

THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, May 20, 2015 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

MEMBERS PRESENT:

Carl R. Peed, Chairman
John F. Anderson, Jr.
Reverend Dr. Yvonne Jones Bibbs
Ann Gardner
Colin P. O'Dawe
Reverend Anthony C. Paige
Phyllis Randall
Bobby N. Vassar

MEMBERS ABSENT:

None

VADOC STAFF PRESENT:

Elisabeth Thornton, Corrections Operations Administrator
Donna Lawrence, Manager, Compliance and Accreditation Unit
Beverly Hill-Murray, Supervisor, Compliance and Accreditation Unit
Dhara Amin, PREA Hotline Coordinator
Donna P. Foster, Board Support
Bob Casey, Local Facilities Unit
James Bruce, Manager, Policy and Initiatives Unit

GUESTS PRESENT:

Deborah Hand, Hampton Roads Regional Jail
Taylor Muniz, Moseley Architects
Brooks Ballard, Volunteer, Retired VADOC
Chris White, Vector Corporation
George Pender, guest of Reverend Anthony Paige

CALL TO ORDER

Chairman Peed called the meeting to order at 1:29 p.m.

DETERMINATION OF QUORUM

Chairman Peed determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Chairman Peed welcomed everyone and asked the attendees to introduce themselves. Chairman Peed notified the attendees that Tammi Lambert has resigned her position on the Virginia State Board of Corrections to accept an appointment by the District of Columbia Mayor Muriel Bowser as the Director of Veteran Affairs. The Board wishes her a fond farewell and future success in her new position.

THE VIRGINIA BOARD OF CORRECTIONS

APPROVAL OF MARCH BOARD MINUTES

Chairman Peed presented the March minutes for review and approval.

Upon a *Motion* by Chairman Peed and duly seconded, the members voted unanimously to *Approve* the March Board meeting minutes.

PUBLIC COMMENT PERIOD

No public comment made.

PRESENTATIONS

James Bruce, Policy and Initiative Unit presented the Virginia Department of Corrections' nudity policy to the Board. This policy became effective on April 1, 2015, no publications will be allowed to enter a VADOC facility beginning July 1, 2015 and all existing publications containing nudity shall be removed by October 1, 2015 at which time publications containing nudity shall be considered and treated as contraband.

LIAISON COMMITTEE UPDATE

Ms. Gardner provided a summary of the May 20, 2015 Liaison Committee meeting. She reported the funding and budget issues, the offender management services update, the FCC Commission review, jail construction standards, local facility construction and expansions.

Ms. Gardner reported that Robyn deSocio reported on funding and budget issues advising that the two percent across the board pay increase for constitutional officers, state employees and entry level officers effective September 1, 2015 is expected to advance. She reminded the committee that the one year advancement from grade 7 to grade 8 for entry level officers will now total 4.5% rather than the previous 9.3% due to the 2% increase in entry salary. Positions from the now closed Petersburg City Jail have been reallocated. A Local Inmate Database (LIDs) conference that was expected to be scheduled for some time in the summer has been postponed to next year. Per Diem totals are \$13.8 million for the current fiscal year.

Ms. Gardner reported that Jim Parks reported on offender management services issues advising that the out-of-compliance numbers are currently around 4,800, virtually identical to last year. In late June or early July, 200 beds are expected to open at Keen Mountain Correctional Center.

Ms. Gardner reported that Sheriff Stephen Draper of Martinsville reported that the jail construction standards are near completion after almost three years of review. He asked that all the people serving on that committee be recognized for their diligent efforts.

Ms. Gardner reported that Tim Trent reported a date extension for the elimination of interstate FCC commissions on inmate phone calls. No specific date was discussed.

Ms. Gardner reported that Phyllis Randall requested clarification of local facility policy regarding use of force, specifically, the use of tasers. Carl Peed noted that there is a diverse range of policy regarding tasers and DCJS does not have standardized training for the use of tasers. He added that crisis intervention teams (CITs) are helpful in defusing intense situations. Mr. Peed added that there is a need for standardized training involving the use of tasers outside of training provided by vendors. Sheriff Draper offered to investigate and report on the issue regarding the use of and training requirements for the use of tasers to the July Liaison Committee meeting.

