

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	October 17, 2012
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present.....	Cynthia M. Alksne Jonathan T. Blank (at 1:00) Kurt A. Boshart Felipe Q. Cabacoy Linda D. Curtis William E. Osborne Carl R. Peed Reverend Anthony C. Paige

11:30 a.m. Wednesday, October 17, 2012
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Today's meeting was held in two parts. Discussion and action on Items I through V.2) was held beginning at 11:30 a.m. Discussion and action on Item V.3) as well as the remaining agenda items was held beginning at 1:00 p.m.

Chairman Decker welcomed attendees and thanked everyone for coming. Roll call was taken by Mrs. Woodhouse. Eight members were present. Mr. Blank was not present at 11:30 but was present at the 1:00 meeting.

I. Board Chairman (Mr. Decker)

1) Presentation to and Board Motion to Approve Resolution for Mr. B. A. Washington, Sr.

Mr. Decker presented a Resolution to Mr. Washington on the Board's behalf. He then read the body of the Resolution into the record:

***RESOLUTION RECOGNIZING B. A. WASHINGTON, SR.
UPON HIS DEPARTURE FROM THE COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS***

On Motion of the Board of Corrections, the Following Resolution was Adopted:

WHEREAS, B. A. Washington, Sr., has served the Commonwealth faithfully since October 3, 2008, when he was appointed to the Board of Corrections by then-Governor Tim Kaine to fill the unexpired term of W. Alvin Hudson, Jr. B. A. Washington, Sr., attended his first meeting as a member of the Board on November 19, 2008; and

WHEREAS, B. A. Washington, Sr., has served the Board and the citizens of the Commonwealth in a non-partisan manner since that time under Governors Kaine and McDonnell and Board Chairmen Proffitt and Decker with marked integrity while pursuing the letter and intent of the law; and

WHEREAS, during his almost four years as a member in good standing, attended and actively participated in the meetings and contributed greatly; and

WHEREAS, during his many years as a member of the Board, B. A. Washington, Sr., participated in many frank discussions regarding the treatment of inmates in local jails and state facilities, understanding the importance of his professional responsibility beyond the Board of Corrections and by so doing became an active proponent of issues important to the Commonwealth, the Department and his fellow Board members; and

WHEREAS, B. A. Washington, Sr., having served three years and 8 months of the unexpired term of another Board member, attended his last Board of Corrections meeting as a member in good standing on July 18, 2012.

NOW, THEREFORE BE IT RESOLVED, that the Board of Corrections, this 17th day of October, 2012, publicly recognizes the contributions of B. A. Washington, Sr., to the Board, the Department and the citizens of the Commonwealth of Virginia;

AND, BE IT FURTHER RESOLVED, that the Board thanks him for his almost four-year commitment to the Commonwealth;

AND, BE IT FINALLY RESOLVED, that a copy of this Resolution be presented to B. A. Washington, Sr., and that this Resolution be permanently recorded and retained in the papers of the Board of Corrections.

s/s Cynthia M. Alksne, Jonathan T. Blank, Kurt A. Boshart, Felipe Q. Cabacoy, Linda D. Curtis, Peter G. Decker, III, William E. Osborne, Rev. Anthony C. Paige, and Carl R. Peed

Mr. Washington noted what a privilege it has been to work with the Chairman and the members of the Board and how grateful he was for the opportunity.

The Motion was seconded by Mr. Osborne and **APPROVED** by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Curtis, Decker, Osborne, Paige, Peed). Mr. Blank was not present at the time of the motion. There were no opposing votes. The Motion carried.

