

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	October 19, 2011
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present	Cynthia M. Alksne Jonathan T. Blank Kurt A. Boshart Felipe Q. Cabacoy William E. Osborne Reverend Anthony C. Paige B. A. Washington, Sr. One Vacancy

1:00 p.m., Wednesday, October 19, 2011
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker welcomed attendees, thanked everyone for coming and asked that the Board Roll Call be taken. Eight members were present. There is one vacancy. All other meeting attendees then identified themselves for the record.

I. Board Chairman (Mr. Decker)

1) Board Motion to Approve July Board Minutes

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

By **MOTION** duly made by Mr. Osborne and seconded by Reverend Paige, the July Board Minutes were **APPROVED** by verbally responding in the affirmative (Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There is one vacancy. Mrs. Alksne was absent from the July Board meeting and she **ABSTAINED** from the vote. The Motion carried.

2) Board Motion to Approve Recommended Name for Correctional Facility Located in Grayson County

Pursuant to Section 53.1-19 of the Code of Virginia, it is the Board's duty to establish the formal names for new correctional facilities in the Commonwealth. Currently, there is one facility in Grayson County, which has yet to be named.

In that vein and at the request of the Department, the Board solicited input from the County Administrator and Board of Supervisors from the locality in question. Upon receipt and consideration of its recommendations, the Department requested the name

of the new facility located in Grayson County to be **River North Correctional Center** and that the Board go forward with the next step in the formal naming process, which is to consider and vote on the Department's recommendation. This name was one of several proposed; this one was opted for because the New River is located nearby and is the only river in North America which flows north. Once approved, the Board will submit a letter of recommendation to the Secretary for concurrence, who will then forward her concurrence to the Governor for approval.

Therefore, by *MOTION* duly made by Mr. Blank and seconded by Mr. Washington:

“Pursuant to Section 53.1-19 of the Code of Virginia, I move that the Board approve the recommended name for the facility located in Grayson County to be River North Correctional Center.”

During the call for question, Mr. Osborne indicated he would catch hell from citizens in the area for approving this name as they had indicated to him they wanted the name to be Peach Bottom Correctional Center.

The Motion was *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

3) Board Motion to Approve December, 2011, Meeting Date

As the Code states the Board shall meet at least six times a year, it is necessary to consider an additional meeting date in 2011. The proposed dates are December 7, 14 and 21. It was discussed and decided that the 21st was too close to the holiday and the 14th was the better of the remaining two dates.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Reverend Paige:

“The Board approves December 14, 2011, as the last meeting date for this calendar year.”

The Motion was *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

4) Committee Assignments for 2012

A listing of current committee membership was included in the Board package for review and discussion. Chairman Decker took the opportunity, prior to the Board meeting, to meet with each member to discuss his/her choice for Board committee assignment, particularly in light of the fact that the Administration Committee is no longer meeting on a regular basis and the members of that Committee need to be reassigned. Committee assignments are addressed in the By-Laws of the Board.

Therefore, the following changes to Board committee assignments are noted:

Mr. Cabacoy will become a voting member of the **Correctional Services Committee**;
Mr. Boshart will become a voting member of the **Liaison Committee**;
Reverend Paige will remain on the **Liaison and Correctional Services Committees** as a voting member;
and **Mr. Blank** will become a voting member of whichever committee he wishes.

Other Board member committee assignments remain the same:

Mr. Washington, Chair of **Correctional Services** and voting member of **Liaison Committee**;
Mrs. Alksne, Vice Chair and voting member of **Correctional Services**;
Mr. Osborne, voting member of **Correctional Services** and voting member and Vice Chair of **Liaison Committee**.

Once the vacancy is filled on the Board, that member will have their choice of Committee assignment. The Chairman remains an Ex Officio member of each Board Committee. As this task was administrative in nature, no Board motion was required.

5) Proposed Meeting Dates for 2012 for Review

A listing of proposed meeting dates for 2012 was included in the Board package for review and discussion. This item will be voted on officially during the November Board meeting. It was noted that the proposed dates are all set for the 3rd Wednesday of the month, beginning with March and occurring every other month until September at which time the Board will meet monthly in September, October and November.

