COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting September 19, 2012
Location ……..6900 Atmore Drive
Richmond, Virginia
Presiding……... Peter G. Decker, III, Chairman
Present……..Cynthia M. Alksne
Kurt A. Boshart
Felipe Q. Cabacoy
William E. Osborne
Carl R. Peed
Absent ……..Jonathan T. Blank
Linda D. Curtis
Reverend Anthony C. Paige (via telephone)

1:00 p.m., Wednesday, September 19, 2012
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker welcomed attendees and thanked everyone for coming. Everyone identified themselves for the record so no roll call was officially taken. Six members were present; three members were absent.

I. Board Chairman (Mr. Decker)

1) **Welcome to Newest Board Member Mr. Carl R. Peed**

On behalf of the Board, the Chairman welcomed former Sheriff Carl Peed and stated he looks forward to working with him.

2) **Proposed Resolutions for Presentation in October (Messrs. B. A. Washington, Sr., and Elton W. Blackstock)**

Proposed Resolutions for both Mr. Washington and Mr. Blackstock were included in the Board package. There were no comments or changes indicated. Resolutions will be presented during the October Board meeting. Letters requesting the attendance of each were signed by the Chairman.

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

The Chairman noted that since there was not a quorum of members present during the meeting today who were present during the July meeting, the action was tabled until October.

4) **Proposed Board Meeting Dates for 2013 for Review**

The dates were presented. The question was raised if once the times are voted on,

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could they be changed, and the response was yes. There were no other comments. This item will come for a vote in October.

5) **Requests for Committee Assignments for 2013**

As it is the practice of most Board members to attend both Committee meetings each month, the Chairman opted to not formally assign members to committees at this point. If someone has a special request or if something needs to be revisited in the future, he will welcome the discussion at that time.

6) **Selection of Nominating Committee to Elect Board Officers**

The Chairman selected Mrs. Alksne and Messrs. Boshart and Cabacoy to comprise the Nominating Committee. They will report their recommendations for Board Officers to the full Board in October.

II. Public Comment

Ms. Rosalind Hall with the New Life Deliverance Tabernacle Church in Richmond addressed the Board regarding the interest her church has in prisoner re-entry activities, specifically men and women returning home being challenged in their interpersonal relationships and the hope this can be an area of focus under the Department's re-entry component. She thanked the Board for the opportunity to speak.

III. Liaison Committee (Mr. Osborne)

Mr. Osborne reported that discussion was held on funding issues affecting local and regional jails. Ms. deSocio reviewed several budget items, including that the legislature will deal with the per diem issue during the Session. The redesign of LIDS/CORIS continues and staff testing in the jails is occurring. It is anticipated that jail staff training will occur in late January or February with a push for going live in March. An update to administrators will be sent out by Ms. deSocio in the next few weeks.

It was reported that as of August 31, the out-of-compliance figure was 5,062. The jail population is 29,310. Mr. Osborne indicated the State Fire Marshal will address the Board regarding its proposed MOA with the Board to effect annual fire safety inspections at local jails. He noted that Dr. Christopher Moon from DJJ was present to voice concern about juveniles being transported to local jails who had not received prescribed medications sent with them and the unused medications were not returned with the juveniles. After listening, the committee offered several suggestions, one of which was to provide Dr. Moon with a list of who to contact, whether Sheriff or Jail Administrator, as well as their facility name, address, phone and email. That information will be sent to Dr. Moon by the Board Office. Mr. Osborne also indicated the draft jail bed capacity report had been provided to the committee for review and discussion.

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At the conclusion of his report, Mrs. Alksne asked if Minutes were provided of the committee meeting, and the response was yes. There were no other questions or comments. The Chairman thanked Mr. Osborne for his report. No Board action was required.

IV. Administration Committee

Though there was no Administration Committee meeting this month, there were three items on the agenda for the Board's information.