2) **Presentation to and Board Motion to Approve Resolution for Mr. Elton W. Blackstock, Jr.**

Mr. Decker presented a Resolution to Mr. Blackstock on the Board's behalf. He then read the body of the Resolution into the record:

***RECOGNIZING ELTON W. BLACKSTOCK, JR.
UPON HIS DEPARTURE FROM THE LIAISON COMMITTEE
OF THE VIRGINIA BOARD OF CORRECTIONS***

On Motion of the Board of Corrections, the Following Resolution was Adopted:

WHEREAS, Elton W. Blackstock, Jr., has served the Commonwealth faithfully since January, 2009, when he was selected for appointment to the Liaison Committee of the Virginia Board of Corrections by then Board Chairman Sterling C. Proffitt. Elton

W. Blackstock, Jr., attended his first meeting as a member of the Liaison Committee on March 18, 2009; and

WHEREAS, Elton W. Blackstock, Jr., has served the Board, the Committee and the citizens of the Commonwealth in a non-partisan manner since that time under two Governors and two Board Chairmen with marked integrity, pursuing the letter and intent of the law; and

WHEREAS, during his 3-plus years as a member in good standing of the Liaison Committee, Elton W. Blackstock, Jr., attended and actively participated in as many scheduled meetings as practicable, all the while actively administering the duties of the office of Administrator of the Blue Ridge Regional Jail Authority until his retirement in September of 2012; and

WHEREAS, during his years as a member of the Board's Liaison Committee, Elton W. Blackstock, Jr., participated in many frank discussions regarding the treatment of inmates in local jails, understood the importance of his professional responsibility beyond the Liaison Committee and in so doing, became an active proponent of issues important to the Commonwealth, to the Board and to his fellow Committee members; and

WHEREAS, Elton W. Blackstock, Jr., announced his resignation from the Virginia Board of Corrections' Liaison Committee as a member in good standing in July, 2012.

NOW, THEREFORE BE IT RESOLVED, that the Virginia Board of Corrections, this 17th day of October, 2012, publicly recognizes the contributions of Elton W. Blackstock, Jr., to the Virginia Board of Corrections, the Virginia Department of Corrections and the citizens of the Commonwealth of Virginia;

AND, BE IT FURTHER RESOLVED, that the Board thanks him for his commitment to the Commonwealth and extends best wishes on his retirement;

AND, BE IT FINALLY RESOLVED, that a copy of this Resolution be presented to Elton W. Blackstock, Jr., and that this Resolution be permanently recorded and retained in the papers of the Board of Corrections, Commonwealth of Virginia.

s/s Cynthia M. Alksne, Jonathan T. Blank, Kurt A. Boshart, Felipe Q. Cabacoy, Linda D. Curtis, Peter G. Decker, III, William E. Osborne, Rev. Anthony C. Paige, and Carl R. Peed

Mr. Blackstock thanked the Chairman and stated what an honor it has been to serve the citizens of Virginia, the good folks of the Board and the Department of Corrections and the Liaison Committee.

The Motion was seconded by Mr. Osborne and **APPROVED** by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Curtis, Decker, Osborne, Paige, Peed). Mr. Blank was not present at the time of the motion. There were no opposing votes. The Motion carried.

3) **Board Motion to Approve July Board Minutes**

The Chairman called for a Motion to approve the July Board Minutes.

By **MOTION** duly made and seconded, the July Board Minutes were **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne). Mrs. Alksne and Reverend Paige were not present at the July meeting so their votes were not considered. Mr. Blank was neither present in July nor during the call for the Motion. Mr. Washington was not reappointed, and his replacement did not vote. There were no opposing votes, and the Chairman then voted his approval of the Motion. The Motion carried.

4) **Board Motion to Approve September Board Minutes**

The Chairman called for a Motion to approve the September Board Minutes.

By **MOTION** duly made and seconded, the September Board Minutes were **APPROVED** by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Peed). As Mrs. Curtis was not present in September and as Reverend Paige participated in the meeting via telephone, their votes were not considered. Mr. Blank was neither present in September nor during the call for the Motion. There were no opposing votes, and the Chairman then voted his approval of the Motion. The Motion carried.