THE VIRGINIA BOARD OF CORRECTIONS

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations

LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:

Ms. Randall offered the following Committee recommendations for Board approval:

Unconditional Certification as a result of **100%** compliance for **Middle Peninsula Regional Security Center**.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

Additionally, Unconditional Certification for **Richmond City Security Center** was **Delayed**.

Upon a **Motion** by Ms. Randall and duly seconded the members voted unanimously to **Delay** without prejudice certification of Richmond City Justice Center to determine their history of non-compliance relative to Standard 6VAC15-40-1030 and to provide the facility an opportunity to be in compliance with this standard for a longer period of time.

Also, Unconditional Certification for **New River Valley Regional Jail**.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

HAMPTON ROADS REGIONAL JAIL

The Board of Corrections grants a modification of Standard 6VAC15-80-160, Minor Renovation Project, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the Hampton Roads Regional Jail to proceed with its renovation by submitting this project as a Minor Renovation Project. This approval of modification shall not be construed as a future variance to Board Standard 6VAC15-80-160 for this facility or as a current or future variance for any other facility.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

The Board of Corrections grants a waiver of Standard 6VAC15-80-211, Value Management Analysis, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the Hampton Roads Regional Jail to proceed with its renovation without performing a Value Management Analysis. This approval of waiver shall not be construed as a future variance to Board Standard 6VAC15-80-211 for this facility or as a current or future variance for any other facility.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

THE VIRGINIA BOARD OF CORRECTIONS

The Board of Corrections approves the Hampton Roads Regional Jail Authority's request for state funding for the upgrade of the security control system in their facility. This approval recognizes a total eligible cost of \$3,519,560, of which up to 50% or \$1,759,780 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

NEWPORT NEWS CITY JAIL

The Board of Corrections grants a modification of Standard 6VAC15-80-160, Minor Renovation Project, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the city of Newport News to proceed with its renovation by submitting this project as a Minor Renovation Project. This approval of modification shall not be construed as a future variance to Board Standard 6VAC15-80-160 for this facility or as a current or future variance for any other facility.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

The Board of Corrections grants a waiver of Standard 6VAC15-80-211, Value Management Analysis, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the city of Newport News to proceed with its renovation without performing a Value Management Analysis. This approval of waiver shall not be construed as a future variance to Board Standards 6VAC15-80-211 for this facility or as a current or future variance for any other facility.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

The Board of Corrections approves the city of Newport News request for state funding for the renovation of the first floor and addition of a new intake area. This approval recognizes a total eligible cost of \$2,437,018, of which up to 25% or \$609,255 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standard for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

CHESAPEAKE CITY JAIL

The Board of Corrections approves the request from the city of Chesapeake for state jail funding for construction reimbursement for a 192 bed expansion of the Chesapeake City Jail. This approval recognizes a total eligible cost of \$27,443,544, of which up to 25% or \$6,860,886 would be the state reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a **Motion** by Ms. Randall and duly seconded, the members voted unanimously to **Approve** the above recommendations.

THE VIRGINIA BOARD OF CORRECTIONS

STAFFING VARIANCE

The Board of Corrections approves a three month variance to permit two certification analysts to perform audits in variance with Standard 6VAC15-20-40-B.3. Preparation for Audit. This Standard mandates that “The certification team auditing local correctional facilities shall consist at minimum of a certification analyst and a local facilities manager.”

Upon a *Motion* by Ms. Randall and duly seconded, the members voted unanimously to *Approve* the above recommendations.

DIRECTOR'S UPDATE

Mr. Clarke was not available to attend the May 20, 2015 Board of Corrections meeting. In his absence, Elisabeth Thornton reported on the top five Virginia Department of Corrections' legislative priorities from the 2015 General Assembly session.