1) Status of Board Jail Bed Capacity Report Due to the General Assembly October 1, 2012

Mrs. Alksne provided the Board and members of the Liaison Committee a copy of the draft jail bed capacity report (spreadsheet). She requested it be electronically sent to all Sheriffs and Jail Administrators in order to check their numbers and add any pertinent comments before the report is finalized. It was requested to provide this information to the Board Office by close of business September 20, 2012.

Director Clarke wanted to ensure that the current occupancy, design capacity and rated capacity numbers were included in the report, which they are. He thanked Mrs. Alksne and Mr. Wilson for their work on this project.

Mrs. Alksne also noted that the jail operational standards are out of the Governor's Office. Mr. Bruce confirmed and indicated the next publication date for the Virginia Register is October 22, which they will be included in, and if there are no excessive comments, the final publication date will be November 22, 2012.

The Board tabled the review/discussion/vote on the proposed pregnant inmate restraints language until the October Board meeting. The time of the October meeting will be adjusted to allow for this. The Liaison and Correctional Services Committees will meet at their regular times with the full Board to meet at 11:30 to cover regular agenda items, and the discussion on the pregnant inmate restraints issue will be held at 1:00 with all stakeholders present. There will be a line-by-line discussion taking each section, looking at the proposals, listening to staff and stakeholders and then voting by the Board. The items may not be taken in the same order as outlined in the draft and will start with common-ground items. Mrs. Alksne asked that everyone review the chart from Jonathan. She indicated that though he was ready to go forward today, he could not be physically present; thus the need to table the item until next month.

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

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

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a) Previously Approved Revised Memorandum of Agreement with State Fire Marshal - Discussion Regarding Hourly Fee to Now Be Charged Local Jails In the Performance of Annual Fire Safety Inspection Pursuant to Board Standard 6VAC15-40-1100

State Fire Marshal (SFM) Ed Altizer and his Deputy, Ron Reynolds, were present to speak about the revised Memorandum of Agreement (MOA) with the Board. In July, it the MOA was approved by the Board, signed by the Chairman and forwarded to the State Fire Marshal's Office (SFMO) for signature. Since that time, the SFM has found it necessary to revise the agreement and today comes to the Board with a new agreement and to discuss the reasons for the changes. ***As a result, the Board must rescind its July action during the October Board meeting.***

Mr. Altizer explained the revisions are primarily due to staff and funding shortages resulting in facilities now being charged by the hour for fire safety inspections. Included in that hourly fee will be travel time, document preparation and other administrative costs. Now that the July MOA has been revised, the Board must decide not only how these inspections will occur but how their performance will fiscally impact local jails.

In order to more concisely define what costs might be expected by the facilities, it was agreed that each will provide basic information such as capacity, approximate date of construction and approximate square footage. With this information, the SFM can more accurately estimate the cost of the inspections per facility as well as ensure that the inspections are performed within the required 12-month period outlined in the Standards. In addition, as the schedule for inspections is set out beforehand, the Board can provide this information to the SFM to ensure staff will be on site when required. This will ensure SFM staff will inspect within the guidelines set out in the Standards.

Concerns were voiced that the hourly fee would cause a financial hardship for the localities, particularly for larger facilities where it would take more time to perform the inspection. Ms. Ballard asked to include additional verbiage, something to the effect that the parties would be amenable to adjust based on schedule coordination between the agencies.

It was agreed to revisit this agreement in November after all requested information is provided and a plan of action can be agreed upon. Signature on the new agreement will probably occur at that time.

Mrs. Alksne then presented the following jail certifications for consideration:

b) **Unconditional Certification as the result of 100% compliance for the Henrico County Jail East, Northwestern Regional Adult Detention Center, Martinsville City Jail and Annex to include male and female juveniles in accordance with § 16.1-249.G of the Code of Virginia.**

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and **Unconditional Certification for Henrico County Jail West and Shenandoah County Jail.**

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

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

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

A listing of Life, Health and Safety inspection results (Agenda Item 2 b-n) since the last Board meeting was provided. No Board Action was required on those inspection results.

a) Board Motion to Grant Suspension of Certain 2012 Unannounced Inspections

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspensions of annual Life, Health and Safety inspections if full compliance with Standards is attained during the jail's Triennial Certification Audit.