5) **Report of Nominating Committee to Elect Board Officers**

Mrs. Alksne, as Chairman of the Nominating Committee, presented the proposed slate of officers for consideration:

Mr. Peter G. Decker, III, Chairman
Mrs. Cynthia M. Alksne, Vice Chairman
Mr. Kurt A. Boshart, Secretary

There were no nominations from the floor. Therefore, by **MOTION** duly made by Mr. Osborne and seconded by Reverend Paige, the slate of officers was approved in total by verbally responding in the affirmative (Cabacoy, Curtis, Osborne, Paige, Peed). The votes of Mrs. Alksne and Messrs. Boshart and Decker were not considered. Mr. Blank was not present at the time of the Motion.

6) **Board Motion to Approve Meeting Dates for 2013**

The 2013 meeting dates were provided for review prior to the meeting. There being no questions or comments, the Chairman called for the question.

By **MOTION** duly made by Mrs. Alksne, seconded by Mrs. Curtis and verbally responded to in the affirmative (Alksne, Boshart, Cabacoy, Curtis, Osborne, Paige, Peed), the 2013 meeting dates were **APPROVED** as presented.

The dates are as follows: March 20, May 15, July 17, September 18, October 16 and November 13, 2013.

There were no questions and there was no discussion. There were no opposing votes. Mr. Blank was not present at the time of the Motion. The Chairman then voted his approval of the Motion. The Motion carried.

II. Public Comment

Reverend Rosalind Hall with the New Life Deliverance Tabernacle Church in Richmond again addressed the Board. She spoke of the concerns her church has for the children of incarcerated parents when those parents are returned to their families. She feels there is a need for inmates to have time with their children separate and apart from regular visitation prior to release in order for this transition to take hold and for inmates to re-engage with their children. Reverend Paige asked if Reverend Hall was aware of the Angel Tree Program. Reverend Hall responded that people do take advantage of the Angel Tree Program as a holiday offering, but there is still a need to minister to children of the incarcerated at other times of the year. She concluded her remarks and thanked the Board for the opportunity to speak.

III. Liaison Committee (Mr. Osborne)

Mr. Osborne reported that the 2013 Board meeting dates had been provided to the committee for their calendars. He noted that Mr. Wilson had reported the out-of-compliance figure at 5,107, that the Richmond City Jail project was coming along and that the new, 80-bed Mecklenburg facility of the Meherrin River Regional Jail will be opening in January, 2013. The remainder of the discussion focused on the pregnant inmate restraints issue, which will be visited by the Board at 1:00.

There were no questions or comments. The Chairman thanked Mr. Osborne for his report. No Board action was required.

IV. Administration Committee

There was no items for the Administration Committee this month.

V. Correctional Services Committee Report/Policy & Regulations (Mr. Boshart)

1. Compliance and Accreditation Certifications Section: State/Local/Regional/Community Facilities

Mr. Boshart presented the following jail certifications for consideration:

- a) Unconditional Certification as the result of 100% compliance for Amherst County Adult Detention Center;

and Unconditional Certification for the Franklin County Jail, and the Newport News City Jail to include male and female juveniles in accordance with § 16.1-249.G of the Code of Virginia.

By **MOTION** duly made by Mr. Boshart and seconded by Mrs. Alksne, the Board **APPROVED** the above recommendations by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Curtis, Osborne, Paige, Peed).

There were no questions and there was no discussion. There were no opposing votes. Mr. Blank was not present at the time of the Motion. The Chairman then voted his approval of the Motion. The Motion carried.

b) Previously Approved Revised Memorandum of Agreement with State Fire Marshal

Action on this item was tabled until November.

1) Board Motion to Rescind Previously Approved Memorandum of Agreement with State Fire Marshal

For the purposes of the record, the Board must rescind its July action regarding the Memorandum of Agreement (MOA) with the State Fire Marshal.