6) Selection of Nominating Committee to Elect Board Officers

In accordance with the By-Laws of the Board, Board Officers are elected every Fall. A Nominating Committee is appointed by the Chairman in order to effect those elections. In that vein, the Chairman requested Mrs. Alksne to chair the Nominating Committee with Messrs. Blank and Boshart as Committee members. The Committee will present its proposed Slate of Officers for election during the November meeting.

7) Discussion on Memorandum to Liaison Committee Members: Item 377 E of the 2011 Acts of Assembly – Actual Jail Capacity

This item is discussed more fully during the Correctional Services Committee report.

II. Public/Other Comment (Mr. Decker)

Delegate Patrick Hope was present to address the Board, seeking its support in the promulgation of a regulation that would require the use of the least restrictive restraints on pregnant inmates.

During the 2011 General Assembly, he submitted HB1488, which bill was tabled. Following the Session, he wrote and met with Director Clarke regarding this issue as it applies to the Department. As a result of those conversations, he indicated the Director has expanded the existing policy at FCCW. A Departmental procedure addressing this issue has been in place for many years.

He is requesting the Board to adopt regulations similar to the Department's procedure on the restraint of pregnant inmates throughout state, local, regional and juvenile correctional facilities. His efforts are supported by faith-based and civil rights groups, which are listed on his letter. He noted several bulleted items in particular in his letter, which he would like the Board to consider for inclusion in a policy applicable to jails and lockups. He requests that a reporting requirement be included in the policy for when restraints are necessary and as well as a statement that soft restraints should be used.

It was explained that this Board has no oversight for juvenile correctional facilities and that he should contact either the Department of Juvenile Justice or its Board. The Board of Corrections will look at incorporating similar language to what the Department has into its Standards for Local Jails and Lockups. More information will be forthcoming, including a copy of the Department's local operating procedure governing the process at FCCW. Delegate Hope was invited back to the November meeting and was invited to stay for the rest of the Board meeting. He thanked the Board for its time and stated he looks forward to working with it. He remained in the meeting room.

Board Member Comment

At this time, Mr. Blank asked that the Board move to Item IV. 3) b) on the agenda for a discussion on the proposed Board motions on regulations; specifically, the repeal of 6VAC15-31, *Standards for State Correctional Facilities*.

This discussion goes back to the change to the Board's Powers and Duties effective July 1, 2011. Mr. Blank expressed his disgust and consternation at how the Board's authority was changed without notice and without opportunity to comment. Mrs. Alksne noted she feels former staff member Mr. Leininger was not truthful when the changes were finally brought up with the Board and that the changes are not in the best interest of taxpayers because there is no oversight.

Mr. Blank believes these changes were made because the Board asked about the budget. And now, to add insult to injury and as a result of the Code changes, the Board is being asked to pass a motion to amend regulations it no longer has the authority to enforce. Mr. Blank asked Mr. Katz if someone else could amend the regulations if the Board voted no to the proposed motions because he feels the whole situation is insulting. Reverend Paige stated he believes staff and others misled the General Assembly and the Governor by implying these changes were discussed and approved by the Board, which they were not. These changes remove public oversight and the change was made with the counsel and guidance of staff without input from the Board. He believes someone misled the Governor, that at no time did this Board discuss any deletions or changes to the powers and duties of the State Board of Corrections, and he stated he is going to carry the issue to the Governor. And for staff to go to one or two individuals and ask what they think and then go forward with it is not how this works.

Mr. Katz opined that the Code has been amended and the Board no longer has authority over the regulations in question. He stated if the Board votes no, it does not make a difference. The regulation cannot trump the Code. If the Board were to take no action, it would have no effect. The regulations are no longer enforceable. He closed by stating the Board has only the powers the General Assembly gives.

Mr. Washington stated he understands everyone has a job to do but this situation could have been handled differently. He noted the Board comes up here and puts time in, and then people do things as if the Board is not there and he is concerned about that.

Mr. Paige stated he understands the Board has no option but noted these changes have deep implications.

