

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

Regular Meeting	October 20, 2010
Location .....	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present .....	Cynthia M. Alksne Jonathan T. Blank Felipe Q. Cabacoy Kurt A. Boshart William E. Osborne
Absent.....	Raymond W. Mitchell Rev. Anthony C. Paige B. A. Washington, Sr.

**1:00 p.m., Wednesday, October 20, 2010**  
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker asked meeting attendees to identify themselves for the record. The roll was then called. Six members, representing a quorum, were present. Messrs. Mitchell, Paige and Washington were absent as indicated above.

**I. Board Chairman (Mr. Decker)**

**1) Board Motion to Approve September Board Minutes**

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

By **MOTION** duly made by Mrs. Alksne and seconded by Mr. Osborne, the September Board Minutes were **APPROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne).

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

**2) Proposed Board Motion to Approve 2011 Meeting Dates**

It was discussed that this item be tabled until the November meeting in order to seek to change the proposed 2011 meeting schedule from not meeting in January and meeting in September, October and November to meeting in January and not meeting in October.

A letter will be written to the Secretary seeking approval of this change. The Board was reminded that this schedule was arrived at by the former Secretary of Public Safety so that Boards would not meet during the General Assembly session in order for staff to devote their attention to the activities and needs of the Legislators.

After discussion, by **MOTION** duly made by Mrs. Alksne, seconded by Mr. Osborne and verbally responded to in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne), it was **APPROVED TO TABLE THE 2011 MEETING SCHEDULE TO THE NOVEMBER MEETING** in order for the Board to write the Secretary to seek approval to hold a meeting in January and hold no meeting in October next year.

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

## **II. Public/Other Comment (Mr. Decker)**

Ms. Carla Peterson and Mr. Al Simmons were present from Virginia C.U.R.E. They posed no questions to the Board. A representative from the Legal Aid Justice Center was present but posed no questions to the Board.

## **III. Presentations**

Originally, there was a HIV/AIDS presentation scheduled for this meeting, which had been cancelled. Mr. Decker noted that Reverend Paige has written a letter to the Governor and provided a copy to the Chairman indicating his interest and concern regarding the impact HIV/AIDS is having on prisoners being released and in turn how this is impacting local communities.

## **IV. Liaison Committee (Mr. Osborne)**

Mr. Osborne spoke about the budget shortfall which is impacting local and regional jails. He indicated committee members were concerned about the Board's Jail Capacity Report and its inference that they have more bed space than they actually have. Committee members are planning on meeting with the Virginia Sheriffs' Association, legislators and Appropriations Committee staff (Senate and House) about this issue.

Mrs. Alksne reported that the Board's Jail Capacity Report was filed on the 15<sup>th</sup> of October. Data was collected from Superintendents and Sheriffs, who have requested to have their raw data attached to the report. Mrs. Alksne indicated there are a couple of errors in the report, as submitted, and an amended report will be filed. In addition, Superintendents and Sheriffs want to add more information to the spreadsheet (report), which information will reinforce the fact that the word "overcrowding" does not refer to beds or a lack of same; and the fact that facilities do not have the necessary personnel or positions.

Mrs. Alksne reported the out-of-compliance figure to be 3,436.

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

V. **Administration Committee (Mr. Blank)**

There were no agenda items scheduled this month. Mr. Blank thanked the Director and staff for getting the budget information together for the Board as requested at the last meeting. He still has concerns about how the Board can meet its Statutory requirement of reviewing and commenting on the budget and would like to know how it can be determined exactly what that language means. Deputy Director Cookie Scott will work with the Committee and Mr. Blank on this issue.

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

During a long and interesting committee meeting, the following items were reviewed and discussed:

1) **Follow Up on Stellar Residential Services, Inc.**

This facility first came to the attention of the Board during the July meeting. It was reported that the facility had been audited in January, 2010, and found out of compliance with Standard 6VAC15-70-50F: there was no documentation of an annual independent financial audit of the agency performed by a certified public accounting firm or a governmental auditing agency. Since September, the facility has been on probationary certification.

