the Compensation Board at (804) 786-0786.

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Equipment Funding

Compensation Board Policy

The Compensation Board reimburses the local governing body 100% of the amount it approves in equipment funding, multiplied by the fiscal stress factor.

The Compensation Board has not approved funding in FY10 for LIVESCAN equipment, but will consider requests during monthly board meetings when the following materials are provided in advance:

- 1 A letter is needed from the Sheriff stating he/she understands that:
 - Funds must be expended and requested for reimbursement no later than the May payroll and expense reimbursement request; and
 - The Compensation Board will not be responsible for any additional operating costs, maintenance cost, or personnel needed to operate the equipment.
- 2 A letter is needed from the County Administrator stating that he/she concurs with the equipment request from the Sheriff and understands that:
 - Funds must be expended and requested for reimbursement no later than the May payroll and expense reimbursement request; and
 - The Compensation Board will not be responsible for any additional operating costs, maintenance cost, or personnel needed to operate the equipment.
- 3 A letter is needed from Captain Thomas Turner, Virginia State Police, stating that:
 - All Virginia State Police requirements have been met.

For Virginia State Police requirements, phone Barry Armstrong at (804) 674-6729, or by email at barry.armstrong@vsp.virginia.gov

No funding is provided in FY10 for other equipment purchases. In years that equipment funding is approved, it is provided as a one-time funding approval and must be expended prior to request for reimbursement no later than the May reimbursement period.

Amounts approved will not be available for reimbursement in the June reimbursement period or in a subsequent fiscal year.

For more information regarding reimbursement of equipment for Sheriffs, see **Equipment Funding** and **Fiscal Stress Factor** in the general section of this manual.

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Federal Funding for Personnel

Compensation Board Policy

Compensation Board reimbursements for sworn personnel in Sheriffs' Offices include federal grant funds that must be accepted, properly accounted for, and reported on by localities and/or regional jail authorities on a quarterly basis.

2009 Appropriation Act
Item 475.50 (excerpt)

B.15. The appropriation in this item includes an amount estimated at \$23.3 million the second year from federal funds to be distributed to the Compensation Board for Sheriff's Offices from the Byrne Justice Assistance Grant cited in paragraph B.1. above.

Item 395 (excerpt)

N. The Board of Criminal Justice Services shall allocate \$23,300,000 to offset reductions to sheriffs' offices and local and regional jails contained in Item 69 of this act, contingent upon and only to the extent such funds shall be made available to the Commonwealth by the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and provisions of that act.

Budget reductions to Sheriffs' Offices initially proposed for FY10 to the 2009 General Assembly were restored using \$23.3 million of federal stimulus funds through the American Recovery and Reinvestment Act passed by Congress in February, 2009. Appropriation Act language in Items 395 and 475.50 specifies that the distribution of \$23.3 million from Virginia's allocation of the Edward Byrne Memorial Justice Assistance Grant program is to restore reductions for Sheriffs' offices and local and regional jails operating budgets (to the extent such funds are made available as part of the federal economic stimulus legislation).

Budget approvals by the Compensation Board for FY10 in Sheriffs' Offices are contingent upon agreement by localities and regional jail authorities to accept, properly account for, and report on the use of these federal funds as required by federal regulations. It is anticipated that receipt of these federal funds will subject localities and/or regional authorities to review by federal auditors.

Information regarding the distribution of these funds is located on the Compensation Board's website under the Constitutional Officers Budgets and Salaries tab, in the document entitled "FY10 Recovery-Byrne JAG Funding Distribution for Sheriffs' Offices/Regional Jails", or at <http://www.scb.virginia.gov/docs/fy10jagdistribution.pdf>

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Federal Overhead Recovery

2009 Appropriation Act Item 70 (excerpt)

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day costs provided by the Commonwealth, excluding payments otherwise provided for in this item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth. 2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates.

Compensation Board Policy

The Compensation Board recovers from the locality the state-funded costs associated with housing federal inmates, District of Columbia inmates, or contract inmates from other states.

In order to recover the personnel costs associated with housing federal, District of Columbia, and out-of-state contract inmates, the Compensation Board uses a cost-recovery methodology based on the average daily population (ADP) of federal and out-of-state prisoners. On a jail-by-jail basis, the Compensation Board multiplies the jail's current inmate days for this population by the proportion of the jail's per inmate day funds provided by the Commonwealth (as noted in the most recent Jail Cost Report, or, if the jail is not included in the most recent report, the statewide average of per inmate day funds provided by the Commonwealth).

Federal Overhead Recovery is calculated in LIDS and is automatically deducted from the subsequent quarterly per diem payment. The Jail Certification Summary screen will indicate the amount owed to the Compensation Board. When the recovery amount owed to the Compensation Board exceeds the per diem payments owed to the jail, the jail must submit payment to the Compensation Board for the difference.

In addition, the Compensation Board is required to withhold per diem payments for any facility that houses federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the DOC Director certifies to the chairman of the Compensation Board that the:

- Beds used for federal inmates are not needed for state or local inmates;
- Operational capacity of the jail was built under contract with the federal government;
- Jail received a federal grant for a portion of capital costs; or
- Jail has applied for participation in the DOC Contract Bed Program and has sufficient number of beds needed by DOC at that facility in any given fiscal year.