Since July, 2012, 10 jails and four lockups have achieved 100% compliance with Board Standards. They are as follows: **Southwest Virginia Regional Jail Duffield, Abingdon and Haysi; Middle Peninsula Regional Jail; New River Valley Regional Jail; Central Virginia Regional Jail; Henrico Regional Jail East (100% ACA Accreditation); Northwestern Regional Adult Detention Center; Martinsville City Jail and Annex; Norfolk City Lockup; Prince William County (Garfield District) Lockup; Carroll County Lockup and Wythe County Lockup**. Therefore,

By ***MOTION*** duly made by Mrs. Alksne and seconded by Mr. Cabacoy:

"The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with 6VAC15-40 (*Minimum Standards for Jails and Lockups*), approves suspension of the 2012 annual inspection for the Richmond City Jail, SWVRJA-Duffield, SWVRJA-Abingdon, Middle Peninsula Regional Security Center, SWVRJA-Haysi, New River Valley Regional Jail, Central Virginia Regional Jail; Henrico Regional Jail East (100% ACA Accreditation); Northwestern Regional Adult Detention Center; Martinsville City Jail and Annex; Norfolk City Lockup; Prince William County (Garfield District) Lockup; Carroll County Lockup and Wythe County Lockup."

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The Board ***APPROVED*** the action by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Peed).

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

3) <u>Policy & Regulations</u>

a) No Items to Report This Month.

VI. Closed Session

The Chairman indicated it was time for Closed Session as noted on the agenda. Some guests exited the room. Ms. Ballard, Mr. Wilson, Mrs. Woodhouse, Mr. Bruce, Ms. Welch, Ms. Hill-Murray, Mr. Katz and Mr. Dawkins remained.

By *MOTION* duly read by Mrs. Alksne and unanimously *AFFIRMED* by the verbal response of each of the following (Alksne, Boshart, Cabacoy, Osborne, Peed and Decker) it was moved that the Board reconvene in Closed Session pursuant to Section 2.2-3711(a)(18), for those portions of meetings in which the Board of Corrections discussed or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

No opposing votes were noted. The Closed Session discussion was held off the record.

By ***MOTION*** duly made by Mr. Osborne, seconded by Mr. Cabacoy and verbally ***APPROVED*** by responding in the affirmative, the record was reopened and an individual roll call vote was taken by Mrs. Woodhouse whereby Board members were requested to vote that to the best of their knowledge, only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting, and only such business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered. The six Board members noted in the Motion going into the Closed Session verbally responded in the affirmative. No opposing votes were noted.

Discussion during the Closed Session resulted in the following being made on the record:

By ***MOTION*** duly made by Mr. Osborne, seconded by Mr. Boshart and unanimously ***APPROVED*** by responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Peed and Decker), the recommended sentence reduction was approved as presented. There

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were no opposing votes.

The Closed Session portion of the agenda was concluded.

VII. Other Business (Director Clarke)

The Director introduced the Department's new Communications Director, Lisa Kinney. He summarized ongoing activity regarding two RFPs for general medical and dialysis. He noted that evidence based practices (EBP) is now in place at all institutions, and all Counselors have been trained on both EBP and motivational interviewing, which are each yielding good dividends. He noted the lawsuit alleging the Department was practicing medicine without a license as related to the Department's execution procedure was thrown out of court. There were general comments involving the Board members after the Director concluded his comments, and Rev. Paige emphasized he wants to ensure the Department is doing all it can in light of the plight of local sheriffs and jails who are facing challenges dealing with expansion projects.

VIII. Future Meeting Plans (provided for informational purposes)

The October 17, 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;
And Board Meeting – 11:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

X. Adjournment

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

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

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PETER G. DECKER, III, CHAIRMAN

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