



*COMMONWEALTH OF VIRGINIA*  
*Office of the Governor*

Timothy M. Kaine  
Governor

June 17, 2008

Mr. John W. Jones  
Executive Director  
Virginia Sheriffs' Association  
701 East Franklin Street, Suite 706  
Richmond, Virginia 23219

Dear Mr. Jones,

As you are aware, the Commonwealth faces considerable revenue shortfalls in both the current fiscal year and the upcoming biennium. State agency funding and state aid to localities have both seen reductions as a result of our constitutional obligation to balance the budget.

To address the shortfall and maintain existing capacity, the Department of Corrections (DOC) developed a plan that would allow two new recently constructed prisons to open, as well as two major prison expansions. The plan accomplished this goal through revenues generated from agreements to house up to 1,000 inmates from other states or the federal government.

In order to limit the potential impact on local jails, DOC planned to maintain over 900 "temporary emergency" beds, which were tentatively scheduled to be taken off line this year, to offset the loss of any capacity allocated to non-Virginia inmates. The plan was ultimately adopted by the legislature and placed into the Appropriation Act. Following enactment of the new budget, DOC agreed to house, and has already received inmates on behalf of the State of Wyoming.

As you know, I take seriously the concerns raised by Virginia's Sheriffs and I have worked closely with you during the budget process to ensure that reduction strategies did not place undue burden on sheriffs. We proceeded with DOC's plan to

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address the budget shortfall in part because I heard no complaints from Sheriffs during the budgeting process.


Since the end of the session, I have received complaints from sheriffs, and am aware of a lawsuit filed by one regarding the number of out of compliance inmates in their facility.

Therefore, I am now directing the DOC not to establish any agreements to house out of state inmates from the federal government or other states with which we do not already have contractual arrangements. This will create a budget shortfall for DOC, so I am asking the Department of Planning and Budget and DOC to develop options for my consideration that would address the budgetary impact of this action.

As of last week, just over 1,800 'out-of-compliance' state inmates were being held in jails. While this number is not high compared to historical averages, I am sensitive to and will attempt to remedy the concerns that I have received from some jails. The current number is only 60% of the total from just two years ago, and I have instructed DOC to take all feasible steps, without creating unsafe conditions, to continue to reduce the number of out of compliance state inmates in local and regional jails.

I appreciate the open and cooperative relationship that we have enjoyed, and hope that you will feel free to contact me should you have concerns with which I may help in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'TMK', with a stylized flourish at the end.

Timothy M. Kaine

c: John W. Marshall, Secretary of Public Safety  
Gene Johnson, Director, Department of Corrections  
Mr. Lance P. Forsythe, Virginia Association of Regional Jails