Federal Overhead Recovery does not apply to local or regional jails where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

For more information regarding per diem payments, see the section entitled **Per Diem Payments**.

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Fringe Benefits

Compensation Board Policy

The Compensation Board reimburses local governing bodies for fringe benefits for Sheriffs and their Compensation Board-funded staff at the same percentage it reimburses approved salary amounts.

2009 Appropriation Act, Item 76

D. 1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System.

2. The rate specified (above) shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified (above) shall be borne by the employer.

Code of Virginia
§ 51.1-138 (excerpt)

D. Beginning July 1, 2008, each county and city participating in the Virginia Retirement System shall provide the benefit coverage described in subsection B to each deputy sheriff, regardless of whether the deputy sheriff's salary is funded or reimbursed in whole or in part by the Compensation Board.

The Compensation Board reimburses for fringe benefits based on approved salary amounts reimbursed. The rates for FY10 are:

- Virginia Retirement System (VRS) retirement contributions at the locality's employer share contribution rate, or 6.26%, whichever is less;
- FICA at 7.65% of the taxable portion of the salary for permanent positions and hourly wage employees; and
- VRS Group Life Insurance at 0.27%.

In the 2007 General Assembly, SB1166 was approved, requiring all localities to provide enhanced retirement benefits, like those provided to state police officers, for Sheriffs' deputies beginning July 1, 2008. Increases in local employer-share retirement premium rates resulting from this provision are funded by the Compensation Board up to the maximum contribution rate 6.26%.

For more detailed information regarding benefits of Constitutional Officers, see the section entitled **Fringe Benefits** in the general section of this manual.

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Jail Construction and Expansion

2009 Appropriation Act Item 388 (excerpt)

A. From July 1, 2008 to June 30, 2010, except in the circumstances listed below, the Board of Corrections shall not approve or commit additional funds for the state share of the cost of construction, enlargement, or renovation of a local or regional jail facility:
4. New jails, jail renovations, or jail expansions by the following localities or authorities:

Compensation Board Policy

The 2009 General Assembly approved funding and positions for the following jail construction projects scheduled to be completed in FY10.

The 2009 Appropriation Act includes positions and funding for the opening of jail construction projects to be completed in FY10 as follows:

- 38 positions for phase 2 of the Rappahannock Regional Jail expansion, effective July 1, 2009;
- 135 positions for phase 2 of the Riverside Regional Jail expansion, effective September 1, 2009;
- 16 positions for an expansion of the Blue Ridge Regional Jail, effective November 1, 2009;
- 77 positions for an expansion of the Loudoun County Jail, effective November 15, 2009; and
- 142 positions for an expansion of the New River Valley Regional Jail, effective December 1, 2009.

Funding for positions is contingent upon certification of additional capacity by the Department of Corrections and the actual opening date of the capacity for intake of inmates.

The 2009 General Assembly granted further exemptions to the moratorium on jail construction for continued planning for local and regional jail facilities, as follows:

- The Meherrin River Regional Jail Authority;
- Warren, Page, Rappahannock, and Shenandoah Counties in order to proceed in planning for a regional jail facility;
- Rockbridge Regional Jail Authority in order to proceed in planning for an expansion;
- City of Roanoke to explore the feasibility of joining the Western Virginia Regional Jail Authority as part of the planning process or expanding its existing jail;
- Patrick County in order to proceed to planning for a replacement jail;
- Charlotte County in order to proceed to planning for a replacement jail;
- City of Richmond in order to proceed in planning for the replacement of the existing jail and the development of associated community corrections services (see Item 388 for more details);
- City of Virginia Beach for a minimum security work release center that will be planned as a multi-use facility (see Item 388 for more details);
- City of Chesapeake in order to proceed in planning for an expansion of its existing jail; and
- Virginia Peninsula Regional Jail Authority in order to proceed in planning for an expansion of the regional jail.

For more information regarding the allocation of positions for new or expanded jail capacity, see the section entitled **Additional Positions**.

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Jail Contract Bed Program

2009 Appropriation Act Item 70 (excerpt)

I.1. Local or regional jails receiving funds from the Compensation Board shall give priority to the housing of inmates in order of local-responsible, state-responsible, and state contract inmates. Within the limits of funds appropriated in this Item, local and regional jails shall enter into agreements with the Director, Department of Corrections, to house state-responsible offenders and effect transfers of convicted state felons between and among local and regional jails.

2. Such agreements shall be entered into for a period of one year, subject only to the limitations of available funding, with a minimum percentage of bedspace guaranteed by the local or regional jail and shall take precedence over contracts for housing federal prisoners, except in any case where a federal agency has contributed a share of the capital cost of the facility in return for a guarantee of a proportional number of beds.

3. Pursuant to such jail contract bed agreements, the Compensation Board is authorized to reimburse localities an amount not to exceed \$14 per state felon day, which shall be in addition to any such amounts otherwise authorized by this Act. Any such funds received by the localities as a result of this provision shall be used for the maintenance and operation of the local or regional facility.

Compensation Board Policy

The Compensation Board reimburses local jails for state contract prisoners at \$14 per state felon day in addition to amounts reimbursed in the standard quarterly per diem payments, not to exceed 500 beds statewide.