VI. 3) a)

Board Motion to Initiate Regulatory Process to Amend 6VAC15-20, Regulations Governing Certification and Inspection

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

“The Board moves to initiate the regulatory process in accordance with the Virginia Administrative Process Act to amend 6VAC15-20, *Regulations Governing Certification and Inspection*, to remove reference to audits of state correctional facilities and probation and parole districts.”

Reverend Paige stated: “I oppose this motion because I believe the staff and others misled the Governor and General Assembly by giving the impression that the changes to the Board’s functions and powers had been discussed and approved by the State Board of Corrections. I urge the Board to bring this matter to the attention of the Governor and the members of the General Assembly. The motion will remove public oversight from the functions and powers of the Department of Corrections.”

During the call for the question, Mrs. Alksne and Messrs. Cabacoy, Boshart and Washington (4) voted *IN FAVOR* of the Motion. Messrs. Blank and Osborne and Reverend Paige (3) were *NOT IN FAVOR* of the Motion. The Chairman voted his approval of the Motion. There is one vacancy. **The Motion carried.**

VI. 3) b)

Board Motion to Initiate the Regulatory Process to Repeal 6VAC15-31, Standards for State Correctional Facilities

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

“The Board moves to initiate the regulatory process in accordance with the Virginia Administrative Process Act to repeal 6VAC15-31, Standards for State Correctional Facilities.”

Reverend Paige stated: “I oppose this motion because I believe the staff and others misled the Governor and General Assembly by giving the impression that the changes to the Board’s functions and powers had been discussed and approved by the State Board of Corrections. I urge the Board to bring this matter to the attention of the Governor and the members of the General Assembly. The motion will remove public oversight from the functions and powers of the Department of Corrections.”

During the call for the question, Mrs. Alksne and Messrs. Cabacoy, Boshart and Washington (4) voted *IN FAVOR* of the Motion. Messrs. Blank and Osborne and Reverend Paige (3) were *NOT IN FAVOR* of the Motion. The Chairman voted his approval of the Motion. There is one vacancy. **The Motion carried.**

VI. 3) d)

Board Motion to Initiate the Regulatory Process to Repeal 6VAC15-62, Standards for State Community Corrections Units

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

“The Board moves to initiate the regulatory process in accordance with the Virginia Administrative Process Act to repeal 6VAC15-62, Standards for State Community Corrections Units.”

Reverend Paige stated: “I oppose this motion because I believe the staff and others misled the Governor and General Assembly by giving the impression that the changes to the Board’s functions and powers had been discussed and approved by the State Board of Corrections. I urge the Board to bring this matter to the attention of the Governor and the members of the General Assembly. The motion will remove public oversight from the functions and powers of the Department of Corrections.”

During the call for the question, Mrs. Alksne and Messrs. Cabacoy, Boshart and Washington (4) voted *IN FAVOR* of the Motion. Messrs. Blank and Osborne and

Reverend Paige (3) were **NOT IN FAVOR** of the Motion. The Chairman voted his approval of the Motion. There is one vacancy. **The Motion carried.**

VI. 3) c)

6VAC15-45, Regulations for Private Management and Operation of Prison Facilities; Move to Proceed with Regulatory Process to Retain this Regulation in its Current Form

This item was presented for informational purposes only. No action by the Board was required.

III. Presentation to the Board

There were no presentations scheduled this month for the Board.

IV. Correctional Services Committee Report/Policy & Regulations (Mrs. Alksne)

The following items were reviewed and discussed:

VI. 1) d)

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

On behalf of the Committee, Mrs. Alksne presented the following certification recommendations for consideration by the Board:

Unconditional Certification as a result of 100% compliance for Fluvanna County Lockup and Albemarle/Charlottesville Regional Jail to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia;

Unconditional Certification as a result of 100% compliance for Fairfax County Mt. Vernon Lockup;

Unconditional Certification for Montgomery County Jail to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia;

And, Unconditional Certification for Gemeinschaft Home.

