**COMMONWEALTH OF VIRGINIA**
**BOARD OF CORRECTIONS**

Regular Meeting July 17, 2013
Location ……..6900 Atmore Drive
Richmond, Virginia
Presiding……... Peter G. Decker, III, Chairman
Present ……..Kurt A. Boshart
Felipe Q. Cabacoy
Linda D. Curtis
William E. Osborne
Carl R. Peed
Absent ……Cynthia M. Alksne
Jonathan T. Blank
Reverend Anthony C. Paige

**1:00 p.m., Wednesday, July 17, 2013**
**6900 Atmore Drive, Richmond, Virginia 23225**

Prior to the meeting being called to order, the suggestion was made to change the date of the August Board meeting from the 15th to the 28th as a quorum of the current Board would not be present and no information has yet been received regarding the new appointments to the Board. ***It was agreed to change the date to August 28***, and Mrs. Woodhouse will advise all interested parties of the change.

The meeting was then called to order. Chairman Decker welcomed attendees and thanked everyone for coming. Roll call was taken by Mrs. Woodhouse. Three members were absent as indicated above.

## I. Board Chairman (Mr. Decker)

### 1) Board Motion to Approve May Board Minutes

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

By ***MOTION*** duly made and seconded, the May Board Minutes were ***APPROVED*** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed).

Mrs. Alksne, Mr. Blank and Reverend Paige were absent. There were no opposing votes. The Chairman then voted his approval of the Motion. The Motion carried.

## II. Public Comment

No members of the general public were present.

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**III. Liaison Committee** (Mr. Osborne)

Mr. Osborne noted that Messrs. Decker, Boshart and Peed and Mrs. Curtis were in attendance along with Department staff, a representative from the State Compensation Board and representatives from several Sheriffs' Departments and Regional Jails.

Among other items, Ms. deSocio updated the Committee on the Compensation Board's FY14-16 biennial budget. Requests for additional funding, to include those for the Master Deputy/Master Jail Officer program, will be submitted by the end of August. In addition, there was discussion on mental health issues affecting local jails.

Mr. Parks reported the out-of-compliance number to be 4,627. Ms. deSocio and Mr. Parks concluded their reports.

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

**IV. Administration Committee Report**
**No Administration Committee meeting was held.**

1) **Board Motion to Approve 18.6 Acre Land Transfer from the Town of Craigsville to Virginia Department of Corrections Pursuant to 2011 Appropriation Act, Item 78.05.B.**

The purpose of the land transfer is for the construction of a new wastewater treatment plant to serve Augusta Correctional Center and the Town of Craigsville. The Department will operate the wastewater treatment plant until the closing of Augusta Correctional Center at which time it will revert back to the Town of Craigsville.

Therefore, by ***MOTION*** duly made by Mr. Peed and seconded by Mr. Cabacoy, the Board ***APPROVED*** the request by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed) and stated the following for the record:

"***The Board of Corrections hereby delegates its authority provided by §53.1-18 of the Code of Virginia to the Director of the Department of Corrections to accept the transfer of 18.6 acres of land from the Town of Craigsville to the Department of Corrections for the purpose of constructing a wastewater treatment plant per the 2011 Appropriation Act, Item 78.05.B."***

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

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2) **Board Motion to Approve Purchase of Approximately 2,000 Square Feet of Land at River North Correctional Center from Mr. Hendricks to the Virginia Department of Corrections**

The Department is seeking authorization from the Board of Corrections for the Director to sign documents necessary to finalize the purchase of a small strip of land containing approximately 2,000 square feet located adjacent to the River North Correctional Center main entrance. A small portion of the road encroached on the neighboring property owned by Mr. Michel Hendricks. The Department of General Services, Division of Real Estate Services, will negotiate the price with the land owner. It is estimated the amount will be approximately $4,000. There are funds within the existing appropriation to purchase the property.

Therefore, by ***MOTION*** duly made by Mrs. Curtis and seconded by Mr. Cabacoy, the Board ***APPROVED*** the request by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed) and stated the following for the record:

***"The Board of Corrections hereby approves the purchase of approximately 2,000 square feet of land adjacent to the River North Correctional Center main entrance at a price deemed appropriate by the Department of General Services, Division of Real Estate Services, and the Department of Corrections, and further authorizes the Director of the Department of Corrections to sign any documents necessary to effect this purchase."***

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

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

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

**a)** There was no mention of Rubicon, Inc., on the record.

Mr. Boshart then reported the following Committee recommendations for Board approval:

**b-f) Unconditional Certification as a result of 100% compliance for Hampton Roads Regional Jail, Petersburg City Jail and Annex, Galax Town Lockup, Rappahannock Regional Jail, and Norfolk City Jail; and,**

**Unconditional Certification as a result of 100% compliance for Virginia Beach City Lockup (2nd Precinct) to include male and female juveniles in accordance with §16.1-249 of the Code of Virginia; and,**

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**g-i) Unconditional Certification for Piedmont Regional Jail, Middle River Regional Jail and Danville Adult Detention Center.**

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

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

**j) Board Motion to Approve Suspension of Certain 2013 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 January 1, 2013, three jails and two lockups have achieved 100% compliance with Board Standards. They are Petersburg City Jail and Annex, Rappahannock Regional Jail, Norfolk City Jail, Galax City Lockup and Virginia Beach City Lockup, 2nd Precinct. Therefore,