Local jails receiving funds from the Compensation Board shall give priority to the housing of inmates in the following order: local responsible, state responsible, and state contract inmates.

Contract Bed agreements for state contract prisoners are subject to:

- A one year renewable time period;
- Available funding;
- Priority of local-responsible first, then state-responsible prisoners, and finally state contract prisoners; and
- Bed space guaranteed by the Code of Virginia and standards of the Board of Corrections, except where a federal agency has contributed a share of the capital cost of the facility in return for a guarantee of a proportional number of beds.

Funding is appropriated for local and regional jails to enter into agreements with the Director of Department of Corrections (DOC) to house state-responsible offenders and to effect transfers of convicted state felons between and among local and regional jails. The Jail Contract Bed Program allows for the contracting of up to 500 beds statewide.

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Jail Cost Report

2009 Appropriation Act Item 76 (excerpt)

L. The Compensation Board shall provide the Chairman of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, and any other fees collected from inmates and investment / interest monies for inclusion in the report. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report. If any sheriff, superintendent, county administrator or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure.

Compensation Board Policy

The Compensation Board prepares an annual Jail Cost Report that details the expenditures and revenues of every local and regional jail and jail farm that receives funding from the Commonwealth.

As condition of receiving funds from the Compensation Board, Sheriffs, Superintendents, County Administrators or City Managers must provide to the Compensation Board, in a timely manner, information necessary so that the Compensation Board may prepare a complete and accurate accounting of jail revenues and expenditures. The Compensation Board requires the following information to complete the annual Jail Cost Report.

Inmate-Housed Days	#	Number of days in all categories of physical confinement in the jail
Federal / Out-of-State Average Daily Population (ADP)	#	Sum of Federal Inmate Days + Contract (out-of-state) Inmate Days + Private Transport Inmate Days
LIDS Average Daily Population (ADP)	#	Number of Inmate-Housed Days divided by the number of days in the test period
Operational Capacity	#	Number determined by the Department of Corrections (DOC)
Operating Capacity	%	Percentage determined by dividing the LIDS ADP by the DOC Operational Capacity
Operating Capacity (state-responsible)	%	Percentage determined by dividing the LIDS ADP (minus Federal / Out-of-State ADP) by the DOC Operational Capacity
LIDS Inmate-Responsible Days	#	Number of days in all categories of confinement supervised by jail personnel (i.e., including home electronic monitoring)
Expenses per Inmate Day	\$	Dollar amount of all allowable expenditures divided by Inmate-Responsible days
Expenditures (personal services)	\$	Dollar amount total of salaries, wages, and benefits of personnel
Revenue (Commonwealth-funded)	\$	Dollar amount total of grants, salaries, inmate per diems, Federal Overhead Recovery, vehicle expense reimbursements, and other revenue from Commonwealth
Total Expenditures	\$	Dollar amount total of Operating Expenses plus capital accounts (long term and debt service)
Total Revenue	\$	Dollar amount total of Commonwealth-funded, federal per diems, local and non-jurisdictional funds, out-of-state, work release, etc.

Electronic copies of the annual Jail Cost Report are located on the Compensation Board web site at <http://www.scb.virginia.gov> under Publications and Forms.

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Jail Guard Duty

Code of Virginia

§ 19.2-328 (excerpts)
§ 53.1-93

Whenever in the discretion of the court it is necessary for the safekeeping of a prisoner, the court may order the jailer to summon a sufficient guard. The sheriff of any county or city shall summon or employ temporarily such person or persons as may be needed to preserve proper order. And for such guard or other service the court may allow therefor so much as it deems proper, not exceeding the hourly equivalent of the minimum annual salary paid a full-time deputy sheriff who performs like services in the same county or city; in addition, mileage and other expenses shall be paid out of the budget allotted to the sheriff as approved by the Compensation Board. A prisoner may be charged reasonable fees for providing him a security escort, supervision and transportation to and from a funeral or graveside service.

§ 53.1-94

The circuit court, before certifying any allowance pursuant to § [53.1-93](#), shall inquire into the condition of the jail. If it appears that a guard was necessary because of the insecurity of the jail, it shall order the allowance to be certified to the governing body of the county or city. If otherwise, and the guard was necessary, the allowance shall be paid out of the budget of the sheriff as approved by the Compensation Board.

Compensation Board Policy

The Compensation Board reimburses for guard duty ordered by the court if the prisoner is in the custody of the Sheriff and not within the confines of the jail or in a court-ordered program in lieu of incarceration.

The Compensation Board reimburses for court-ordered guard duty as needed if the prisoner is hospitalized.

If the court determines that a security problem exists in the jail and orders additional guards, the cost is borne by the locality.

The Compensation Board will not reimburse for guard duty of a prisoner attending a funeral or graveside service.

The court determines the rate of pay for temporary guard duty, not to exceed the hourly equivalent of a minimum annual salary paid a full-time Deputy Sheriff in the same county or city. In addition to salary, the Compensation Board will reimburse for mileage and other expenses for court-ordered guard duty from the Sheriff's approved budget.

Prisoners who are authorized to attend a funeral or graveside service may be charged a fee to pay for security. Such expenses are not reimbursable by the Compensation Board.