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

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

VI. 1) a)

Board Motion to Deny Appeal by Chesapeake Correctional Center to Finding of Non-Compliance with Standard 6VAC15-40-730

On July 6-8, 2011, staff from the Department's Compliance & Accreditation Unit completed its triennial compliance audit of the Chesapeake Correctional Center. During this audit, the facility was found out of compliance with three Standards: 6VAC15-40-730, 6VAC15-40-1020 and 6VAC15-40-1140. Corrective plans of action have been submitted for Standards 6VAC15-40-1020 and 6VAC15-40-1140; however, they have not yet been confirmed. The facility is appealing the finding of non-compliance for Standard 6VAC15-40-730, which states: "Written policy, procedure and practice shall specify that newly admitted inmates who are physically capable are permitted to complete at least two local or long-distance telephone calls during the booking process."

Major Hackworth contends that the facility opened a major expansion back in 1996, which included an open seating processing area in which telephones (local and long distance) were provided for arrestees and inmates to use at will. This allowed persons brought into the facility to make as many calls as they desired. He stated there have never been "phone logs" in this area since it was opened, and the facility has operated this way while undergoing triennial audits in 1996, 1999, 2002 and 2008. An audit in 2005 was not conducted due to ACA accreditation. He notes that not once during any of these audits was this process questioned or found to be out of compliance.

During the time of the audit, Department staff provided the facility with the compliance documentation which indicates this standard was adopted by the Board in 2002 and the standard requires written phone logs. The facility alleges that although it does not have written logs, compliance can be illustrated through policy and procedure, observation as well as through interviews. The facility alleges that since the standard does not specifically state that documentation is required, it has grounds for appealing the decision of the auditor.

It is proffered that it is the right of offenders to make phone calls as mandated by the standard. Simply stating that the inmates are in an open area where there are phones available does not prove compliance. Additionally, without written documentation there is no way to prove that newly admitted inmates are informed of the availability of the phones for their use and no way to prove the inmates are given the opportunity to make the two phone calls that the standard calls for.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Osborne:

"The Board of Corrections *DENIES* the *APPEAL* for Standard 6VAC15-40-730. The facility will be required to submit a plan of action to correct this deficiency."

The Motion was **APROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

VI. 1) b)

Board Motion to Grant Waiver Request to Standard 6VAC15-80-211, Value Management Analysis, for Meherrin River Regional Jail

The Meherrin River Regional Jail Authority is adding 80 beds in Mecklenburg in addition to a new, 400-bed jail facility in Brunswick. The Brunswick facility underwent a full Value Management Analysis in November, 2010, and a number of findings/savings were incorporated into its design as a result. The Mecklenburg facility is a small project and is based on the same construction type, building details and finishes that the Brunswick facility has and already includes the VMA initiatives that were incorporated into the Brunswick facility.

Therefore, by **MOTION** duly made by Mrs. Alksne and seconded by Mr. Osborne:

“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 Mecklenburg facility of the Meherrin River Regional Jail to proceed without performing a Value Management Analysis. This approval shall not be construed as a future variance to Board Standard 6VAC14-80-211 for this facility or as a current or future variance for any other facility.”

The Motion was **APROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

VI. 1) c)

Proposed Board Motion by Richmond City Jail to Approve/Deny Amended Community-Based Corrections Plan

This item was continued to the November meeting at the request of Mr. Walter Ridley, consultant for the jail project.

VI. 2) a)

Board Motion to Approve Suspension of Certain 2011 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 the Board's last meeting, three facilities have achieved 100% compliance with Board Standards. They are:
Fluvanna County Lockup, Fairfax County Mt. Vernon Lockup and Albemarle/Charlottesville Regional Jail.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Reverend Paige:

“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 2011 annual inspection for the Fluvanna County Lockup, Fairfax County Mt. Vernon Lockup and the Albemarle/Charlottesville Regional Jail.”

The Motion was *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

VI. 2) b)

Board Motion to Grant Appeal by Accomack County Jail to Finding of Non-Compliance with Standard 6VAC15-40-1100

On June 30, 2011, a Life, Health, Safety inspection was conducted at the facility. During the inspection, it was noted the jail did not have documentation to support Standard 6VAC15-40-1100: “The facility shall have state or local fire safety inspections conducted every 12 months. Localities that do not enforce the Virginia Statewide Fire Prevention Code (VSFPC) shall have the inspections performed by the Office of the State Fire Marshal. Written reports of the fire safety inspection shall be on file with the facility administrator.”