By ***MOTION*** duly made by Mr. Boshart and seconded by Mr. Cabacoy, the Board ***APPROVED*** the recommendations by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed) and stated the following for the record:

***"The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2013 Annual Inspection for the Petersburg City Jail and Annex, Rappahannock Regional Jail, Norfolk City Jail, Galax City Lockup and the Virginia Beach City Lockup, 2nd Precinct."***

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

**2. Local Facilities Section:**
**State/Local/Regional/Community Facilities**

**k) Board Motion to Approve Community-Based Corrections Plan for Chesapeake City Jail**

During the March, 2013, Board of Corrections meeting, the City of Chesapeake was granted permission to use the temporary facilities that had been erected without the Board's permission. The City of Chesapeake has submitted the

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required documents and wishes to construct a 200-bed expansion to its current facility in order to replace those temporary facilities.

According to language in the Acts of Assembly, a state of emergency exists with regard to overcrowding at the facility. With this 200-bed expansion, the jail will be still overcrowded; however, the city feels that this is all it can afford to construct at this time. The expansion will give the jail some much-needed breathing room.

The City is currently working on plans for additional phases to achieve the needed bed space. This includes proposed additional construction and current talks with the Hampton Roads Regional Jail about becoming a member jurisdiction.

The Community-Based Corrections Plan and addenda submitted by the City of Chesapeake meet the requirements as set forth in 6VAC15-80 and demonstrate the need for the 200-bed expansion. It was recommended to approve the City of Chesapeake's Community-Based Corrections Plan. Therefore,

By ***MOTION*** duly made by Mr. Boshart and seconded by Mrs. Curtis, the Board ***APPROVED*** the recommendation by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed) and stated the following for the record:

***"That the Board of Corrections approves the Community-Based Corrections Plan for the expansion of the City of Chesapeake Jail."***

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

**l) Board Motion to Approve Community-Based Corrections Plan for Hampton Roads Regional Jail**

The Community-Based Corrections Plan and addenda submitted by the Hampton Roads Regional Jail Authority meet the requirements set forth in 6VAC15-80 and demonstrate a need for a 316-bed expansion of which 256 beds would be general population and 60 would be community custody thus increasing the rated capacity of the Hampton Roads Regional jail to 1,114 in order to accommodate the population of the Portsmouth City Jail.

It was recommended to approve the Hampton Roads Regional Jail Authority's Community-Based Corrections Plan. Therefore,

By ***MOTION*** duly made by Mr. Boshart and seconded by Mrs. Curtis, the Board ***APPROVED*** the recommendation by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed) and stated the following for the record:

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***"That the Board of Corrections approves the Community-Based Corrections Plan for the expansion of the Hampton Roads Regional Jail for 256 general population beds and 60 community-custody beds."***

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. The Chairman then voted his approval of the Motion. The Motion carried.

**3. Policy & Regulations**

a) **Review/Discussion of Revisions to Current Board By-Laws**

By ***MOTION*** duly made by Mrs. Curtis, seconded by Mr. Peed and ***APPROVED*** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed), ***THIS ITEM WAS TABLED UNTIL AUGUST***.

There were no other questions or comments. The Chairman thanked Mr. Boshart for his report.

## VI. Closed Session

No Closed Session was held.

## VII. Other Business (Director Clarke)

Director Clarke commented on the Department's out-of-compliance numbers and its efforts to decrease them. He mentioned gang activities and the Department's efforts in that regard. He reported the ACA audit of Headquarters and P&P Units has been completed. He closed with noting that the Department's recidivism rate is second best in the country at 23.4%.

Mr. Osborne asked about the opening of River North. Director Clarke indicated that an opening ceremony is being planned but nothing is firm at this time because everything hinges on the Governor's schedule. Ms. Gardner will provide further information to the Board as it becomes available. Mr. Peed indicated his interest in that schedule and about scheduling visits to institutions. The Director advised that whenever any Board member is in the area and is interested, the Department will arrange a visit.

The Director concluded his comments. The Chairman thanked him for attending.

## VIII. Board Member Comment (Mr. Decker)

Board members made general comments were made and best wishes were passed along to Mrs. Woodhouse, who is recovering from surgery and who will be back for the August meeting. Mr. Cabacoy thanked the Director and Department staff for moving in the right direction. He indicated he was interested in gang information as it impacts what goes on locally. Mr. Boshart mentioned mental health issues affecting local jails because it has a

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substantial effect on budgets.

Ms. Gardner noted that a Task Force is being created to address Special Populations. It is believed that JLARC will be asked to study this issue. The Department will meet with legislators and advocates regarding hard-to-place inmates, particularly those needing long-term care. The Director indicated that the state may have to look at the possibility of doing something not done before; getting into the business as the private sector is not in a position to do so. The private sector wants to make a profit, and the state cannot tell the private sector that it has to take these inmates at a loss. He indicated this will be a challenge.

Ms. Ballard provided an update on the Virginia Beach inspection issue previously addressed by the Sheriff to the Board. The inspector has revisited the facility and the situation has been corrected.

## IX. Future Meeting Plans (provided for informational purposes)

**There being nothing further, it was noted t**he **August 28, 2013**, 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.

## X. Adjournment

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

There were no questions and there was no further discussion. There were no opposing votes. Mrs. Alksne, Mr. Blank and Reverend Paige were absent. 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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KURT A. BOSHART, SECRETARY

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