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Code of Virginia
§ 53.1-84 (excerpt)

The Compensation Board shall apportion moneys for the purpose of financial assistance for the confinement of persons in local facilities. The county or city receiving such funds on behalf of a regional facility shall pay therefrom the operating costs of its local adult correctional facilities and programs.

Jail Operating Costs

Compensation Board Policy

The Compensation Board provides financial assistance to local jails to offset the expense of housing prisoners.

The specific purpose of the per diem payments provided by the Compensation Board is to offset the expenses of housing prisoners.

For more information regarding financial assistance to local jails, see the section entitled **Per Diem Payments**.

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LIDS: Reporting of Prisoners

Code of Virginia § 53.1-121

The sheriff shall report each day to the Compensation Board, giving the record of each prisoner received during the preceding day in an electronic format approved by the Compensation Board, stating whether the offense is for violation of state law or of city or town ordinance. If any sheriff fails to send such report, the Compensation Board shall notify the sheriff of such failure. If the sheriff fails to make the report within ten days, then the Compensation Board shall cause the report to be prepared from the books of the sheriff and shall certify the cost thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount, deducting the same from any funds that may be due the sheriff by the Commonwealth. The computer-generated report shall be authenticated by both the chief jailer and the sheriff who shall certify the accuracy of the report. Either authenticator found guilty of willfully falsifying the information contained in such report shall be guilty of a Class 1 misdemeanor.

Compensation Board Policy

The Compensation Board manages LIDS as a basic jail management package so that Sheriffs can report inmate populations to receive quarterly inmate per diem payments.

A Sheriff must report daily to the Compensation Board details of each prisoner confined in jail.

The Code of Virginia, § 53.1-121, mandates that a Sheriff make a daily prisoner report to the Compensation Board. A Sheriff reports prisoner data either online through the Local Inmate Data System (LIDS) or batch uploads from their jail management system to LIDS. The Sheriff has a grace period of ten days following the deadline to submit the prisoner data, but if in that period the Compensation Board receives no report the Sheriff will be contacted and the jail is placed on the Exceptions List of the Tuesday Report for correctional facilities found late in reporting information to LIDS. The Tuesday Report is located on the Compensation Board web site under the LIDS tab at <http://www.scb.virginia.gov/lids.html>. The Tuesday Report is updated twice monthly with current inmate population data. The report includes:

- Operational capacity;
- Juveniles and female and male adults;
- Prisoners held for another locality;
- Un-sentenced prisoners;
- Prisoners sentenced and awaiting trial for violation of local ordinance, misdemeanor, or felony;
- Local ordinance, misdemeanor, and felony sentences;
- Local and state responsible felons with less than one-year sentences, less than two-year sentences and greater than two-year sentences;
- State responsible prisoners: held by agreement, jail contract bed, and work release;
- Federal prisoners, contract inmates, and private transport inmates;
- State and local responsible prisoners: total population, female, and male; and
- Total number of prisoners.

Providing false information to the Compensation Board regarding prisoner data is considered a Class 1 misdemeanor.

For more information regarding LIDS, see the Compensation Board web site under the LIDS tab at <http://www.scb.virginia.gov/lids.html>.

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LIDS Technician Position

Compensation Board Policy

The Compensation Board has approved 1 LIDS Technician position in each local jail.

The Local Inmate Data System (LIDS) remains a useful resource for statewide decision-making regarding inmate populations in local jails. The LIDS technician position may be established as a sworn LT-2. This officer will:

- Ensure complete and timely data submissions into LIDS;
- Certify the accuracy and integrity of LIDS data submissions;
- Ensure accurate per diem payments from the Compensation Board to localities; and
- Remain knowledgeable of legislative and policy changes that affect LIDS.

The Sheriff sets the selection process for the LIDS Technician position. The Sheriff also determines the minimum length of service required by applicants. The minimum criteria of a LIDS position are:

1. Job description and performance evaluation plan of the deputy must specifically reference LIDS duties, acceptable performance measures, and training of other LIDS users in the facility.
2. Attendance of Compensation Board LIDS training in the 12 months prior to appointment or 45 days after appointment.
3. Attendance of Compensation Board LIDS training not less than every 24 months after initial training.
4. Employee Performance Evaluation Plan currently in effect that meets the minimum criteria established by the Compensation Board for such plans.

The Sheriff may reduce the salary of the LIDS technician if he/she does not attend training at least every 24 months, fails to submit timely and accurate reports or if the jail receives a less than satisfactory LIDS audit.

Sheriffs who do not wish to establish the LIDS Technician as a sworn Corrections Officer may request the position be established as a non-sworn LIDS Technician position (LT2). This position must meet the same criteria specified above, and is funded in the same pay band as a sworn LIDS Technician.

Note: Due to budgetary constraints, the LIDS user's conference has been delayed and may impact the ability of some LIDS technicians to meet the 24-month training requirement. For LIDS technicians not meeting the requirement due to the conference postponement, the Compensation Board will grant an automatic extension until the date of the next LIDS conference unless the jail receives an unsatisfactory LIDS audit.