The jail had documentation that a Fire Safety Inspection was conducted on July 21, 2009, and a follow up on August 19, 2009, but there was no documentation at the jail showing an inspection for 2010. After the inspector left the facility, jail staff determined that the jail had had a fire safety inspection on July 16, 2010, but had not received a copy of the inspection report. The jail had another inspection on June 30, 2011.

On July 7, 2011, the jail forwarded a copy of the July, 2010, report to the Compliance & Accreditation Unit, proving that the inspection had occurred. The committee found this explanation to be reasonable and supports the recommendation to grant the appeal.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Washington:

“The Board of Corrections *GRANTS* the *APPEAL* and grants a one-time exemption to the Accomack County Jail for Standard 6VAC15-40-1100.”

The Motion was *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

VI. 2) c)

Board Motion to Grant Appeal by Middle River Regional Jail to Finding of Non-Compliance with Standard 6VAC15-40-1100

On September 1-2, 2011, a Life, Health, Safety inspection was conducted at the facility. During the inspection, it was noted the jail did not have documents to support Standard 6VAC15-40-1100: “The facility shall have state or local fire safety inspections conducted every 12 months. Localities that do not enforce the Virginia Statewide Fire Prevention Code (BSFPC) shall have the inspections performed by the Office of the State Fire Marshal. Written reports of the first safety inspection shall be on file with the facility administrator.”

Jail officials related they had attempted to contact the Fire Marshal to schedule the inspection prior to the deadline; however, the jail had no documentation to support this. While at the facility, the inspector received a copy of an email from Fire Marshal Steven Sites relating that the inspection was not conducted within the required time due to facility shifting in the realignment of the responsibilities from the Northern Region to the Western Region of the State Fire Marshal’s Office. The committee found this explanation to be reasonable and supports the recommendation to grant the appeal.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Washington:

“The Board of Corrections *GRANTS* the *APPEAL* and grants a one-time exemption to the Middle River Regional Jail for Standard 6VAC15-40-1100.”

The Motion was *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Paige, Washington).

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

IV. Liaison Committee (Mr. Osborne)

Mr. Osborne reported the meeting ran for approximately two hours with most of the discussion related to how to count beds. The discussion focused on what the terms operational capacity, design capacity and rated capacity really mean. Mr. Dick Hickman was present for the discussion, as was Director Clarke.

Mr. Osborne stated there is a \$4.6 million shortfall that will have to be made up and that Pennsylvania inmates will be leaving. He asked the Director if any conversation had been held with West Virginia regarding housing its inmates. Despite the need, Director Clarke stated that the Code in West Virginia currently does not allow it to send inmates out of state. Mr. Osborne noted there was also discussion about cell size and single, double and double-bunked cells.

Item 1) 7)

Memorandum to Liaison Committee Members: Item 377 E of the 2011 Acts of Assembly – Actual Jail Capacity

Mrs. Alksne noted that a memo from the Board Chairman was sent to the Chairman and members of the Liaison Committee regarding actual jail capacity. Attached to it was a draft memo to all Virginia Sheriffs and Jail Administrators for review and comment.

As a result, several changes to the draft memo were discussed, and it was agreed the memo will be sent with the following changes: the open date on Page two will be 30 days from the date the memo is mailed and numbers 8 and 9 on Page Three will be deleted. The committee is comfortable with the memo as drafted. Mrs. Alksne indicated a blank spreadsheet will accompany the memo, which will be in the same format as the one sent in 2010. This packet will be emailed to all Virginia Sheriffs and Jail Administrators. In addition, Mr. Wilson will perform a review of each institution regarding health and safety, the format for which will be developed at the next meeting, and Mr. Wilson and Mrs. Lipp will submit a draft to all members prior to the next meeting.

Mr. Blank noted two things for the record. Number one, the blank spreadsheet has nothing to do with him and number two, he wanted to note for the record that Cynthia and Bill have worked over the top on this report and have done an exceptional job.

Mrs. Alksne also noted that sheriffs and superintendents are being encouraged to provide backup with their submissions.

