

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
JAIL REVIEW COMMITTEE MEETING**

Regular Meeting.....March 21, 2018

Location6900 Atmore Drive, Richmond, Virginia

Presiding.....Vernie W. Francis, Jr. , Chairman, Jail Review Committee

Present.....John F. Anderson, Jr., Board of Corrections Member
Olivia Garland, Ph.D., Board of Corrections Member
Heather Masters MD, SFHM, FACP, Board of Corrections Member
Bobby Vassar, Board of Corrections Member
Steve Goff, Board of Corrections
Brian Sutherland, Board of Corrections
James Bruce, Department of Corrections
Rebecca Hancock, Department of Corrections
Emmanuel Fontenot, Department of Corrections
Erma Locust, Department of Corrections
Bob Casey, Department of Corrections
Donna Foster, Department of Corrections

Conference Call.....William T. Dean, Board of Corrections
Charles Jett, Board of Corrections
Phillip Figura, Board Counsel, Office of the Attorney General

Absent.....Phyllis Randall, Board of Corrections

Chairman Francis called the meeting to order and welcomed all attendees.

Chairman Francis presented the February 21, 2018 minutes for review and approval. There were duplicate errors in the motions incorrectly naming Ms. Randall when Mr. Vassar should have been named.

Upon a **MOTION** by Mr. Vassar and duly seconded, the attending members voted unanimously to **APPROVE** the February 21, 2018 Jail Review Committee meeting minutes as amended.

Public Comment

There was no public comment.

Presentation

Steve Goff, Investigative Analyst for the Board

Mr. Goff reported that all deaths cases since July 1, 2017 had been opened for review. Of the 40 cases to date, 27 appear to be by natural causes. The medical examiner reports have been requested for all jail deaths. Once received and reviewed, the investigators will review compliance with safety standards and be reported to the Board for clearance to close each file. There are 11 suicide cases that will be reviewed with the findings of the medical examiner, compliance with standards reviewed and reported to the Board for clearance to close each file.

Mr. Goff visited a regional jail to review a vaguely reported death that was determined to be a homicide. The Virginia State Police/BCI (Bureau of Criminal Investigation) is actively investigating the death as a criminal investigation. Another death was determined to be an accidental overdose. Only four medical examiner reports have been received to date. Mr. Goff noted that he and Mr. Sutherland hope to have the backlog cleared by July 2018 and asked for guidance from the Board for reporting final reports to the governor's office and the General Assembly in accordance with the legislation.

Mr. Goff went to southwest Virginia to pick up files that he had requested in advance. All the facilities were cooperative until he arrived at Roanoke City Jail. The Sheriff of the city of Roanoke met him at the receptionist desk and refused to provide the requested information on a suicide in September. Mr. Goff has notified Mr. Figura for the purpose of preparation of a subpoena for the information and Ms. Jae Davenport, Deputy Secretary of Public Safety, during their monthly briefing. The sheriff noted that he had been in contact with the city attorney regarding the matter and was still awaiting a response, but warned that he would heavily redact the documents prior to allowing an in office review only.

Phillip Figura, Board Counsel, Office of the Attorney General

Mr. Figura discussed the subpoena for the requested records from the sheriff's office in Roanoke, noting that documents obtained by subpoena are considered investigative materials and are non-disclosable. These documents are not subject to FOIA (Freedom of Information Act) laws. The Board of Corrections can enforce these orders in a circuit court. He suggested that Board subpoenas be issued in the form of an order. This will enable a show-cause or a *habeas corpus* and the order becomes public information which exposes a failure to cooperate with the Board of Corrections' legislated duty to conduct jail death reviews. Redaction is inappropriate as compliance is mandatory and failure to comply would be grounds for out-of-compliance findings. Mr. Figura also suggested that the order be issued in the name of the sheriff or administrator of the facility which should compel cooperation. In addition, a Motion to Quash is ineffective as this document request does not fall under FOIA laws.

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This motion will need to be made and voted on during the full Board meeting as well.

Mr. Vassar offered the following as a motion:

I move that the committee recommend to the full Board that the Board authorize the Office of the Attorney General to issue a subpoena of the records the staff was denied by the Roanoke City Sheriff.

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

Mr. Vassar also recommended that Mr. Figura contact the city attorney for the city of Roanoke to advise of the Board's intent to subpoena the requested documents.

Closed Session

None

General Discussion

There being nothing further, the meeting was *ADJOURNED*.