Submit a CB Form 20-LT, Request for the Establishment of LIDS Technician Position, to the Compensation Board. The CB Form 20-LT can be found on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

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Master Deputy Program

2009 Appropriation Act Item 69 (excerpt)

G. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board. The Compensation Board shall allow for one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office. Each sheriff who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans. Such election shall be made by July 1 for an effective date of participation the following July 1. Funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriff's offices electing participation after January 1, 1997, subject to appropriation by the General Assembly.

Compensation Board Policy

The Compensation Board allows up to 20% of Grades 7 and 8 deputies to be re-classified to Grade 9 for Sheriffs' offices that certified participation in the Master Deputy Program on or before January 1, 1997, or for which funding has been made available in subsequent General Assembly sessions.

Master Deputy positions may not exceed a ratio of 1:5 Grades 7 and 8 Deputy Sheriff positions.

Career Development Plans for Master Deputy positions must meet minimum criteria established by the Compensation Board. The criteria is located on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

The certification form for the Master Deputy Program, CB Form 10-MD, allows for selection to or removal from the program and is located on the Compensation Board web site under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

Any Sheriff who did not certify on or before January 1, 1997, may certify prior to the beginning of a new fiscal year on July 1 the expectation that the program will begin in his/her office the following July 1. However, funding for participation in the program and salary increases for Master Deputy classifications in Sheriff's offices for offices certifying participation after January 1, 1997, is contingent upon approval by the General Assembly. No additional funding is included in FY10 for the additional Sheriffs' offices that certified their Master Deputy programs to the Compensation Board prior to July 1, 2007.

A spreadsheet that shows the variance between authorized and filled Master Deputy positions at the beginning of FY10 for funded offices is located on the Compensation Board website under the Policies and Procedures tab at <http://www.scb.virginia.gov/policies.html>.

In each Sheriff's office, the Appropriation Act allows for a 1:5 ratio between Grade 9 Master Deputies and Grades 7 and 8 Deputy Sheriffs. As Grades 7 and 8 positions in your office decrease through in-band and out-of-band adjustments, the number of Master Deputy positions may decrease accordingly. The Compensation Board will adjust your office positions through attrition, based on an annual review of Grades 7 and 8 positions, conducted in May of each year, to be effective the following July 1. Any office in excess of the 1:5 ratio will not be allowed to fill Master Deputy positions as they become vacant until the office has restored the correct ratio.

For more information regarding career development for Sheriffs, see the section entitled **Career Development Program**.

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Medical, Treatment, Records, and Inmate Classification Positions

2009 Appropriation Act
Item 69

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

Compensation Board Policy

The Compensation Board reimburses at two-thirds the approved salaries for medical, treatment, records, and inmate classification positions for local jails.

In COIN, these positions in a Sheriff's office are coded as PCLS (partially-funded classification), PMED (partially-funded medical), PREC (partially-funded records), or PTRT (partially-funded treatment). The salary displayed in COIN is the Compensation Board's two-thirds contribution. The local governing body is required to provide a one-third salary match. Total compensation for these positions cannot be less than the Compensation Board approved salary minimum. The Compensation Board also funds the two-thirds proportional share of fringe benefits for these positions.

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Office and Vehicle Expenses

Code of Virginia

§ 15.2-1615.1 (excerpt)

Whenever a sheriff purchases office furniture, office equipment, stationery, office supplies, telephone or telegraph service, postage, or repairs to office furniture and equipment in conformity and within the limits of allowances duly made and contained in the then current budget of any such sheriff, the invoices shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly reimburse the cost of such items on submission to the Compensation Board of duplicate invoices. This procedure shall also apply to the payment of the premiums on the official bonds of sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations.

2009 Appropriation Act
Item 76

C. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

Compensation Board Policy

The Compensation Board reimburses 100% of the budgeted amount for office expenses for Sheriffs.

Base budgets for office expenses are set at the same level as approved in the previous fiscal year (as adjusted through any base budget transfer requests during the fiscal year).

Offices that have base funding for office and vehicle expenses have these funds as a result of an approved base budget transfer from another category within their existing budget in a prior year.

The Compensation Board reimburses for:

- Office supplies;
- Postage;
- Telephone service;
- Maintenance and repairs to office furniture and equipment;
- Internet access costs (line charges, ISP monthly fee or locality service charge); and
- Gasoline, tires, and batteries for vehicles.

The Compensation Board does not reimburse for:

- Name tags, desk signs, business cards;
- Telephone equipment and installation and cameras;
- Chair mats;
- Custom software;
- Calculator maintenance contracts;
- Subscription fees to periodicals, newspapers, or the Code of Virginia;
- Notary Public seal, fees, or application;
- Taxes;
- Audit services; and
- Weapons and ammunition.

If you have any questions regarding whether an expense is reimbursable, call the Compensation Board prior to the expenditure.

For more information regarding office expenses, see sections entitled **Equipment Funding, Physical Exams, and Professional Associations**. See also **Office Expenses** in the general section of this manual.

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Overtime Pay / Compensatory Leave

Code of Virginia
§§ 9.1-700 - 9.1-704
(excerpts)

Employers shall pay fire protection or law-enforcement employees overtime compensation or leave, as under the Fair Labor Standards Act, at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under the FLSA and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A fire protection or law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for other fire protection or law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction.