There were no questions. Mr. Osborne's report was concluded. No Board action was required.

V. Administration Committee

Though there was no Administration Committee meeting, the Inspector General provided each member a copy of the Internal Audit Quarterly Report and went over each section.

In light of earlier comments by the Board, Mrs. Jennings emphasized that the Office of the Inspector General provides oversight to the Department in several ways. Her staff performs Financial/Compliance, Operational, Contract and Facility, IT, IT Security, Special Projects/Audit Assistance and Follow Up audits throughout the year and expanded upon some of those audits happening this past quarter. She noted the Auditor of Public Accounts audits the agency each year and provides an annual report of all findings and deficiencies, a copy of which is provided to the Board members. She noted she is working with DPB to implement a plan on how the position of the new state Inspector General will impact the Department, and she is working closely with the Director and the agency as well to work out the transfer of her duties to the new state Inspector General. Reverend Paige asked if there was a schedule of the different types of audits performed over a year, and Mrs. Jennings indicated that information had been shared with the Administration Committee previously. It comes out July 1 of each year.

There were no questions of Mrs. Jennings and her report was concluded. No Board action was required.

VII. Closed Session

There was no Closed Session this month.

VIII. Other Business

Director Clarke mentioned the 2/4/6 percent budget cuts being mandated by the Governor, which will call for more drastic changes and measures. Over the last several years, the Department has lost over 2,000 positions as well as many beds, and he indicated the Department does not have any fat left to trim. He did indicate that as a result of the recent reorganization, over \$500,000 in personnel costs was saved; however, the Department continues to carry a \$26 million shortfall, is operating institutions at a 3 percent staffing deficit and is saddled with an \$8.1 million shortfall in medical services. Also, when Pennsylvania ends its contract of approximately 1,000 offenders at Green Rock, an additional \$24.3 million shortfall will result, and the Department must decide how it intends to address it. The Director would like to see funding that would allow the Department to house all of its offenders. Right now, there are approximately 4,200 state-responsible offenders in local jails. He closed with the Department is facing a lot of fiscal challenges and that it can only do what it is authorized and funded to do.

He mentioned the geriatric population and Ms. Cookie Scott expanded on the subject. She recently provided a report to House Appropriations on a picture of geriatric offenders in the state-responsible confined population of the Department.

Deerfield Correctional Center is used for older and special-needs offenders. The Department looks at geriatric offenders in two ways: offenders age 50 to 64 and offenders age 65+. Inmates are considered to age more rapidly than the general population. Over the past 20 years, the numbers of confined inmates age 50+ have increased almost seven-fold

from 822 to 5,697, and new commitments age 50+ have increased four-fold from 265 to 1,112.

There are several issues on release of geriatric offenders. It was discovered that 82 percent of the 65+ population and 62 percent of the 50-64 population is in for violent offenses, and of that 82 percent, 36 percent are in for rape and sexual assault. 75 percent of those 65+ are in for their first time of state-responsible incarceration and it is speculated they have been committing crimes all along but went undetected until they were older.

This population presents many challenges. The average per capita expense for most MSDs is approximately \$18,000/year. The per capita expense for Deerfield offenders is \$29,600. The average inmate under the age of 50 has annual off-site medical costs of \$795, while the average inmate age 50 and older has annual off-site medical costs of \$5,372. Medical care is very costly.

Trying to place these offenders is problematic, and the Department has kept some older inmates beyond their release date because they had no place to go. Nursing homes will not take sex offenders because of their history. It is very difficult placing violent and sex offenders who have completed their sentences, and the Department continues to seek options for dealing with them. Director Clarke noted he has been in conversation with the Commissioner of the Department of Social Services, seeking solutions to the problem of hard-to-place offenders.

The comments were concluded. No Board action was required.

IX. Board Member/Other Comment

There were no further comments from the members.

X. Future Meeting Plans (provided for informational purposes)

The November 16, 2011, 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 – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

XI. 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, Osborne, Paige, Washington), 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. There is one vacancy. The Motion carried.

(Signature copy on file)

PETER G. DECKER, III, CHAIRMAN

B. A. WASHINGTON, SR., SECRETARY