After approval by the Board but prior to sign off by the State Fire Marshal, the State Fire Marshal found it necessary to revise the approved MOA to include an hourly fee to be charged local jails in the performance of annual fire safety inspections pursuant to Standard 6VAC15-40-1100. The specific language is being worked out and will be available for action by the Board in November; however, as the original MOA has been modified, the approved action must be rescinded. Therefore,

By **MOTION** duly made by Mr. Boshart, seconded by Mr. Cabacoy and by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Curtis, Osborne, Paige, Peed), the Board **APPROVES** the **RESCISSION** of the July approved MOA with the State Fire Marshal.

There were no questions and there was no discussion. There were no opposing votes. Mr. Blank was not present at the time of the Motion. The Chairman then voted his approval of the Motion. The Motion carried.

c) Discussion Regarding Upcoming Legislative Session

The members of the Correctional Services Committee are trying to ascertain what the legislature might need from the Board during the upcoming Session and after November, the Board will not meet again until after the Session has concluded. In order to determine what might be needed, the Board hopes to avail itself of the expertise of Senate Finance Committee staff who would know what will be discussed; therefore, Mr. Dick Hickman will be invited to come speak to the Committee in November. The Board Office will ensure Mr. Hickman is contacted.

**2) Compliance and Accreditation Unit (Unannounced Inspections Section):
Local and Regional Jails and Lockups**

There were no items to report this month.

As there was no Closed Session and Director Clarke was not present to address Other Business, the meeting was adjourned until 1:00. The Board Member Comment and Future Meeting Plans will be addressed at the conclusion of the afternoon session.

By *MOTION* duly made by Mr. Osborne and seconded by Mrs. Alksne, the meeting was adjourned until 1:00.

1:00 p.m., Wednesday, October 17, 2012
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was reconvened. The full Board was present. Other meeting attendees included: Holly Coy with Virginia Interfaith Center for Public Policy; Kathy Greenier with the A.C.L.U. of Virginia; Superintendent Joe Higgs, Rappahannock Regional Jail; Arlington County Sheriff Beth Arthur representing the Virginia Sheriffs' Association; Major David Kidwell, Arlington County Sheriff's Office; Superintendent Sandra Thacker, Peumansend Creek Regional Jail representing the Virginia Association of Regional Jails; Captain John Jenkins, Fauquier County Sheriff's Office; Assistant Superintendent Walter Minton, Riverside Regional Jail; Petersburg City Sheriff Vanessa Crawford; Major Lloyd, Petersburg Sheriff's Office; Delegate Ben Cline; Mr. Larry O'Dell, Virginia Associated Press; and a reporter and camera person from WTVR Channel 6.

V. Correctional Services Committee Report/Policy & Regulations (Mr. Blank)

3) Policy & Regulations

a) Stakeholder Discussion on and Board Motion to Approve Language Regarding Pregnant Inmate Restraints

Mr. Jonathan Blank introduced himself as the Chairman of the ad hoc committee tasked with going through these proposed regulations. He began by apologizing for the misstep the Board took when it voted on the policy without reaching out to and receiving input from the stakeholders who are charged with the safety and security of all Virginians. That misstep has now been rectified.

The process began in May, and he thanked law enforcement and the coalition members of the ad hoc committee for their input. He indicated that once the committee got down to discussion, it was discovered there was a lot of commonality. Now the Board must understand the issues and vote.

A chart was provided, broken into 9 items/sections, with repeat language in several. The chart reads from left to right, from the first meeting in May with law enforcement and coalition edits listed through the meeting in July with proposed language to the items still at issue. Mr. Blank proposed to walk through the

sections generally and provide law enforcement and the coalition an opportunity to speak to the issues. It was noted that Mr. Wilson was available to any extent needed to entertain questions from the Board.

i. Sub-Section 3

Language for consideration: *No restraints will be used during labor and delivery unless an individualized determination has been made that the inmate is a serious flight risk, security risk and or danger to themselves or others.*

After much discussion and input from both sides, Mr. Blank proposed a three-step voting process: amend the language by taking out “security risk” where written and adding after others, “or the totality of the circumstances creates a serious security risk” and vote on that language as a whole; then an up or down vote on keeping “serious” before security risk; or an up and down vote on keeping “serious” before flight risk.

Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mr. Cabacoy, the Board **APPROVED** the first recommendation of amending the language by taking out “security risk” where written and adding after others, “or the totality of the circumstances creates a serious security risk” by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Paige, Peed). Three members responded in the negative (Boshart, Curtis, Osborne). The Motion passed (5/3).

The language now reads: No restraints will be used during labor and delivery unless an individualized determination has been made that the inmate is a flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.

By **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the second recommendation on keeping “serious” before security risk by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Curtis, Paige, Peed). Two members responded in the negative (Boshart, Osborne). The Motion passed (6/2).

The language now reads: No restraints will be used during labor and delivery unless an individualized determination has been made that the inmate is a serious flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.

By **MOTION** duly made by Mr. Blank and seconded by Ms. Alksne, the Board **DENIED** the third recommendation on keeping “serious” before flight risk by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Paige). Four members responded in the negative (Boshart, Curtis, Osborne, Peed). It was a tie vote (4/4). Therefore, to break the tie, there was a recount and the vote was (Blank, Alksne, Paige) versus (Boshart, Cabacoy, Curtis, Osborne, Peed) (3/5). The Motion failed.

The final language now reads: *No restraints will be used during labor and delivery unless an individualized determination has been made that the inmate is a flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.*

ii. Sub-Section 1

Language for consideration: *This subsection 1 is intended to apply to the transportation outside the secure perimeter such that inmates known to be pregnant shall be handcuffed only in front, unless an individualized determination is made that the inmate is a serious flight risk, security risk, and/or danger to themselves or others.*

If an individualized determination has been made, then such inmates will be restrained in the least restrictive method necessary for outside transport. Waist chains/belts shall not be used.

If it is deemed more restrictive restraints are needed during transport, security staff shall notify a supervisor as soon as reasonably possible and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

After much discussion and input from both sides, Mr. Blank again proposed a three-step voting process: amend the language by taking out “security risk” where written and adding after others, “or the totality of the circumstances creates a serious security risk” and vote on that language as a whole; then an up or down vote on keeping “serious” before security risk; or an up and down vote on keeping “serious” before flight risk.

Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the first recommendation of amending the language by taking out “security risk” where written and adding after others, “or the totality of the circumstances creates a serious security risk” by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Paige, Peed). Three members responded in the negative (Boshart, Curtis, Osborne). The Motion passed (5/3).

The language now reads: *This subsection 1 is intended to apply to the transportation outside the secure perimeter such that inmates known to be pregnant shall be handcuffed only in front, unless an individualized determination is made that the inmate is a serious flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.*

If an individualized determination has been made, then such inmates will be restrained in the least restrictive method necessary for outside transport. Waist chains/belts shall not be used.

If it is deemed more restrictive restraints are needed during transport, security staff shall notify a supervisor as soon as reasonably possible and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

By **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the second recommendation on keeping “serious” before security risk by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Curtis, Paige, Peed). Two members responded in the negative (Boshart, Osborne). The Motion passed (6/2).

The language now reads: *This subsection 1 is intended to apply to the transportation outside the secure perimeter such that inmates known to be pregnant shall be handcuffed only in front, unless an individualized determination is made that the inmate is a serious flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.*

If an individualized determination has been made, then such inmates will be restrained in the least restrictive method necessary for outside transport. Waist chains/belts shall not be used.

If it is deemed more restrictive restraints are needed during transport, security staff shall notify a supervisor as soon as reasonably possible and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

By **MOTION** duly made by Mr. Blank and seconded by Ms. Alksne, the Board **DENIED** the third recommendation on keeping “serious” before flight risk by verbally responding in the affirmative (Alksne, Blank, Cabacoy, Paige). Four members responded in the negative (Boshart, Curtis, Osborne, Peed). It was a tie vote (4/4).