Compensation Board Policy

The Compensation Board does not reimburse for compensatory time or overtime leave.

In Sheriff's offices with 100 or more law enforcement employees, a deputy in "paid status" will have that status counted toward the 171 hours worked before he/she becomes eligible for overtime pay/time and a half compensatory leave.

Accrued compensatory time or overtime leave by employees can result in significant financial liability to the Constitutional Officer and/or the local governing body. Constitutional Officers and City Managers / County Administrators should monitor the accrued compensatory time or overtime leave balances of employees and take appropriate steps to ensure that excessive financial liability does not result when an employee departs.

The Code of Virginia, § 9.1-700, defines "law-enforcement employee" as any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof.

The 2005 General Assembly passed SB873 which dealt specifically with overtime compensation for law-enforcement employees. SB873 expanded the current overtime compensation provisions for fire protection employees to certain law-enforcement employees. Under the bill certain law-enforcement employees shall be required to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the number of hours counted for other law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing law-enforcement employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.

Any questions regarding the application of SB873 and §§ 9.1-700-9.1-704, Code of Virginia, to Sheriffs should be addressed to the Sheriffs' respective Human Resource Office.

For more information regarding paid leave, see sections entitled **Military Leave** and **Payment for Leave** in the general section of this manual. For more information on the Fair Labor Standards Act, see the section entitled **FLSA** in the general section of this manual.

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Per Diem Payments

2009 Appropriation Act Item 70 (excerpts)

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2009, and June 1, 2010, may be reallocated among localities on a pro rata basis according to such deficiency.

B. 2. Local responsible inmate - (a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) 12 months or less or (ii) less than one year.

3. State responsible inmate - any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than 2 years.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined in § 53.1-1, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

Compensation Board Policy

Jail inmate per diem rates remain unchanged for those arrested on a state warrant and housed in a local jail. In FY10, the total available appropriation to the Compensation Board for local jail per diems is \$48,014,917.

Compensation Board per diem payments for local responsible inmates are:

- \$8 per day; or
- \$22 per day at jail farms (not operated under control of the Sheriff).

Compensation Board-paid per diem payments for state responsible inmates are:

- \$8 per day for awaiting trial on additional felony charges;
- \$8 per day for inmates held at the request of the locality;
- \$8 per day (for up to 60 days) with all pending charges adjudicated;
- \$14 per day (61 or more days) with all pending charges adjudicated;
- \$28 per day for inmates held in the Contract Bed Program with the Department of Corrections; and
- \$28 per day for state responsible inmates in jail farms after 60 days.

The payment cycle for per diem payments is quarterly as follows:

1st payment for the months of March, April, and May is made in July

2nd payment for the months of June, July, and August is made in October

3rd payment for the months of September, October, and November is made in January

4th payment for the months of December, January, and February is made in April

Localities may receive per diem payments for certain inmates in alternative punishment or alternative to incarceration programs. Such payment is intended to be made for inmates that would otherwise be housed in a local correctional facility. These per diems are not intended for persons who would otherwise be sentenced to community service or probation. The Compensation Board will not reimburse per diem for programs not approved by the Department of Corrections or the Department of Criminal Justice Services.

Language added to the 2006 Appropriation Act requires the use of actual inmate population figures for the first quarter of each fiscal year when projecting growth in per diem funding needs.

For more information regarding per diem payments, see the section entitled **Federal Overhead Recovery**.

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Code of Virginia

§ 15.2-1615.1 (excerpt)

This procedure shall also apply to the payment of the premiums on the official bonds of sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations.

Physical Exams

Compensation Board Policy

The Compensation Board reimburses as an additional allowance the cost of physical exams for newly-hired Sheriff's deputies, as required by the Code of Virginia.

The maximum reimbursement is \$100 per physical exam for newly-hired Sheriffs' deputies in full-time Compensation Board-funded positions.

For more information, see the section entitled **Additional Allowances** in the general section of this manual.

Professional Associations

Compensation Board Policy

Reimbursement for attendance at non-Compensation Board-sponsored training events, professional association meetings, or membership dues will not be provided as additional allowances, but are reimbursed through available office expense funds.

The Compensation Board reimburses for:

- Virginia Sheriffs' Association (VSA);
- Local Government Officials' Conference (LGOC); and
- Virginia Association of Local Elected Constitutional Officers (VALECO).

Only one Compensation Board-funded permanent employee per office may receive a maximum reimbursement of \$100 for VSA, LGOC, and VALECO. VALECO dues are reimbursed for the principal officer only. This reimbursement is contingent upon the office having the available funds, and includes any mileage expenses.

For more information regarding reimbursable office expenses, see sections entitled **Office and Vehicle Expenses** and **Physical Exams**. See also the sections entitled **Office Expenses** and **Professional Associations** in the general section of this manual.

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Salary

2009 Appropriation Act Item 69

A. 1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

Compensation Board Policy

The Compensation Board reimburses 100% of the salaries of Sheriffs and their Compensation Board-funded staff.

The annual salaries of Sheriffs are determined according to population estimates of the city or county in which they serve and whether the Sheriff has law enforcement and/or jail responsibility. The Compensation Board uses an aggregate population estimate to determine the salary of a Sheriff who serves two or more localities. No funding is provided for performance-based pay increases for offices with performance evaluation plans in effect in their office.