Ms. Thornton advised that the Department of Corrections (VADOC) does not always determine legislation that will be considered by the General Assembly. Near September, the top five concerns and issues are provided to the Secretary of Public Safety, who reviews these concerns and changes or tweaks them, making recommendations for issues that they consider of importance. These issues are then forwarded to the governor's policy office for review and possible changes or to be stricken. The concerns are then sent to the legislature for consideration. Following are the top five VADOC priorities from the 2015 legislative session.

1. Lethal injection, aka the compounding bill.

This bill passed in the Virginia State Senate, but failed in the House. This code specifies that there are only two methods of execution in the Commonwealth of Virginia, death by injection of a lethal substance or electrocution. Because the VADOC has experienced difficulties in obtaining the necessary drugs for lethal injection, they requested to compound the drugs themselves or contract the compounding of these drugs to include privacy protections to cover whoever provided these services. Because this bill failed in the House, the VADOC will no longer have access to lethal drugs for execution after September of 2015. State Code allows for the offender sentenced to execution to choose which method will be used for this purpose, electrocution or injection of a lethal substance with the latter being the default method after fifteen days if no choice is made by the offender.

2. Inmate transportation across state lines.

This bill has been signed by the governor. This is a companion bill to a similar West Virginia bill which was passed and codified in 2014. This law enables the VADOC to maintain legal custody of offenders while travelling through other states, such as WV, TN and KY. Legislation was passed to ensure that legal custody of offenders by the transporting state is maintained while in each other's state. In the past, this has been an issue. Going through West Virginia (for example) is sometimes necessitated by such events as acute medical needs or other transportation requirements and can reduce travel time by as much as two hours one way, ensuring safer travel, saving productivity time, and other associated transportation costs.

3. The clean-up bill.

This bill was stricken at the request of the patron. This bill was intended to modify the code to match the 2011 bill concerning the powers and duties of the Board of Corrections.

THE VIRGINIA BOARD OF CORRECTIONS

4. The Virginia Criminal Information Network (VCIN)-Gang member information.
This bill was stricken by the patron due to redundant language. This would have required the VADOC to enter gang related information into VCIN at an earlier date than is currently mandated.
5. Firearms for Probation and Parole Officers.
This bill was stricken in the governor's policy office. The intent of this bill was to provide for consistent application for the provision of probation and parole officers to carry firearms. Currently, this provision is under the authority of the judges in Virginia jurisdictions. Probation and parole fell under the authority of the courts prior to falling under the authority of the VADOC.

Donna Lawrence advised the Board that another bill that concerns the Board of Corrections is SB1049 which lowers the maximum state reimbursements rates from 50% to 25% for capital construction for all facilities beginning July 1, 2015.

ADDITIONAL ITEMS FOR DISCUSSION

Phyllis Randall asked the Board to consider possible standard revision to address a case that occurred at Fairfax County Adult Detention Center. Natasha McKenna was the 37 year old mother of four children, considered to be a mental health offender in the custody of Fairfax County, was to be transferred to the Alexandria City Detention Facility. Ms. McKenna was approached by a six member extraction team dressed in biohazard suits. Her legs were shackled and a mask placed over her face and she was tased with a 50,000 volt taser. Allegedly, Ms. McKenna began thrashing around at which time she was again tased three additional times. She reportedly suffered a cardiac episode and was transferred to a hospital where she later succumbed.

Ms. Randall requested that Sheriff Stacey Kincaid be asked to address the Board of Corrections during the July meeting and requested that a copy of the investigation report concerning this matter be provided to all members. Ms. Lawrence advised that Fairfax County Adult Detention Center is accredited by the American Correctional Association thereby not required to be audited by the VADOC.

FUTURE MEETING DATES

July 15, 2015
September 16, 2015
October 21, 2015
November 18, 2015

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a *Motion* by Chairman Peed and duly seconded, the meeting was *Adjourned* by unanimous vote at 3:11 p.m.

THE VIRGINIA BOARD OF CORRECTIONS

APPROVED:

Carl R. Peed, Chairman

John F. Anderson, Jr., Secretary

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