To break the tie, there was a recount and the vote was (Blank, Alksne, Paige) versus (Boshart, Cabacoy, Curtis, Osborne, Peed) (3/5). The Motion failed.

The final language now reads: *This subsection 1 is intended to apply to the transportation outside the secure perimeter such that inmates known to be pregnant shall be handcuffed only in front, unless an individualized determination is made that the inmate is a flight risk and/or danger to themselves or others or the totality of the circumstances creates a serious security risk.*

If an individualized determination has been made, then such inmates will be restrained in the least restrictive method necessary for outside transport. Waist chains/belts shall not be used.

If it is deemed more restrictive restraints are needed during transport, security staff shall notify a supervisor as soon as reasonably possible and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

iii. Sub-Section 4

Language for consideration: *This subsection 4 is intended to apply to labor and delivery such that if there is an individualized determination that restraints are needed, the least restrictive alternative will be used in consultation with the medical professional but restraints shall be immediately removed, upon the request of any doctor, nurse or other health professional treating the inmate, if the restraints present a threat to the health or life of the inmate and/or child and waist chains/belts shall not be used.*

There was a consensus between law enforcement and the coalition on this language. Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the above language by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed).

There were no questions and there was no discussion. There was one opposing vote (Osborne). The Motion passed (7/1).

The final language now reads: This subsection 4 is intended to apply to labor and delivery such that if there is an individualized determination that restraints are needed, the least restrictive alternative will be used in consultation with the medical professional but restraints shall be immediately removed, upon the request of any doctor, nurse or other health professional treating the inmate, if the restraints present a threat to the health or life of the inmate and/or child and waist chains/belts shall not be used.

iv. Sub-Section 5

Language for consideration: *If it is deemed more restrictive restraints are needed during labor and delivery, security staff shall notify a supervisor as soon as reasonably practical and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.*

There was a consensus between law enforcement and the coalition on this language. Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the above language by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed).

There were no questions and there was no discussion. There was one opposing vote (Osborne), who added that jails do not need to be told to do this; they are already doing it. The Motion passed (7/1).

The final language now reads: *If it is deemed more restrictive restraints are needed during labor and delivery, security staff shall notify a supervisor as soon as reasonably practical and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.*

v. Sub-Section 6

Language for consideration: *This subsection 6 is intended to apply during postpartum recovery such that after an individualized determination, inmates shall be restrained in the least restrictive method (i.e., one ankle restraint or one arm restraint) that will allow for the mother's safe handling of her infant and mother-infant bonding, except where necessary when the inmate is a serious flight risk, security risk, and/or danger to themselves or others. If it is deemed restraints more restrictive than one ankle restraint or one arm restraint are needed, security staff shall notify a supervisor as soon as reasonably practical and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.*

After much discussion and input from both sides, Mr. Blank again proposed a three-step voting process: amend the language by taking out "security risk" where written and adding after others, "or the totality of the circumstances creates a serious security risk" and vote on that language as a whole; then an up or down vote on keeping "serious" before security risk; or an up and down vote on keeping "serious" before flight risk. And then amend the language by adding "while inmate is in the hospital" after recovery.

Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mr. Cabacoy, the Board **APPROVED** the first recommendation of amending the language by taking out "security risk" where written and adding after others, "or the totality of the circumstances creates a serious security risk" and on keeping "serious" before security risk. The Board **DENIED** the recommendation on keeping "serious" before flight risk. Responses to both Motions were ascertained by their verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed). One member responded in the negative (Osborne). The Motion passed (7/1).

The language now reads: *This subsection 6 is intended to apply during postpartum recovery such that after an individualized determination, inmates shall be restrained in the least restrictive method (i.e., one ankle restraint or one arm restraint) that will allow for the mother's safe handling of her infant and mother-infant bonding, except where necessary when the inmate is a flight risk, and/or danger to themselves or others or the totality of the circumstances creates a serious security risk. If it is deemed restraints more restrictive than one ankle restraint or one arm restraint are needed, security staff shall notify a supervisor as soon as reasonably practical and a Use of Force report indicating the reason*

for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

And by **MOTION** duly made by Mr. Blank and seconded by Mr. Cabacoy, the Board **APPROVED** the recommendation of amending the language by adding after recovery, “while the inmate is in the hospital” by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed). One member responded in the negative (Osborne). The Motion passed (7/1).

