

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
JAIL REVIEW COMMITTEE MEETING**

Regular Meeting.....February 21, 2018

Location6900 Atmore Drive, Richmond, Virginia

Presiding.....Sheriff Vernie W. Francis, Jr., Chairman

Present.....William T. Dean, Board of Corrections Member
Sheriff Charles Jett, Board of Corrections Member
Phyllis Randall, Board of Corrections Member
Reverend Kevin L. Sykes, Board of Corrections Member
Bobby Vassar, Board of Corrections Member
Steve Goff, Board of Corrections
Brian Sutherland, Board of Corrections
Jae K. Davenport, Deputy Secretary of Public Safety
Phillip Figura, Board Counsel, Office of the Attorney General
Linda Bryant, Assistant Superintendent, Hampton Roads Regional Jail
James Bruce, Department of Corrections
Paul Haymes, Department of Corrections
Ron Hall, Department of Corrections
Emmanuel Fontenot, Department of Corrections
Erma Locust, Department of Corrections
Bob Casey, Department of Corrections
Donna Foster, Department of Corrections

Absent.....Dr. Heather Masters, Board of Corrections Member
Olivia Garland, Board of Corrections Member

The meeting was called to order and Chairman Francis welcomed all attendees.

The January 9, 2018 minutes were brought before the Committee for approval.

Upon a **MOTION** by Chairman Francis and duly seconded, the attending members voted unanimously to **APPROVE** the January 9, 2018 Jail Review Committee meeting minutes.

Public Comment

There was no public comment.

Presentations

Linda Bryant, Esq., Assistant Superintendent, Hampton Roads Regional Jail

Jail Death Reviews and Investigations-Best Practices and Lessons Learned

Ms. Bryant discussed the many practices reviewed and implemented by Hampton Roads Regional Jail, beginning with the investigation into the death of Jamycheal Mitchell.

Ms. Bryant brought a manual to provide to Board members as a guide to various investigations that may be helpful to the Board in their legislated capacity to review jail deaths.

Brian Sutherland, Policy Specialist, Board of Corrections

The telecommute agreements have been approved, the equipment finalized and the transportation secured. A point-of-contact list has been completed for all local facilities throughout the state, and the introductory letter has been sent to all administrators. The introductory letter explains who the Board investigative team is as well as the investigative process and a copy of the death report form. In addition, a contact list has been created to contact the medical examiners offices throughout the state. A filing system has been developed and a case numbering system created.

Mr. Goff and Mr. Sutherland attended the Virginia Regional Jails Superintendents' monthly meeting on January 19, 2018 at the Blue Ridge Regional Jail Authority facility in Amherst County and plan to attend the next Virginia Sheriffs' Association meeting.

Phillip Figura, Board Counsel, Office of the Attorney General

Mr. Figura discussed going into closed session for the purpose of medical and mental health discussions involved in jail inmate deaths.

Closed Session

Mr. Vassar offered the following as a motion:

I move that the Jail Review Committee begin *CLOSED* session pursuant to Code of Virginia §2.2-3711(A16) to discuss matters lawfully exempt from public disclosure of medical and mental health records.

Upon a *Motion* by Mr. Vassar and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Reconvene Open Session

Upon the members' return to open session, Mr. Vassar offered the following in the form of a motion:

I move that the Jail Review Committee reconvene our open session to discuss matters pursuant to Code of Virginia §2.2-3711(A16) to discuss matters lawfully exempt from public disclosure of medical and mental health records. I move that this committee and its individual members Certify that in closed session, the Jail Review Committee and its individual members Certify that in closed session the Jail Review Committee limited its discussion to public meeting requirements lawfully exempt from the public meeting requirements and identified in a closed session motion. If a member cannot so Certify, I ask that the recorder take role.

Upon a *Motion* by Mr. Vassar and duly seconded, the attending members voted unanimously to *Approve* the above recommendations. All attending Board of Corrections' members *Certified* that the closed session discussion was limited to legally exempt matters.

General Discussion

Ms. Randall asked Ms. Davenport if funding requests in the budget included funding for the .5 position for Board jail deaths investigation, to which she responded, "yes", \$25,000 in funding was included for FY19 (fiscal year 2019) and \$50,000 was included for FY20.

Mr. Goff asked if a letter to inform a facility of an upcoming investigation should go out under his or Mr. Sutherland's signature and the general consensus was that it should, rather than any Board member signature for accessibility purposes as agents of the Board of Corrections.

Mr. Goff also asked about a potential death review that was previously discussed during closed session, without specific information, asking if the board wanted further inquiry into the surrounding facts, to which the board requested additional review.

Mr. Vassar offered the following in the form of a motion:

I move the committee authorize staff to proceed with a review pursuant to Board policy and the law, with a review of the case discussed in closed session.

Upon a *Motion* by Mr. Vassar and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Mr. Goff noted that he would report monthly updates to the Jail Review Committee as well as to Ms. Davenport.

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Ms. Randall asked the Board counsel, Mr. Figura, for guidance in the event that a citizen made a request for a compassionate release of an offender. Mr. Figura suggested that she recommend that the citizen consult with their local commonwealth attorney for advice on proceeding with the request.

Mr. Dean expressed his appreciation for the valuable informative and relevant presentation by Linda Bryant, a sentiment expressed by all attendees.

Other Comments

There being nothing further, the meeting was *ADJOURNED*.