The 2009 Appropriation Act provides a \$1,000 per year salary supplement to Sheriffs that serve multiple jurisdictions (i.e., combined county and city offices).

The following are the population-based salaries for Sheriffs for FY10.

Law Enforcement and Jail Responsibility:

<i>Population</i>	<i>July 1, 2009 to June 30, 2010</i>
Less than 10,000	\$64,798
10,000 to 19,999	\$74,480
20,000 to 39,999	\$81,847
40,000 to 69,999	\$88,964
70,000 to 99,999	\$98,849
100,000 to 174,999	\$109,833
175,000 to 249,999	\$115,613
250,000 or more	\$128,458

Law Enforcement or Jail Responsibility:

<i>Population</i>	<i>July 1, 2009 to June 30, 2010</i>
Less than 10,000	\$63,501
10,000 to 19,999	\$72,989
20,000 to 39,999	\$80,209
40,000 to 69,999	\$87,184
70,000 to 99,999	\$96,872
100,000 to 174,999	\$107,635
175,000 to 249,999	\$113,301
250,000 or more	\$126,531

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Salary, continued

No Law Enforcement or Jail Responsibility:

<i>Population</i>	<i>July 1, 2009 to June 30, 2010</i>
Less than 10,000	\$59,667
10,000 to 19,999	\$66,296
20,000 to 39,999	\$73,661
40,000 to 69,999	\$81,847
70,000 to 99,999	\$90,942
100,000 to 174,999	\$101,045
175,000 to 249,999	\$106,361
250,000 or more	\$119,466

Salary scales for Compensation Board-funded employees in Sheriff's offices are located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

Deputies / officers receive upgrades from grade 7 to grade 8 upon the one-year anniversary of date of hire into the Deputy Sheriff position.

A history of salary increases approved by the General Assembly is located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

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Staffing Standards

2009 Appropriation Act
Item 76 (excerpt)

F. Any new positions established shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board.

Code of Virginia
§ 15.2-1609.1 (excerpt)

The respective number of full-time deputies appointed by the sheriff of a county or city shall be fixed by the Compensation Board. In any county without a police force, upon the request of the board of supervisors, the number of such law-enforcement deputies shall be fixed at not less than one such deputy for each 1,500 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 governing body of any county or city may employ a greater number of law-enforcement deputies than fixed by the Compensation Board, provided that the county or city shall pay the total compensation and all employer costs for such additional deputies.

Compensation Board Policy

The Compensation Board uses staffing standards and a staffing methodology for allocating new positions in Sheriffs' offices.

These staffing standards, recommended by the Virginia Sheriff's Association and approved by the Compensation Board, may not reflect all duties performed by the Sheriff. Positions needed for each office are based only upon the duties and workload measures identified specifically in the Staffing Standards. Many Sheriffs perform additional duties at their discretion or provide other services not required by state law. The number of Compensation Board-funded positions due in a specific Sheriff's office is based upon duties required by law to be performed by the Sheriff, or duties which nearly all Sheriffs perform.

In determining the allocation of additional positions, the Compensation Board considers the following criteria:

1. The position (or positions) must be requested by the Sheriff as part of the Compensation Board's annual budget process.
2. The position requested must perform only statutorily prescribed duties for the Sheriff's office.
3. The Sheriff's office must have a personal computer, be connected to the city/county system, or have such systems scheduled for installation within 12 months.
4. Funds and positions must be appropriated by the General Assembly.
5. The Compensation Board will use the staffing methodology and workload criteria developed by the Virginia Sheriff's Association (VSA) to determine the appropriate level of Compensation Board-funded staff support for each office requesting additional positions.
6. The Compensation Board shall determine the number of additional positions to be allocated to any one office based upon criteria 1-5, inclusive, and additional positions shall be allocated in the order of percentage of need, where offices with the highest percentage of need will receive positions first. The percentage of need is determined by calculating the percentage that the number of additional positions needed is to the total number of current positions.
7. The Compensation Board uses U.S. Census data found at <http://www.census.gov/> or data provided by the Weldon Cooper Center for Public Service, University of Virginia, located at <http://www.coopercenter.org/demographics/>.

The methodology used to determine appropriate staffing levels in each Sheriff's office was developed by the VSA and adopted by the Compensation Board.

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2009 Appropriation Act Item 69 (excerpts)

I. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the Board's biennial budget request submission to the Governor and General Assembly. The annual allocation of these positions to local Sheriff's offices shall be based upon the most recent final population estimate for the locality.

E. Consistent with the provisions of paragraph B of Item 76, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio or unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails the Compensation Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity, subject to appropriation by the General Assembly.

Staffing Standards, continued

Law Enforcement. One deputy per 1500 population, as set out in § 15.2-1609.1, Code of Virginia. A minimum of five (5) deputies is allocated for any county where the sheriff provides the majority of law enforcement services, as set out in the Virginia Acts of Assembly (2008 Appropriation Act).