Also during the September meeting, it was agreed that the Inspector General's Internal Auditing Unit would perform a financial audit of the facility, which has been completed. Several items of concern were found and are being addressed and while the paperwork is a mess, no criminal or fraudulent activities were found. Internal Auditing Unit staff has agreed to teach personnel at the facility how to prepare required reports and will be providing examples for them to follow.

After some discussion, the recommendation of both the Inspector General and Community Corrections is to continue working with this facility on an Action Plan to correct the outstanding deficiency and to have them provide the required documentation within 60 days and to follow up in six months to see how they are doing.

This recommendation was made in the form of a **MOTION** duly made by Mrs. Alksne and seconded by Mr. Boshart and duly **APPROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne).

During the call for questions or discussion, Mr. Cabacoy voiced concern due to the fact that the facility has already had several chances to get its affairs in order and has been unable to do so. He is afraid the Board will be put in a precarious position should this recommendation not pan out.

Mrs. Alksne indicated that one of the things the Board needs to improve upon is the fact that it has Standards and the Department has contracts with these facilities but there is really no guidance provided to contractors on how to complete reports and there are no samples for these facilities to go by. In this instance, this is a small, "mom and pop"

operation, and they really had no idea what to do.

Mr. Boshart remarked that he will undertake a project to look at other states and see how they handle such issues as well as how they provide guidance on such things as financial reporting and business plans. Mr. Boshart then suggested wording the recommendation in such a way as to indicate the Board accepts the proposal with hesitation and agrees to go along with the recommendation mainly because of the recommendation of the Inspector General and representatives from the Division of Community Corrections.

Mr. Vincent Combs with the Division of Community Corrections indicated he will go to the facility as often as it takes to teach them what they need to be taught, to follow up with what is being taught to ensure that it is being done and being done correctly. Mr. Blank asked about the possibility of those visits being at least twice a week rather than once a month. The Board was reminded this is a female facility in Richmond, which facilities are few and far between, and the Department appreciates any consideration the Board can give to get this facility on track.

Therefore, to clarify the previous verbiage, the following was a restatement of the previously recommended Motion:

“By **MOTION** duly made by Mrs. Alksne, seconded by Mr. Blank and duly **APPROVED** by responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne), Stellar Residential Services, Inc., is to be continued on probationary certification for six months. It has 60 days to provide to the Inspector General an Action Plan and it will continue to work with Community Corrections to learn and adequately comply with Board Standards, specifically concerning finances. Within that six-month period and while under the oversight of the Inspector General, a report on their progress will be made to the Board at its next meeting.”

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 were three absences. The Motion carried. A suggested recommendation is the Board will take a comprehensive look on how it can improve its role.

2) **Board Motion to Suspend Certain 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 has been attained during the jail’s triennial Certification Audit. The facility being recommended today has achieved 100% compliance with Board Standards.

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

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2010 annual inspection for the Rockingham/Harrisonburg Regional Jail.”

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

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 were three absences. The Motion carried.

3) **Board Motion to Authorize Audit of Norfolk City Jail Booking Area and Norfolk Police Operations Center in Order to be Certified as Lockups**

Effective July 1, 2010, the Norfolk City Police Department took over the duties of the intake area at the Norfolk City Jail. The Police Department is now conducting all booking, except for inter-jail transfers, and using the booking area of the jail as a lockup. This area of the jail was recently audited as part of the certification audit for the Norfolk City Sheriff's Department.

Also, the Norfolk Police Department has been using eight cells at its Police Operations Center for quite some time as a lockup but it has never been certified as such. Norfolk City Police Chief Bruce P. Marquis is now requesting that the Board certify both of these areas as lockups. If approved, the Compliance and Accreditation Unit will handle these two areas as new facilities and will conduct a mock audit within six months and an actual audit within 6 months thereafter.

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

“The Board of Corrections authorizes the Compliance and Accreditation Unit to audit the Norfolk City Jail Booking Area and the Norfolk Police Department Operations Center in order to determine if these meet the requirements to be certified as lockups.”