The final language now reads: This subsection 6 is intended to apply during postpartum recovery while the inmate is in the hospital such that after an individualized determination, inmates shall be restrained in the least restrictive method (i.e., one ankle restraint or one arm restraint) that will allow for the mother’s safe handling of her infant and mother-infant bonding, except where necessary when the inmate is a flight risk, and/or danger to themselves or others or the totality of the circumstances creates a serious security risk. If it is deemed restraints more restrictive than one ankle restraint or one arm restraint are needed, security staff shall notify a supervisor as soon as reasonably practical and a Use of Force report indicating the reason for the use of restraints and type of restraints shall be submitted to a supervisor no later than the conclusion of the shift for review and justification.

vi. Sub-Section 7

Language for consideration: *Each facility shall retain a copy of each incidence of use of force on a pregnant inmate.*

After much discussion and input from both sides, it was agreed to table this item. Therefore, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **TABLED** the above language by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed).

There were no questions and there was no discussion. There was one opposing vote (Osborne). The Motion passed (7/1).

There is no longer a Sub-Section 7.

vii. Sub-Section 8

Language for consideration: *All staff shall annually review policy related to restraining pregnant inmates.*

After little discussion, this language was agreed upon; therefore, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Alksne, the Board **APPROVED** the above language by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed).

There were no questions and there was no discussion. There was one opposing vote (Osborne). The Motion passed (7/1).

The final language now reads: *All staff shall annually review policy related to restraining pregnant inmates.*

viii. Sub-Section 9

Language for consideration: *This subsection is intended to apply to inmates known to be pregnant who are hospitalized unrelated to labor and delivery then such inmates will be restrained in the least restrictive method necessary will be used in consultation with the medical professional. Waist chains/belts shall not be used.*

After much discussion and input from both sides, by **MOTION** duly made by Mr. Blank and seconded by Mrs. Curtis, the Board **APPROVED** the recommendation of deleting “hospitalized” and adding after are, “in a facility for medical treatment” and by deleting “will be used” after necessary, by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Paige, Peed).

There were no questions and there was no discussion. There was one opposing vote (Osborne). The Motion passed (7/1).

The final language now reads: *This subsection is intended to apply to inmates known to be pregnant who are in a facility for medical treatment unrelated to labor and delivery then such inmates will be restrained in the least restrictive method necessary in consultation with the medical professional. Waist chains/belts shall not be used.*

As all Board action on these items has been taken, Mr. Blank’s report was concluded. Delegate Cline thanked the group for its work. It was a complicated issue with an end goal of protecting the mother and child. He thanked the members of the coalition and stated he could not be more pleased with the process. Director Clarke echoed the words of the Delegate stating the results are commendable as the result of dialogue; that you have to have all parties at the table to accomplish this. He thanked everyone and stated if there is anything the Department can ever do, to please let him know.

Before closing, Mr. Jim Bruce indicated that he will proffer a Motion in November to begin the regulatory process on this newly approved language.

VI. Closed Session

No Closed Session was held.

VII. Future Meeting Plans (provided for informational purposes)

The November 14, 2012, meetings are scheduled as follows:

Liaison Committee – 9:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Correctional Services/Policy & Regulations Committee – 10:30 a.m., Board Room, 6900
Atmore Drive, Richmond, Virginia;
Board Meeting – 1:30 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

VIII. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Osborne, seconded by Reverend Paige and **APPROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Curtis, Osborne, Paige, Peed), the meeting was adjourned.

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. The Motion carried.

Signature copy on file

PETER G. DECKER, III, CHAIRMAN

KURT A. BOSCHART, SECRETARY