Court Services. The minimum number of deputies fixed for service of process is based upon a three (3) year average of papers received, to be served as follows:

- Six (6) papers served per hour in all cities and in counties with a population of 100,000 and above;
- Three (3) papers served per hour in counties with a population of 70,000 to 99,999;
- Two (2) papers served per hour in counties with less than 70,000 population and 1,750 hours per year of available time per deputy;
- Three (3) hours per in jurisdiction mental health transport; and
- Four (4) and ½ hours per out of jurisdiction mental health transport.

Courtroom and Courthouse Security. The number of deputies fixed for courtroom and courthouse security is based upon no more than:

- Two (2) deputies in a circuit court;
- One (1) deputy in general court; and
- One (1) deputy in juvenile and domestic relations court.

This applies to criminal cases at eight (8) hours per day per deputy when court is in session, and 1,750 hours per year of available time per deputy.

Administrative, support, or clerical positions are allocated at not less than:

- One (1) position per 25 law enforcement deputies;
- One (1) position per 10 court services deputies;
- One (1) position per 100 inmates of average daily population in a jail; and
- One (1) position minimum per Sheriff's office.

Additional **jail deputies** for new jail construction or expanded jail capacity are allocated based on the Department of Corrections (DOC) staffing study recommendation, and a maximum ratio of one (1) jail deputy for every three beds of operating capacity (or the request of the Sheriff, whichever is less). The DOC determines operational capacity. No additional jail deputies shall be provided to a local jail in which staffing exceeds the ratio of 1:3 unless the jail is deemed overcrowded. Overcrowding, for staffing purposes only, is defined as when the annual average daily population exceeds the operational capacity. In a jail experiencing overcrowding, the Compensation Board, upon the request of the Sheriff, may allocate one (1) additional jail deputy for every five average daily prisoners above operational capacity.

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Staffing Standards, continued

When additional deputies are requested for a jail that has renovated an existing facility, the DOC prepares a comprehensive analysis of staffing requirements for the jail, exclusive of federal prisoners, District of Columbia inmates, and contract inmates from other states.

When funded, additional deputies to staff **alternative incarceration programs** operated by local jails are allocated using a ratio of not more than one (1) position for every 16 inmates participating in programs approved by the Department of Corrections.

In jails where **food service** is not contracted, the number of **cooks** is fixed at a minimum of:

- One (1) cook position in a jail with an operating capacity of 30 to 49 inmates;
- Two (2) cook positions in a jail with an operating capacity of 50 to 89 inmates;
- Three (3) cook positions in a jail with an operating capacity of 90 to 299 inmates;
- Four (4) cook positions in a jail with an operating capacity of 300 to 499 inmates;
- Five (5) cook positions in a jail with an operating capacity of 500 inmates or more.

Medical, classification, or treatment positions are allocated at a ratio of one (1) position per 25 inmates, based on the annual average daily population (ADP).

Staffing standards for Sheriff's offices are located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

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Temporary (Hourly-Wage) Employees

Compensation Board Policy

The Compensation Board reimburses 100% of the budgeted amount for salaries for temporary (hourly-wage) employees of Sheriffs.

Base budgets for temporary (hourly-wage) employee salaries are set at the same level as approved in the previous fiscal year (as adjusted through any base budget transfer requests during the fiscal year).

Uniform Standard

Compensation Board Policy

The Code of Virginia allows Sheriffs to choose uniform colors and markings, etc. that are easily identifiable by the public.

The local governing body is responsible for supplying to the Sheriff a reasonable number of uniforms and personal equipment so that the Sheriff may perform official duties as necessary.

For more information regarding standards for Sheriffs, see the section entitled **Vehicle Markings Standard**.

Code of Virginia
§ 15.2-1613

Counties and cities shall provide at their expense a reasonable number of uniforms and items of personal equipment required by the sheriff to carry out his official duties.

§ 15.2-1610

A. Except as provided in § 15.2-1611, all uniforms used by sheriffs and their deputies and police officers under the direct control of a sheriff while in the performance of their duties shall (i) easily identify local law-enforcement officers to members of the public, (ii) be of a design and style approved by the sheriff of the locality, and (iii) be worn according to the policies established by the sheriff of the locality.

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Code of Virginia § 15.2-1610

B. All marked motor vehicles used by sheriffs' offices shall be solid dark brown or, with the concurrence of the local governing body and the local sheriff, some other solid color, with a reflectorized gold, five-point star on each front side door. The lettering on such stars shall say "Sheriff's Office" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. The name of the county or city shall be placed in a half-circle below the Seal. The words "Sheriff's Office" shall be placed on the rear of the trunk.

C. All sheriff's offices shall be in full compliance with specifications for uniforms and motor vehicle markings, if the sheriff prescribes that uniforms be worn and marked vehicles be utilized.

Vehicle Markings Standard

Compensation Board Policy

The Code of Virginia mandates standard markings on Sheriff's vehicles.

In the 2009 Appropriation Act, Item 76, C. 1., the Compensation Board is directed to reimburse for the use of vehicles purchased or leased with public funds used in the discharge of official duties at a rate equal to that approved by the Joint Legislative Audit and Review Commissions for Central Garage Car Pool Services. No vehicle purchased or leased with public funds on or after July 1, 2002 shall display lettering on the exterior of the vehicle that includes the name of the incumbent Sheriff.

For more information regarding standards for Sheriffs, see the section entitled **Uniform Standard**.