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

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 were three absences. The Motion carried.

4) **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  
Rockingham/Harrisonburg Regional Jail;**

**and Unconditional Certification for Fairfax County Adult Detention Center  
(ADC).**

Therefore, by **MOTION** duly made by Mrs. Alksne and seconded by Mr. Cabacoy, the Board **APPROVED** the above recommendations with a verbal response in the affirmative by Mrs. Alksne and Messrs. Blank, Cabacoy and Osborne **with the following caveat**: Mr. Boshart voted affirmatively for the Fairfax County ADC and **ABSTAINED** from the Rockingham/Harrisonburg Regional Jail vote. Even with that caveat, there were sufficient votes on both facilities to carry the action.

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

5) **Compliance and Accreditation**  
**Unannounced Inspections Section**

There was no spreadsheet report this month of facilities having achieved 100% compliance with Life, Health and Safety Standards during their unannounced annual inspections. A Motion to suspend the annual unannounced inspection for the Rockingham/Harrisonburg Regional Jail as a result of having achieved 100% compliance with its triennial Certification Audit was approved by the Board earlier in the meeting.

6) **Policy & Regulations**

There was nothing to review this month.

At this time, Mr. Blank suggested the Board might be able to help the Governor's Re-Entry Initiative but did not know how to go about doing so. After some discussion, it was determined that this offer is premature; that until the Governor's Re-Entry Initiative is announced, nothing can or should be done. The Board was advised that Ms. Banci Tewelde is the Governor's re-entry person and is spearheading the Governor's position. She, in turn, is working with the Department's re-entry manager, Ms. Scott Richeson. It was suggested and agreed to have Ms. Richeson prepare a re-entry presentation for the Board for the November meeting.

**VII. Closed Session**

No Closed Session was held.

**VIII. Other Business (Mr. Johnson)**

When asked if the Director would be at the November meeting, Mr. Johnson stated the new Director will be on board on November 15 and is unsure of what will happen after that time. The Director told the Board it has been great working with them and he thanked the Board for its support, both personally and to the Department. He stated the Department is staffed with great people; you tell them where you want to go and they will get you there.

At this time, Chairman Decker and all attendees offered a salute and applause for the Director.

**IX. Board Member/Other Comment**

Chairman Decker noted he had been the Guest Speaker at the 20<sup>th</sup> Anniversary Celebration for Greensville Correctional Center. The event was well attended and remarked it was quite a success story. Many 20-year employees were there, some of whom spoke to its success. The Chairman had also participated in a conference call with representatives from Virginia C.U.R.E. wherein he listened to their concerns, particularly regarding the parole process. The Chairman closed by thanking Mrs. Alksne, Mr. Wilson and Mrs. Woodhouse for their efforts toward completion and submission of the Jail Capacity Report.

Mr. Osborne added his sentiments regarding the Director. Mrs. Alksne stated she had nothing further but as to the Director, she noted that 44 years is a long time and the Director will be missed. Mr. Cabacoy stated his heart will go with the Director and that he has enjoyed working with him and enjoyed his company. Mr. Boshart had two items. First, he thanked the Inspector General for getting the Stellar Residential report done. He then went on to thank the Director for his service to the Commonwealth. Mr. Blank thanked Ms. Scott and Mr. Eacho for the budget information and echoed what had been said of the Director; he thanked him and stated he had never shied away from anything he had asked, which is a sign of a great leader. Mr. Decker indicated he had the Director's cell phone number. The Director stated he will be sure to change that number. And Mr. Decker closed with the note that he has spoken with Board member Bobby Mitchell, who is much improved and is now walking with a cane.

**X. Future Meeting Plans (provided for informational purposes - not discussed)**

**The November 17, 2010, 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;

**Administration Committee – 12:30 p.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 Mrs. Alksne and **APPROVED** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne), the meeting was adjourned.

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

*(Signature copy on file)*

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PETER G. DECKER, III, CHAIRMAN

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B. A. WASHINGTON, SR., SECRETARY